

CALL TO ORDER Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 4:25 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, McEwen, Solt, Klassen, Rice, Heckel, Shaffer, McKean and Johnson.

1. CITY MANAGER

Presentation from the Colorado Association for Manufacturing and Technology (CAMT) regarding the ACE Manufacturing and Innovation Park.

Mayor Gutierrez announced the following people were in the audience were preset today: Thompson School District Representatives: Board members: Lynn Sherman; Sharon Olson; Karen Stockley. Superintendent: Ron Cabrera; Larimer County Manager: Frank Lancaster; Former City of Loveland Mayor: Don Riedel; Former State Representative: Don Marostica; Former Senator: Wayne Allard.

The following dignitaries representatives read letters of congratulations and offers of support into the record: Senator Mark Udall's representative Pam Shaddock, Senator Michael Bennet's representative James Thompson, State Representative Cory Gardner's representative Peter Fendel, and Governor John Hickenlooper's representative and Director of the Office of Economic Development and International Trade, Richard Albair.

City Manager, Bill Cahill gave Council a summary on the agenda for today's meeting and where the City is in this process. CAMT, Executive Director, Elaine Thorndike, introduced the representatives for CAMT for this afternoon's meeting: CAMT Board President, Flo Raitano, Board Member Paul Czarneci and CAMT Chief Financial Officer Jo Ann Miabella Galvan. Other CAMT members present from CAMT in the audience: Cynthia Christie from the Northern Colorado region; Christine Richards, the consultant assisting with the economic report and Sherri Person. Ms. Thorndike announced that CAMT had selected United Properties to be their development partner in this project. Representatives for United Properties were President Frank Dutke, Vice President, Fred Baker and Vice President Kevin Kelly, who will serve as Project Manager in the "Aerospace and Clean Energy" (ACE) project. Mr. Dutke gave a brief summary of Unite Properties history followed by the role of United Properties in this project. CAMT and United Properties answered Council's question.

The following dignitaries congratulated the City of Loveland and offered support for this project in the future: Kathy Rennels, Colorado State University economic development; Senator Kevin Lundberg; State Representative Brian Del Grosso; Larimer County Commissioner Tom Donnelly.

Individual Council members expressed appreciation for the Awarding of the project to the City of Loveland and welcomed CAMT and United Properties to the City of Loveland. Mayor Gutierrez thanked Schmidt's Bakery for donating the cakes for tonight's reception.

ADJOURNMENT Having no further business to come before Council, the June 9, 2011 Special Meeting was adjourned at 5:33 p.m.

Teresa G. Andrews, City Clerk

Cecil Gutierrez, Mayor

Mayor Pro Tem Heckel called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Heckel, Solt, Klassen, McEwen, Rice, Johnson, Shaffer and McKean. Mayor Gutierrez was absent. City Manager, Bill Cahill was also present.

1. FINANCE

2010 Comprehensive Annual Financial Report and Audit Report

City Auditor, Bonnie Steele introduced this item for Council's consideration and review of the reports as an information item only. Finance Director, Renee Wheeler and Cheryl Wallace of Rubin Brown were present to explain details of the reports and answer questions. The Comprehensive Annual Financial Report for the year ended December 31, 2010 received an unqualified opinion from the external auditors indicating, in all material respects, the report fairly presents the financial position of the City and is in conformity with generally accepted accounting principles.

2. DEVELOPMENT SERVICES

Proposed Methodology for the 2011 Comprehensive Plan Update

Senior Planner, Mike Scholl introduced this item for Council's consideration explaining the need for the update before a scheduled revision in 2015. City Planner, Karl Barton gave an informative presentation regarding the proposed methodology based on consolidating and editing the 435 objectives contained in the 2005 Comprehensive Plan to make those objectives more focused and actionable. A three-phased process will be used. Phase One, which involved asking individual boards and commissions to review their assigned objectives and provided staff a status update on actions taken to achieve the objectives, has been completed. Phase Two will divide the objectives for each board and commission into three general categories. Phase Three will focus on the objectives for which achievement requires the development and implementation of special projects or initiatives and/or new standards or regulations. Strategic Planning staff will work with individual staff liaisons to provide general oversight and ensure consistency to complete Phase Two and Three. Upon expected completion in late September, staff will return to Council with a final draft of the 2011 Comprehensive Plan Update for adoption. Discussion ensued. Council directed staff to move forward with the process and report back after completion of Phase 2.

The study session was adjourned at 7:54 p.m.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

Larry Heckel, Mayor Pro Tem

CALL TO ORDER Mayor Pro Tem Heckel called the Special meeting of the Loveland City Council to order on the above date at 7:54 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: McEwen, Solt, Klassen, Rice, Heckel, Shaffer, McKean and Johnson. Mayor Gutierrez was absent.

Councilor Rice requested an update on the Reporter Herald lawsuit. City Attorney, John Duval reviewed the status of the case and that a final decision from the court is still pending.

1. CITY MANAGER

Executive Session to receive legal advice concerning the ACE Manufacturing and Innovation Park

7:58 p.m.

Councilor Johnson moved that City Council go into executive session as authorized in C.R.S. § 24-6-402 (4)(a), (4)(b), (4)(e) and (4)(g) and in Loveland Charter Sections 4-4 (c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the prospect of the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation and potentially involving the acquisition of real property and its subsequent sale,, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or bargaining advantage; and related to this matter: to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney, and Jon Steeler, the City's Special legal counsel; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents, at 7:58 p.m. Councilor McKean seconded the motion which carried with all present voting in favor thereof. Council reconvened into the special meeting session at 9:13 p.m.

Councilor McKean informed Council that he would not be present at the June 28, 2011 Study Session and Special Meeting.

ADJOURNMENT

Having no further business to come before Council, the June 14, 2011 Special Meeting was adjourned at 9:15 p.m.

Jeannie M. Weaver, Deputy City Clerk

Larry Heckel, Mayor Pro Tem

CALL TO ORDER

Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Rice, McEwen, Johnson, Shaffer and Solt.

PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: 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. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor Shaffer and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the May 24, 2011 study session were approved.
- b) Minutes for the May 24, 2011 special meeting were approved.
- c) Minutes for the June 7, 2011 regular meeting were approved.

2. CITY MANAGER'S OFFICE

Board & Commission Appointments

Motion

Administrative Action: A motion recommending the reappointment of Linda Hughey and the appointment of Justin Erion to three year terms effective until June 30, 2013 was approved.

3. CITY MANAGER

Municipal Code Amendment – Volunteer Firefighters' Pension System

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND" was approved and ordered published on first reading.

4. DEVELOPMENT SERVICES

Motorplex Entry Addition Annexation & Zoning

a) Resolution #R-42-2011

Legislative Action: Resolution #R-42-2011 concerning the annexation to the City of Loveland, Colorado, of a certain area designated as "Motorplex Entry 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 was approved.

RESOLUTION #R-42-2011

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "MOTORPLEX ENTRY 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

WHEREAS, on April 28, 2011, a Petition for Annexation was filed by persons comprising more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, pursuant to Resolution No. R-30-2011, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on June 21, 2011, commencing at 6:30 p.m., pursuant to the notice required by §31-12-108, C.R.S., the City Council held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; now, therefore,

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

1. The City Council of the City of Loveland makes the following findings of fact:

A. The subject Petition for Annexation was signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed, who own more than fifty percent (50%) of said area, excluding public streets and alleys.

B. Pursuant to Resolution No. R-30-2011, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. R-30-2011, a public hearing was held on June 21, 2011, commencing at the hour of 6:30 p.m., to determine whether the proposed annexation complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in The Loveland Reporter Herald on May 21, May 28, June 4, and June 11, 2011, in the manner prescribed by §31-12-108(2), C.R.S. The Loveland Reporter Herald is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail by the City Clerk to the Board of County Commissioners of Larimer County and to the Larimer County Attorney and to all special districts and school districts having territory within the area proposed to be annexed at least 25 days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 2005 Comprehensive Plan, as amended. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of §31-12-108.5, C.R.S. has been waived.

F. The perimeter of the area proposed to be annexed is 27,035 linear feet, of which 22,216 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

G. A community of interest exists between the area proposed to be annexed and the City of Loveland.

H. The area proposed to be annexed is urban or will be urbanized in the near future, and said area is integrated with or is capable of being integrated with the City of Loveland.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

J. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

K. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

L. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

M. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.

N. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

O. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

2. The City Council reaches the following conclusions based on the above findings of fact:

A. The proposed annexation of the area described on Exhibit A 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.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

C. No additional terms and conditions are to be imposed.

3. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 21st day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

b) 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on first reading.

c) 1st Rdg Ord & P.H. Quasi-judicial Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on first reading.

5. LIBRARY

Supplemental Appropriation – Temple Hoyne Buell Foundation Grant

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR LIBRARY MATERIALS AND AN INTERACTIVE PLAY/LEARNING AREA AT THE LOVELAND PUBLIC LIBRARY" was approved and ordered published on first reading.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

b) Business from Council

Heckel

Councilor Heckel attended the grand opening of Smashburger.

Rice

Councilor Rice congratulated the House of Neighborly Services on their 50th anniversary celebration.

Shaffer

Councilor Shaffer mentioned the Loveland Police Department's annual Community Night Out and thanked her escort Officer Marchio. She also mentioned the summer solstice and be careful of fireworks. She expressed congratulations to Betsey Hale and Lt. Leslie Young for being chosen as recipients of the 2011 Women of Vision Award.

Gutierrez

Mayor Gutierrez expressed to the courtesy patrol and congratulated the Loveland Fire and Rescue Department on their 100th anniversary celebration.

c) City Manager Report

None

d) City Attorney Report

None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. 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 present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

6. DEVELOPMENT SERVICES

Loveland Classical School

Ordinance #5592

Legislative Action: City Attorney John Duval introduced this item to Council. City staff members Troy Bliss and Dave Klockeman were also present. Also present were Dustin Jones, President of Education Facility Solutions and Michael Delich representing the school. This is a legislative action to consider an ordinance on second reading to amend the Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14th Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14th Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is Loveland Classical School Project Development, LLC. Loveland Classical School is seeking to expand the existing church building for operating a charter school including grades kindergarten through ninth grade initially. Under the current agreement use of the property is limited to a church. The proposed amendment would allow a variety of uses, including public and private schools and accessory uses. The ordinance was approved on first reading by City Council on May 17, 2011 by a vote of eight to one. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO". Councilor Heckel seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Shaffer voting against.

7. DEVELOPMENT SERVICES

Grant funding recommendations from Human Services and Affordable Housing Commissions

Resolution #R-43-2011

Administrative Action: Community Partnership Administrator Alison Hade introduced this item to Council. Presenting to Council were Dwayne Thompson and Jenny Michler from the Affordable Housing Commission and Jackie Elliot from the Human Services Commission. This item is an administrative action to adopt a resolution approving the 2011 grant allocation recommendations of the Human Services Commission and the Affordable Housing Commission. The resolution authorizes the allocation of the 2011 Human Services Grant that was appropriated in the 2011 City budget. The 2011 Community Development Block Grant funds will be appropriated in October, 2011. Councilor Johnson made a motion to approve Resolution #R-43-2011 of the City Council of the City of Loveland, Colorado approving the grant funding recommendations of the Loveland Human Services Commission and the Loveland Affordable Housing Commission. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-43-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING THE 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 services needs in the community; and

WHEREAS, the City has budgeted \$450,000 in the 2011 City of Loveland budget for the Human Services Grant Program; and

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

WHEREAS, the City anticipates receiving a total of \$275,178 in Community Development Block Grant funds for the 2011 – 2012 federal fiscal year; and

WHEREAS, the City desires to reprogram \$11,053 of 2009 – 2010 Community Development Block Grant funds available for the allocation in addition to the 2011 – 2012 anticipated grant amount; 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 funds and for Community Development Block Grant funds, except for “bricks and mortar” applications that are housing related, 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 Community Development Block Grant funds related to housing 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 funds and Community Development Block Grant funds, and have made a recommendation to the City Council regarding distribution of those grant 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 COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the 2011 grant funding recommendations of the Human Services Commission regarding the distribution of Human Services Grant funds are hereby approved as follows, subject to Agency execution of a recipient contract with the City of Loveland on or before August 31, 2011:

<u>Agency</u>	<u>Total Grant Amount</u>
Alternatives to Violence	\$47,830

Boys & Girls Club	\$24,262
Catholic Charities	\$ 7,507
Center for Adult Learning	\$21,115
Community Kitchen	\$ 4,290
Court Appointed Special Adv.	\$14,861
Elderhaus	\$12,962
Food Bank for Larimer County	\$32,911
Hearts and Horses	\$ 1,362
House of Neighborly Service	\$49,445
Larimer Center for Mental Health	\$22,992
Larimer County Partners	\$ 4,190
Matthews House	\$20,477
Meals on Wheels	\$29,264
Neighbor to Neighbor	\$27,341
Northern Colorado AIDS Project	\$ 8,054
Project Self-Sufficiency	\$15,612
Reflections for Youth	\$ 2,335
Rehab and Visiting Nurses Assoc	\$14,423
Respite Care	\$ 5,896
Senior Alternatives in Transp.	\$ 5,255
Teaching Tree	\$ 9,601
Thompson R2J	\$ 7,022
Thompson Valley Preschool	\$ 9,185
Turning Point Center	\$15,058
United Way 2-1-1	\$ 2,644
WINGS	\$10,053
Women's Resource Center	\$24,053
Total Grant Amount	\$450,000

Section 2. That the 2011 grant funding recommendations of the Human Services Commission and the Affordable Housing Commission for the 2011 Community Development Block Grant Program are hereby approved as follows, subject to the approval of the U.S. Department of Housing and Urban Development and the allocation of Community Development Block Grant funds to the City of Loveland in 2011, and subject to City Council budget and appropriation of such allocated funding, and subject to Agency or Project Owner execution of a subrecipient contract with the City of Loveland on or before December 31, 2011:

<u>Agency</u>	<u>Total Grant Amount</u>
Alternatives to Violence	\$81,000
Catholic Charities	\$ 5,841
House of Neighborly Service	\$18,739
Housing Authority of the City of Loveland	\$41,500
Interfaith Hospitality Network	\$17,666
Neighbor to Neighbor	\$50,450
Volunteers of America	\$16,000
City of Loveland Program Administration	\$55,035
Total Grant Amount	\$286,231

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

ADOPTED this 21st day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

8. DEVELOPMENT SERVICES

Postal and utility Easement Vacation

Ordinance #5596

Mayor Gutierrez recused himself from the vote as he serves on the HOA Board for the property under consideration. Legislative Action: City Planning Manager Bob Paulsen introduced this item to Council. This is a legislative action to adopt an ordinance on first reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

9. DEVELOPMENT SERVICES

Municipal Code Amendment BE – Established Business District

Legislative Actions: Development Services Manager Greg George introduced this item to Council. This item is a comprehensive re-write of the zoning district for Loveland's Downtown area. It contains updated standards covering topics such as allowed uses, building design, building height, and approval process. The code amendments were drafted with the assistance of an ad-hoc committee composed of stakeholders and experts including downtown property owners, real estate professionals, architects and Councilor Larry Heckel.

a) Ordinance #5597

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT". Councilor Heckel seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Johnson voting against.

b) Ordinance #5598

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

10. CITY MANAGER

Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

Administrative Action: City Manager Bill Cahill introduced this item to Council. The City has competed successfully to be named as the candidate site for the ACE project. The City has entered into a Purchase and Sale Agreement to purchase the subject Agilent property for \$5.5 million, in order to transfer the property for ACE. This action gives final direction from the Council to the City Manager to complete the purchase.

a) Motion

Councilor Johnson made a motion authorizing and directing the City Manager to complete the purchase of the former Agilent property, executing closing documents and taking other necessary actions. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

b) Motion

Councilor Johnson made a motion authorizing and directing the City Manager to sign a letter of agreement with United Properties with a corrected Exhibit A (Property Map). Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

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Gutierrez

Mayor Gutierrez directed staff to response to a memo sent to Council regarding the Boyd Lake Road Re-alignment.

ADJOURNMENT

Having no further business to come before Council, the June 21, 2011 Regular Meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 7/5/2011
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill

TITLE:

APPOINTMENTS TO CONSTRUCTION ADVISORY BOARD, DISABILITIES ADVISORY COMMISSION, HISTORIC PRESERVATION COMMISSION, AND LOVELAND UTILITIES COMMISSION

DESCRIPTION:

This is an administrative action recommending the appointment of members to the Construction Advisory Board, Disabilities Advisory Commission, Historic Preservation Commission, and Loveland Utilities Commission

BUDGET IMPACT:

Yes No

SUMMARY:

Interviews were held in early June with five applicants for four term vacancies on the Construction Advisory Board ("CAB".) The interview committee recommends the reappointment of Jason Baker, Bill Stenberg and Teri Volk to CAB for three year terms effective until June 30, 2014. Recruiting will continue for the remaining term vacancy.

Disabilities Advisory Commission ("DAC") has four term vacancies. Three incumbents applied for reappointment, one did not. Larry Abston, Victor Beebe, Jr., and Diane Hinrichs are all recommended for reappointment to DAC for three year terms, effective until June 30, 2014. Recruiting will continue for the remaining vacancy.

Historic Preservation Commission ("HPC") has two term vacancies. Two applicants were interviewed (a third applicant withdrew before interviewing.) Cara Scohy is recommended for reappointment to HPC for a three year term effective until June 30, 2014. Matt Newman is recommended for appointment to a three year term.

Loveland Utilities Commission ("LUC") has three term vacancies. The three incumbents were the only applicants. Interviews with those three individuals applicants were held in June. Recommended for reappointment, each for three year terms effective until June 30, 2014, are Christopher "CJ" McKinney, Eugene Packer and Darell Zimbelman.

LIST OF ATTACHMENTS:

None

RECOMMENDED CITY COUNCIL ACTION:

Motion to reappoint Jason Baker, Bill Stenberg and Teri Volk to the Construction Advisory Board for three year terms effective until June 30, 2014.

Motion to reappoint Larry Abston, Vic Beebe, and Diane Hinrichs to the Disabilities Advisory Commission for three year terms effective until June 30, 2014.

Motion to reappoint Cara Scohy and to appoint Matt Newman to Historic Preservation Commission for three year terms effective until June 30, 2014.

Motion to reappoint Christopher "CJ" McKinney, Eugene Packer and Darell Zimbelman to the Loveland Utilities Commission for three year terms effective until June 30, 2014.

REVIEWED BY CITY MANAGER:



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 7/5/2011
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE:

An Ordinance amending Section 2.60.270 regarding the Volunteer Firefighters' Pension Board of Trustees to reflect the 1966 Intergovernmental Agreement between the City and the Loveland Rural Fire Protection District creating a Joint Board of Trustees and a Consolidated Pension Fund

DESCRIPTION This is a legislative action to approve on second reading an ordinance amending Title 2 of the Loveland Municipal Code. The amendment clarifies the volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the Board of Trustees shall be determined by mutual agreement of the City and the Loveland Rural Fire Protection District.

BUDGET IMPACT: The proposed code amendment clarifies which pension fund covers the volunteer firefighters and how the board of trustees for the Pension Fund will be determined by mutual agreement of the City and the Loveland Rural Fire Protection District. The amendment will have no immediate financial impact.

Yes No

SUMMARY: In 1964, the Loveland City Council adopted Ordinance No. 877 that set forth a plan of administrative organization for the City. The plan provided for a Code provision entitled, "Firemen's Pension Board of Trustees" that established a board of trustees to manage the "firemen's pension system" for its firefighters that, at the time, were primarily volunteers.

In 1966, the City, by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an intergovernmental agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the LRFPD Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into the Consolidated Firemen's Pension Fund of Loveland and Rural District.

The intergovernmental agreement also created a joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and, by operation, dissolved the Board

of Trustees for the Loveland Firemen's Pension Fund and Board of Trustees for the LRFDP Firemen's Pension Fund.

In 1996, with the growth of the City and movement toward a fire department of paid firefighters with their own pension system, the City Council adopted Ordinance No. 4168 to clarify that the Firemen's Pension Board of Trustees was in fact the "Volunteer Firefighters' Pension Board of Trustees" and that it managed the "volunteer firefighters' pension system. The ordinance did not reflect the joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District created by the 1996 intergovernmental agreement.

City legal and administrative staff members recommend that Code be amended to state the volunteer firefighters' pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District and that the general composition of the Board of Trustees is determined by mutual agreement of the City and the LRFDP. The specific wording and proposed change (highlighted) are shown below.

2.60.270 Volunteer firefighters' pension board of trustees.

The volunteer firefighters' pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters' pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District.

If Council approves the proposed Code amendment, staff will work with the Loveland Rural Fire Protection District to reach a mutual agreement to determine the composition of the board of trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District. The new board of trustees and staff will then be able to make a few needed amendments to the plan.

This ordinance amendment clarifies that the volunteer firefighter's pension system is managed through an intergovernmental agreement, identifies that the volunteer firefighter's pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District, and explains that the general composition of the board of trustees is determined by mutual agreement of the City and the Loveland Rural Fire Protection District (LRFDP). This amendment is intended to set the stage for a future resolution that will modify the intergovernmental agreement to change the board composition from City-appointed members, LRFDP-appointed members and Loveland Volunteer Fire Department-appointed members to only City-appointed members and LRFDP-appointed members due to the fact that the Loveland Volunteer Fire Department is no longer in existence.

LIST OF ATTACHMENTS:

An Ordinance amending Section 2.60.270 regarding the Volunteer Firefighters' Pension Board of Trustees to reflect the 1966 Intergovernmental Agreement between the City and the Loveland Rural Fire Protection District creating a Joint Board of Trustees and a Consolidated Pension Fund

RECOMMENDED CITY COUNCIL ACTION: A motion to approve the ordinance on second reading.

REVIEWED BY CITY MANAGER:

First Reading: June 21, 2011
 Second Reading: July 5, 2011

ORDINANCE No. _____

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND

WHEREAS, in 1964 the Loveland City Council adopted Ordinance No. 877 that set forth a plan of administrative organization for the City of Loveland ("City") and included, among other things, a City Code provision entitled, "Firemen's Pension Board of Trustees" that established a board of trustees to manage the "firemen's pension system" for its firefighters that, at the time, were primarily volunteers; and

WHEREAS, in 1966 the City, by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an intergovernmental agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the LRFPD Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into the Consolidated Firemen's Pension Fund of Loveland and Rural District; and

WHEREAS, the intergovernmental agreement also created a joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and, by operation, dissolved the Board of Trustees for the Loveland Firemen's Pension Fund and Board of Trustees for the LRFPD Firemen's Pension Fund; and

WHEREAS, in 1996, with the growth of the City and movement toward a fire department of paid firefighters with their own pension system, the City Council adopted Ordinance No. 4168 to clarify that the Firemen's Pension Board of Trustees was in fact the "Volunteer Firefighter's Pension Board of Trustees" and that it managed the "volunteer firefighter's pension system," but it failed to reflect the joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District created by the 1996 intergovernmental agreement; and

WHEREAS, the Council desires to amend the City Code to reflect that the volunteer firefighter's pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District and that the general composition of Board of Trustees is determined by mutual agreement of the City and the LRFPD.

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

Section 1. That Loveland Municipal Code Section 2.60.270 is hereby amended to read in full as follows:

2.60.270 Volunteer firefighters’ pension board of trustees.

The volunteer firefighters’ pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters’ pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters’ pension system shall be the Consolidated Firemen’s Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District.

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).

Dated this _____ day of _____, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS’ PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND



CITY OF LOVELAND
LOVELAND PUBLIC LIBRARY

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(970) 962-2665 • FAX (970) 962-2905 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 7/5/2011
TO: City Council
FROM: Ted Schmidt, Library Department
PRESENTER: Ted Schmidt

TITLE:

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for library materials and an interactive play/learning area at the Loveland Public Library.

DESCRIPTION:

This is an administrative action. Funding from the Temple Hoyne Buell Foundation grant is appropriated for library materials and an interactive play/learning area at the Library. City Council unanimously approved the first reading of the ordinance on June 21, 2011.

BUDGET IMPACT:

Yes No

All funding is from the \$15,000 grant and there is no matching requirement.

SUMMARY: The Temple Hoyne Buell Foundation awarded the Library a \$15,000 grant to support its Every Child Ready to Read program. Materials to supplement the literacy and storytime activities for preschoolers will be purchased and educational programs for the parents of young children will be presented. A portion of the grant will help fund the interactive play/learning area of the children's section of the renovated library building.

LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for library materials and an interactive play/learning area at the Loveland Public Library
2. Temple Hoyne Buell Foundation Grant Contract #5774

RECOMMENDED CITY COUNCIL ACTION:

Approve the Ordinance on Second Reading.

REVIEWED BY CITY MANAGER:

FIRST READING June 21, 2011

SECOND READING July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR LIBRARY MATERIALS AND AN INTERACTIVE PLAY/LEARNING AREA AT THE LOVELAND PUBLIC LIBRARY

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of \$8,000 in the General Fund 001 and \$7,000 in the Capital Projects Fund 002 from a Temple Hoyne Buell Foundation Grant are available for appropriation. Revenues in the total amount of \$15,000 are hereby appropriated for Library materials and an interactive play/learning area in the Children’s department and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget		
General Fund 001 - Library Grant		
Revenues		
001-1410-363-10-01-LB1102	Contributions	8,000
Total Revenue		8,000
Appropriations		
001-1410-409-02-15-LB1102	Computer Supplies	5,800
001-1410-409-02-99-LB1102	Other Supplies	1,700
001-1410-409-03-99-LB1102	Other Purchased Services	500
Total Appropriations		8,000

**Supplemental Budget
Capital Projects Fund 002 - Library Grant**

Revenues		
002-1410-368-41-00-LB1101	Gifts/Donations	7,000
Total Revenue		7,000
 Appropriations		
002-1410-409-09-55-LB1101	Design	7,000
Total Appropriations		7,000

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


ADOPTED this 5th day of July, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



TEMPLE HOYNE BUELL FOUNDATION

May 3, 2011

Ted Schmidt, Director
Loveland Public Library
300 North Adams Avenue
Loveland, CO 80537

Re: Grant # 5774

Dear Mr. Schmidt:

The Trustees of the Temple Hoyne Buell Foundation are pleased to inform you that a grant has been approved in the amount of \$15,000.00 for the Every Child Ready to Read program. Please reference the grant number in any correspondence related to this grant.

This grant has been approved based upon the following terms and conditions:

1. Tax-Exempt Status: You are a nonprofit organization recognized by the Internal Revenue Service as a public charity as described in Sections 501(c)(3) and 509(a)(1) of the IRS Code of 1986 as amended (the "Code") or a governmental agency organized under the laws of the State of Colorado.
2. Expenditure of Funds: This grant, and any income earned upon investment of grant funds, is made for the charitable purposes outlined above and may not be expended for any other purpose without this Foundation's prior written approval. The grant period is *May 1, 2011* through *April 30, 2012*.
3. Records and Reports: You are required to keep the financial records with respect to this grant, and to provide this Foundation with a written report summarizing the use of all grant funds after funds have been expended, and other reports as we may reasonably require. All records shall be retained for at least four years following the year in which all grant funds are fully expended.
4. Required Notification: You are required to provide this Foundation with *immediate written notification* of (a) any change in your organization's tax-exempt status; (b) any inquiry or audit by the Internal Revenue Service, (c) your inability to expend the grant for the purposes described in this letter; or (d) any expenditure from this grant made for any purposes other than those for which the grant was intended. Additionally, you must submit a written request to us in advance if the funds cannot be expended within the stated grant period.

Loveland Public Library
Grant # 5774
Page 2

5. Reasonable Access: You will permit this Foundation and its representatives reasonable access to your files, records, accounts, and personnel for purposes of making such financial audits, verifications, or program evaluations as this Foundation deems necessary or appropriate concerning this grant award.

6. Condition of Grant: This grant is conditioned upon your acceptance of the terms set forth above, and this Foundation reserves the right to discontinue, modify, or withhold any payment under this grant award, or to request a refund of any grant funds, if it reasonably determines that your organization has not fully complied with the terms and conditions of this grant.

7. Publicity: This Foundation may include information concerning this grant, including the amount and purpose of the grant, and any related materials (including your logo and trademark and other information about your organization and its activities) in the Foundation's periodic public reports, newspapers, and news releases. You will obtain the Foundation's approval, which shall not be unreasonably withheld, concerning the text of any proposed publicity concerning this grant prior to its release.

If the conditions of this grant meet with your approval, please sign and return one copy of this letter with original signatures to me within 14 days after its receipt. A check will be issued within three weeks of our receipt of the signed contract.

Congratulations on this recognition of your important efforts. We look forward to working with you during the coming year.

Sincerely,



Susan J. Steele
Executive Director

AGREED AND ACCEPTED (two different signers required):

Signature, City Manager
City of Loveland

Signature, Director
Loveland Public Library

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



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

AGENDA ITEM: 5
MEETING DATE: 7/5/2011
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Thomas Hawkinson, Building Official

TITLE:

1. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION;
2. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION;
3. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION;
4. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION;
5. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION;
6. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; and
7. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION
8. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION

DESCRIPTION:

A legislative action to adopt by reference the International Building Code, 2009 edition; International Existing Buildings Code, 2009 edition; International Energy Conservation Code, 2009 edition; International Fuel Gas Code, 2009 edition; International Mechanical Code, 2009 edition; International Property Maintenance Code, 2009 edition; International Residential Code, 2009 edition; and International Plumbing Code, 2009 edition.

BUDGET IMPACT:

Yes No

SUMMARY:

City Council adopted these ordinances on first reading on June 7, 2011 as an item on the Consent Agenda.

ATTACHMENTS:

A. Ordinances (eight)

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council actions:

1. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION.
2. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION.
3. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION.
4. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION.
5. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION.
6. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION.
7. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION.
8. Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION

REVIEWED BY CITY MANAGER:

FIRST READING: June 7, 2011

SECOND READING: July 5, 2011

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE
ADOPTING BY REFERENCE THERETO THE INTERNATIONAL
BUILDING CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending certain revisions to Title 15 of the Loveland Municipal Code and further recommending the adoption of the International Building Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Building Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Building Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.04 of the Loveland Municipal Code is amended by the revision of Section 15.04.060 to read in full as follows:

Applications for building, plumbing, electrical, mechanical and sign permits shall be made to the building official. Such application shall be accompanied by plans which are sufficient to determine whether the proposed project complies with the provisions of these codes. In the event any changes, additions or amendments are made in said plans and specifications at any time before completion of the work, the changes shall be submitted to the building official for his approval. Such approval shall be noted on the records of the building official. Upon receipt of evidence that the applicant is duly licensed (if the nature of the work for which the permit is sought requires the applicant to be licensed) and that all conditions for the issuance of a permit have been met by the applicant, and that all necessary fees have been paid to the city, the building official shall issue the permits required.

Section 2. Chapter 15.08 of the Loveland Municipal Code is amended by the revision of Section 15.08.010 to read in full as follows:

Section 15.08.010 – International Building Code – Adopted.

The International Building Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices C, E, I, and J, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city, and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated therein for the purpose of protecting the public health, safety and general welfare. At least one copy of the International Building Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 3. Section 15.08.020 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

Section 15.08.020 - Modifications to International Building Code, 2009 Edition.

The International Building Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as “this code” or “building code.”

- B. Section 103 is deleted in its entirety.

- C. Subsection 105.2 is amended in part as follows:

- (1) Paragraph number 4. under the section titled “Building” is amended to read in full as follows:

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of wall, unless supporting a surcharge. Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of the height of the retaining wall, thereby the more restrictive will apply.

- (2) A new paragraph number 14. is added under the section titled “Building to read in full as follows:

14. Structures or work performed on properties of the government of the United States of America, State of Colorado, and the County of Larimer.

- (3) The following language shall be added at the end of Subsection 105.2:

.
Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required meeting the requirements of this subsection.

D. Section 105 is amended in part by the revision of Subsection 105.5 to read in full as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. All permits issued shall become null and void regardless of the provisions of this section within eighteen (18) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension must be requested in writing and justifiable cause demonstrated.

E. Section 105 is amended in part by the addition of a new Subsection 105.8 to read in full as follows:

105.8 Transfer of permits. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. The party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

F. Section 107 is amended in part by the addition of the following language at the end of Subsection 107.3.4.1 to read as follows:

.
In accordance with this Section, the building official may require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado.*

** CRS 12-25-301 Board of Licensure for Architects, Engineers and Land Surveyors of the State of Colorado.*

G. Section 109 is amended in part by the revision of Subsection 109.2 to read in full as follows:

109.2 Schedule of permit fees. Fees for any permit or inspection required by this code shall be established from time to time by resolution of the City Council.

H. Section 109 is amended in part by the addition of a new Subsection 109.2.1 to read in full as follows:

109.2.1 Plan Review Fee. When submittal documents are required, a plan review fee shall be paid separate from and in addition to, any required permit fee.

- I. Section 109 is amended in part by the addition of a new Subsection 109.2.2 to read in full as follows:

109.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of the last action of review without any response or additional information submitted by the applicant, shall expire. Plans submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding sixty (60) days upon written request by the applicant, demonstrating that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and shall pay an additional review fee.

- J. Section 109 is amended in part by the revision of Subsection 109.4 to read in full as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This fee can equal up to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other applicable regulations, nor from any penalties prescribed by law.

- K. Section 109 is amended in part by the revision of Subsection 109.6 to read in full as follows:

109.6 Refunds. The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled provided that no examination time has been expended.

The building official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original applicant not later than 60 days after the date of fee payment.

- L. Section 109 is amended in part by the addition of a new subsection 109.7 to read in full as follows:

109.7 Investigative fees - Work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is issued. The maximum investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalties as prescribed by law.

- M. Section 109 is amended in part by the addition of a new Subsection 109.8 to read in full as follows:

109.8 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection called for is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code; but as controlling the practice of calling for inspections before a job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed in the following circumstances: When the inspection card is not posted or otherwise not available on the work site; the approved plan is not readily available to the inspector; for failure to provide access on the date for which an inspection is requested; or for deviating from the plans requiring the approval of the building official.

- N. Section 110 is amended in part by the addition of a new Subsection 110.1.1 to read in full as follows:

110.1.1 Inspection record card. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.

- O. Section 110 is amended in part by the addition of a new Subsection 110.3.1.1 to read in full as follows:

110.3.1.1 Drilled pier inspection. Inspection will be made while the piers are being drilled. The Engineer of record or his authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.

P. Section 110 is amended in part by the revision of Subsection 110.3.3 to read in full as follows:

110.3.3 Lowest floor elevation. The elevation certificate required in Section 1612.5 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

Q. Section 110 is amended in part by the addition of the following sentence at the of Subsection 110.3.7 to read as follows:

. . . .

Energy efficiency inspections, if required, shall be provided by the owner and at the owner’s expense to verify compliance with the provisions of this section.

R. Section 111 is amended in part by the addition of the following paragraph at the end of Subsection 111.1 to read as follows:

. . . .

The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provided that all required life and safety requirements are met. Where occupancies are not determined at time of building permit application, permit applications for no occupancy and core & shell construction shall be issued a limited letter of completion or letter of completion rather than a temporary certificate of occupancy.

S. Section 111 is amended in part by the addition of a new subsection 111.1.1 to read in full as follows:

111.1.1 Exception. Certificates of occupancy are not required for work exempt from permits under Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.

T. Subsection 112.3 is deleted in its entirety.

U. Section 113 is deleted in its entirety.

V. Section 202 is amended in part by the addition of the following definitions for “Room, Sleeping (Bedroom),” and “Utility Space (Room)” to read as follows:

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Utility Space (Room). A room designed or used to house heating and general maintenance equipment.

W. Subsection 310.1 is amended in part by deleting “Live/work units” under paragraph **R-2**.

X. Section 419 is deleted in its entirety.

Y. Subsection 508.1 is amended in part by the deletion of exception 3.

Z. Section 901 is amended in part by the revision of Subsection 901.1 to read in full as follows:

901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation and operation of fire protection systems. When the requirements of this code and the adopted fire code are in conflict the most restrictive shall apply.

AA. Section 901 is amended in part by the revision of Subsection 901.2 to read in full as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with this code and the adopted fire code.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

Exception: Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code and the adopted fire code.

BB. Section 903 is amended in part by the revision of Subsection 903.1.1 to read in full as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official and by the fire code official.

CC. Subsection 903.2.7 is amended in part by the revision of item number 4. to read in full as follows:

4. A Group M occupancy is used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) sq. ft.

DD. Section 903 is amended in part by the addition of a new subsection 903.2.13 to read in full as follows:

903.2.13 Dead-end Roadways. An automatic fire sprinkler system shall be installed in all Group R fire areas, other than single family detached residences, on a dead-end roadway when the dead-end is in excess of 400 feet.

EE. Section 903 is amended in part by the addition of a new subsection 903.3.5.3 to read in full as follows:

903.3.5.3 Backflow protection. All fire sprinkler systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code.

FF. Section 903 is amended in part by the revision of Subsection 903.4.3 to read in full as follows:

Section 903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

GG. Subsection 907.2.10.1 is amended in part by the addition of the following numbered paragraph 4. to read in full as follows:

4. In Groups R-2, R-3, R-4 and I-1 occupancies all attached garages, an interconnected heat detector shall be installed.

HH. Section 907 is amended in part by the addition of a new subsection 907.2.10.4 to read in full as follows:

907.2.10.4 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection.

II. Section 1101 is amended in part by the revision of Subsection 1101.2 to read in full as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code; the ICC A117.1, most current edition; and Colorado Revised Statutes Title 9 Article 5, 9-5-101, et seq., as amended.

JJ. Section 1301 is amended in part by the addition of a new Subsection 1301.1.2 to read in full as follows:

1301.1.2 Design values. The exterior design values shall be as follows:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6600 degrees F
Degrees North Latitude	40 degrees 35 minutes

KK. Section 1403 is amended in part by the addition of the following paragraph at the end of Subsection 1403.5 to read as follows:

.

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of the Floodplain Building Code, Chapter 15.14 of the Loveland Municipal Code, and any Floodplain Overlay Areas established by the City of Loveland.

LL. Subsection 1505.1 is amended in part by the addition of the following footnotes d & e to Table 1505.1 Minimum Roof Covering Classification for Types of Construction to read in full as follows:

d. The roof covering on any new structure or on the re-roofing of fifty percent (50%) or more during a one year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.

e. For the purpose of using Table 1507.8, Wood Shingle and Shake Installation, the City of Loveland shall be considered to be within the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an

underlayment of type 15 felt and with not less than 18 wide strips of type 30 felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over solid sheathing with an underlayment of not less than two type 30 felts applied single fashion.

MM. Section 1608 is amended in part by the revision of Subsection 1608.2 to read in full as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official. Minimum design ground snow load for the City of Loveland shall be thirty (30) pounds per square foot.

NN. Section 1609 is amended in part by the revision of Subsection 1609.3 to read in full as follows:

1609.3 Basic wind speed. The Special Wind Region, as indicated in Figure 1609 of the 2009 Edition of the International Building Code, shall apply. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Basic Wind Speed Study Map. Refer to Colorado Front Range Gust Map dated October 15, 2005.

Minimum design wind speed is 100 mph (3-second gust), exposure C

Note: Exposure B may be allowed if the site plan and Colorado registered engineer’s calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official.

OO. Section 1611 is amended in part by the addition of the following sentence at the end of the first paragraph of Subsection 1611.1 to read as follows:

1611.1 Design rain loads.

. . . .

City of Loveland design rain loads are as follows:
60 minute duration, 100 year event is 2.66 inches/hour; 0.0275 gpm/square foot

PP. Section 1612 is amended in part by the revision of Subsection 1612.3 to read in full as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Loveland” as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

QQ. Section 1803 is amended in part by the addition of a new numbered paragraph 11. at the end of Subsection 1803.6 to read in full as follows:

11. An investigation of the potential for subsurface water, and if necessary, designs for the control of subsurface water.

RR. Section 1809 is amended in part by the addition of the following sentence at the end of Subsection 1809.5 to read as follows:

. . . .

The frost line for footing/foundation design, shall be a minimum of 30 inches below finished grade line.

SS. Section 2304 is amended in part by the addition of the following footnote d to Table 2304.6.1 to read in full as follows:

d. The use of staples is permitted provide the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional.

TT. Section 3001 is amended in part by the revision of Subsection 3001.2 to read as follows:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A18.1 (Platform Lifts & Stairway chairlifts), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

UU. Section 3109 is amended in part by the revision of Subsection 3109.1 to read in full as follows:

3109.1 General. Swimming Pools shall comply with the requirements of this section and any other applicable sections of this code, as well as Colorado Revised Statutes Title 25 Article 5, 25-5-802 et. seq., as amended.

VV. Appendix A, “Employee Qualifications” is deleted in its entirety.

WW. Appendix B, “Board of Appeals” deleted in its entirety.

XX. Appendix D, “Fire Districts” is deleted in its entirety.

YY. Appendix F, “Rodent Proofing” is deleted in its entirety.

ZZ. Appendix G, “Flood Resistant Construction” is deleted in its entirety.

AAA. Appendix H, “Signs,” is deleted in its entirety.

BBB. Appendix K, “Administrative Provisions” is deleted in its entirety.

Section 4. Section 15.10.030 of the Loveland Municipal Code is amended to read as follows:

Section 15.08.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Building Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Building Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 5. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL BUILDING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

Section 6. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2011

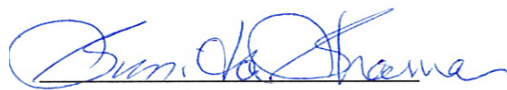
ATTEST:

CITY OF LOVELAND:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

First Reading: June 7, 2011

Second Reading: July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Existing Building Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Existing Building Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Existing Building Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.52 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

Chapter 15.52

INTERNATIONAL EXISTING BUILDING CODE

Sections:

- 15.52.010 International Existing Building Code – Adopted.**
- 15.52.020 Modifications to the International Existing Building Code, 2009 Edition.**
- 15.52.030 Violations and penalties.**

Section 15.52.010 – International Existing Building Code – Adopted.

The International Existing Building Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the property maintenance code of the city. This code is a

complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Existing Building Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.12.020 - Modifications to International Existing Building Code, 2009 Edition.

The International Existing Building Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as “this code” or the “existing building code.”

- B. Section 103 is amended in part by the revision of Subsection 103.1 to read in full as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created, and the official in charge thereof shall be known as the code official.

- C. Subsection 105.3 is amended in part by the revision of the first sentence in Subsection 105.3 to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

- D. Appendix A “Referenced Standards”; Appendix B “Supplementary Accessibility Requirements for Existing Buildings and Facilities”; and Resource A “Guidelines on Fire Ratings of Archaic Materials and Assemblies” are all deleted in their entirety.

Section 15.12.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Existing Building Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Existing Building Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL EXISTING BUILDING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

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

Signed this _____ day of _____, 2011

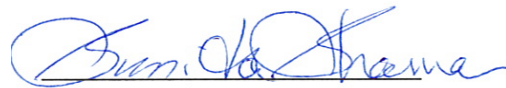
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

First Reading: June 7, 2011

Second Reading: July 5, 2011

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Energy Conservation Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Energy Conservation Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Energy Conservation Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.48 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

Chapter 15.48

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- 15.48.010 International Energy Conservation Code – Adopted.**
- 15.48.020 Modifications to the International Energy Conservation Code, 2009 Edition.**
- 15.48.030 Violations and penalties.**

Section 15.48.010 – International Energy Conservation Code – Adopted.

The International Energy Conservation Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the energy conservation code of the city. This code is a complete

code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Energy Conservation Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.48.020 - Modifications to International Energy Conservation Code, 2009 Edition.

The International Energy Conservation Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsections 101.1 and 101.2 to read in full as follows:

101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code” or the “energy conservation code.”

101.2 Scope. This code applies to residential and commercial buildings.

Exceptions:

1. Energy conservation systems and components in existing buildings or structures undergoing repair, alterations or additions, and change of occupancy, shall be permitted to comply with the International Existing Building Code and Chapter 34 of the International Building Code.
2. Utility and miscellaneous group U occupancies and agricultural structures as defined by the International Building Code which are neither heated or cooled by fossil fuels or electricity.

- B. Section 302 is amended in part by the revision of Subsection 302.1 to read in full as follows:

302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2009 International Building Code.

Section 15.12.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the

provisions of the 2009 International Energy Conservation Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Energy Conservation Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL ENERGY CONSERVATION CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

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

Signed this _____ day of _____, 2011

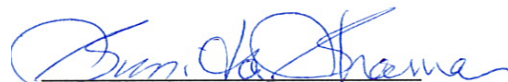
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 7, 2011

SECOND READING: July 5, 2011

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Fuel Gas Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Fuel Gas Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Fuel Gas Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.18 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

Chapter 15.18

FUEL GAS CODE

Sections:

- 15.18.010 International Fuel Gas Code – Adopted.**
- 15.18.020 Modifications to the International Fuel Gas Code, 2009 Edition.**
- 15.18.030 Violations and penalties.**

Section 15.18.010 – International Fuel Gas Code – Adopted.

The International Fuel Gas Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A and B, is hereby adopted by reference as the fuel gas code of the city. This code is a complete code and its purpose is to provide minimum standards to safeguard life and limb, health, property

and public welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Fuel Gas Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.18.020 - Modifications to International Fuel Gas Code, 2009 Edition.

The International Fuel Gas Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as “this code” or “fuel gas code.”

- B. Section 101 is amended in part by the addition of the following sentence at the end of the first paragraph of Subsection 101.2 to read as follows:

101.2 Scope.

....

Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per the manufacturer specifications and listing per appliances.

....

- C. Section 103 is deleted in its entirety.
- D. Section 106 is amended in part by the revision of Subsection 106.5.1 to read in full as follows:

106.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

The code official shall have the authority to issue a permit for the construction of part of an installation before the construction documents for the entire installation have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire installation will be granted.

- E. Section 106 is amended in part by the revision of Subsections 106.6.2 and 106.6.3 to read in full as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- F. Subsection 108.4 is deleted in its entirety.
- G. Subsection 108.5 is amended in part by the revision of the last sentence of the subsection to read as follows:

. . . .

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

- H. Section 109 is deleted in its entirety.
- I. Section 303 is amended in part by the deletion of the following numbered paragraphs in Subsection 303.3:

303.3 Prohibited Locations.

. . . .

- Paragraph 3.
- Paragraph 4.

- J. Section 304 is amended in part by the addition of the following numbered paragraph 9. to Subsection 304.11 to read in full as follows:

304.11 Combustion air ducts.

. . . .

9. In all R Occupancies a minimum of a six inch round duct or equivalent from the furnace and/or water heater shall be provided for combustion air.

- K. Section 402 is amended by the addition of the following second paragraph to Subsection 402.6.1 read as follows:

402.6.1 Liquefied petroleum gas systems.

.....

Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

- L. Section 406 is amended in part by the revision of Subsection 406.4 to read in full as follows:

Section 406.4 Test pressure measurement.

Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than **three** times the test pressure.

- M. Section 406 is amended in part by the revision of Subsection 406.4.1 to read in full as follows:

406.4.1. Test pressure and duration. These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO₂ or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

These tests shall be made using air, CO₂, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

N. Subsection 406.4.2 is deleted in its entirety.

O. Section 501 is amended in part by the deletion of the following numbered paragraphs in Subsection 501.8:

501.8 Equipment no required to be vented.

.....

Paragraph 8.

Paragraph 10.

P. Appendix C “Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems” is deleted in its entirety.

Q. Appendix D “Recommended Procedure for Safety Inspection of an Existing Appliance Installation” is deleted in its entirety.

Section 15.18.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Fuel Gas Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Fuel Gas Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL FUEL GAS CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or

the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2011.

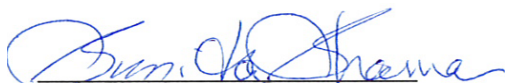
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 7, 2011

SECOND READING: July 5, 2011

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL
MECHANICAL CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Mechanical Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Mechanical Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Mechanical Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.16 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

Chapter 15.16

MECHANICAL CODE

Sections:

- | | |
|------------------|--|
| 15.16.010 | International Mechanical Code – Adopted. |
| 15.16.020 | Modifications to the International Mechanical Code, 2009 Edition. |
| 15.16.030 | Violations and penalties. |

Section 15.16.010 – International Mechanical Code – Adopted.

The International Mechanical Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix A, is hereby adopted by reference as the mechanical code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved

into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Mechanical Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.16.020 - Modifications to International Mechanical Code, 2009 Edition.

The International Mechanical Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as “this code” or “mechanical code.”

- B. Section 103 is deleted in its entirety.

- C. Section 106 is amended in part by the addition of the following numbered paragraphs 9. and 10. at the end of Subsection 106.2 “Permits Not Required” to read in full as follows:

9. Replacement or repair of a category one (1) furnace or water heater of the same BTU rating in buildings classified as R-3 occupancies, provided the initial installation has been permitted, inspected and approved.

10. Replacement or repair of air conditioning equipment of the same size, energy source, and rating in buildings classified as R-3 occupancies, provided the initial installation has been permitted, inspected and approved.

- D. Section 106 is amended in part by the revision of Subsection 106.4.1 to read in full as follows:

Section 106.4.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the construction documents for the entire system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall

proceed at his or her own risk without assurance that the permit for the entire mechanical system will be granted.

- E. Section 106 is amended in part by the revision of Subsections 106.5.2 and 106.5.3 to read in full as follows:

106.5.2 Fee schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original Permittee not later than 90 days after the date of fee payment.

- F. Section 108 is amended in part by the revision of Subsection 108.5 to read in full as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

- G. Section 109 is deleted in its entirety.

- H. Section 801 is amended in part by the addition of the following sentence at the end of the first paragraph in Subsection 801.2 to read as follows:

801.2 General.

....

Un-vented gas appliance(s) and room heaters are prohibited, except for domestic gas range installations per manufacturers listing.

I. Section 905 is amended in part by the addition of the following sentence at the end of the paragraph in Subsection 905.1 to read as follows:

905.1. General.

No permit shall be issued for the installation of a wood stove appliance, unless the wood stove appliance is listed and tested by an approved testing agency, fully complies with the manufacturer's listing and conforms to any emissions standards of the State of Colorado in effect at the time of permit application.

J. Section 1001 is amended in part by the addition of a new Subsection 1001.2 to read in full as follows:

1001.2 Operations and maintenance of boilers and pressure vessels. Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

K. Section 1011 is amended in part by the revision of Subsection 1011.1 to read in full as follows:

1011.1 Tests. Tests. An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

L. Section 1011 is amended in part by the deletion of Subsection 1011.2.

M. Appendix B "Recommended Permit Fee Schedule" is deleted in its entirety.

Section 15.16.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Mechanical Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Mechanical Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the

Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL MECHANICAL CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

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

Signed this _____ day of _____, 2011

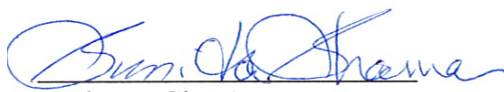
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

First Reading June 7, 2011

Second Reading July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Property Maintenance Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Property Maintenance Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Property Maintenance Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.12 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

Chapter 15.12

PROPERTY MAINTENANCE CODE

Sections:

- 15.12.010 International Property Maintenance Code – Adopted.**
- 15.12.020 Modifications to the International Property Maintenance Code, 2009 Edition.**
- 15.12.030 Violations and penalties.**

Section 15.12.010 – International Property Maintenance Code – Adopted.

The International Property Maintenance Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the property maintenance code of the city. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions

essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.12.020 - Modifications to International Property Maintenance Code, 2009 Edition.

The International Property Maintenance Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as “this code” or “property maintenance code.”

- B. Section 102 is amended in part by the revision of Subsection 102.3 to read in full as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current adopted building code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted zoning code.

- C. Section 103 is amended in part by the deletion of Subsection 103.2 in its entirety.

- D. Section 103 is amended in part by the revision of Subsection 103.5 to read in full as follows:

103.5 Fees. Fees for the administration and enforcement of this code shall be established from time to time by resolution of the City Council.

- E. Section 304 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 304.14.

From: “January 1 to December 31.”

- F. Section 602 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 602.3.

From: “January 1 to December 31.”

- G. Section 602 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 602.4:

From: “January 1 to December 31.”

- H. Appendix A “Boarding Standard” is deleted in its entirety.

Section 15.12.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Property Maintenance Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Property Maintenance Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL PROPERTY MAINTENANCE CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

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

Signed this _____ day of _____, 2011

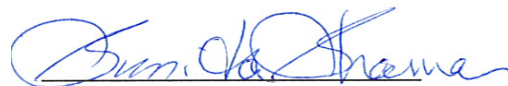
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

First Reading June 7, 2011

Second Reading July 5, 2011

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL
RESIDENTIAL CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Residential Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Residential Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Residential Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.10 of the Loveland Municipal Code is amended by the revision of Section 15.10.010 to read in full as follows:

Section 15.10.010 – International Residential Code – Adopted.

The International Residential Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A, B, C, D, H, J, K, and O is hereby adopted by reference as the residential code of the city. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Residential Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 2. Section 15.10.020 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

Section 15.10.020 - Modifications to International Residential Code, 2009 Edition.

The International Residential Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section R101 is amended in part by the revision of Subsection R101.1 to read in full as follows:

R101.1 Title. These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as “this code” or “residential code.”

- B. Section R103 is deleted in its entirety.

- C. Section R105 is amended in part by the revision of Subsection R105.2 as follows:

(1) Paragraph number 7. under the section titled “Building:” is amended to read in full as follows:

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.

(2) Paragraph number 10. Under the section titled “Building:” is amended to read in full as follows:

10. Replacement and repair of roofing of like materials on buildings classified as Group R-3 and U Occupancies, when such work is determined not to be historical as defined by the Loveland Historic Preservation Commission.

(3) The following paragraphs shall be added under the section titled “Building:” to read as follows:

11. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.

12. Gutters, downspouts and storm windows (unless specified through design).

13. Pergola** (unenclosed, no roof decking or covering) which are not placed in any required setback or connected to a deck.

**a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

- D. Section R105 is amended in part by the deletion of Subsection R105.3.1.1 in its entirety.
- E. Section R105 is amended in part by the revision of Subsection R105.5 to read in full as follows:

R105.5 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. Notwithstanding the above provisions, all permits shall become null and void within twelve (12) months of issuance.

- F. Section R105 is amended in part by the addition of two new Subsections, R105.8.1 and R105.8.2, to read in full as follows:

R105.8.1. Transfer of permit. A building permit or application may be transferred from one party to another party upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to whom the permit is transferred must be licensed and in good standing in the appropriate license category.

R105.8.2. Owner assuming role as contractor. Provided that no change in ownership has occurred since the permit was issued, the building official may allow the property owner to assume the role of contractor at any time on an active building permit provided the building official is in receipt of a written request from the application holder stating that the applicant is no longer the contractor of record on the permit application. Additionally, the letter shall list the permit number, the address of the project and must state that the original contractor is no longer in the employ of the owner. This change may be done at no charge. No change will be made in the expiration date of the original building permit.

- G. Section R106 is amended in part by the addition of two new Subsections R106.3.4 and R106.3.5 to read in full as follows:

R106.3.4 Responsibility for preparation of plans and specifications. In accordance with this section of the building code, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado in certain circumstances, including but not limited to the following:

- (1) When foundations are constructed on caissons or any other method. The building official may exempt this provision on additions to existing residential and accessory structures constructed on spread footing conforming to the requirements of Chapter 4.
- (2) If roof framing or wall framing is constructed in non-conformance with the requirements of Chapter 8 and 9 of this code.
- (3) Upon confirmation that beam sizes and spans, loading, or any structural element affects the integrity of the building.

R106.3.5 Deferred submittals. For the purpose of this section R106, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall require the prior approval of the building official. The registered design professional responsible for submittal of the construction documents, shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall initially be submitted to the responsible design professional, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in conformance with the design of the building or structure. The deferred submittal items shall not be installed until their corresponding design and submittal documents have been approved by the building official.

- H. Section R108 is amended in part by the revision of Subsection R108.2 and by the addition of Subsections R108.2.1 and R108.2.2 to read in full as follows:

R108.2 Schedule of permit and inspection fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit or inspection, a fee for each permit, or inspection, shall be paid as required in accordance with the schedule established from time to time by resolution of the City Council.

R108.2.1 Plan Review Fee. When submittal of documents are required by Section R106, a plan review fee shall be paid. The plan review fees specified in this section are separate from the permit fees specified in Section 108.2 and are in addition to the permit fees.

R108.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Such plans submitted for checking may therefore be returned to the applicant or destroyed by the building official. Upon written request by the applicant showing circumstances beyond the control of the applicant have prevented action from being taken, the building official may extend the time for action by the applicant for a period not to exceed sixty (60) days. In order to

renew action on an application after expiration, the applicant shall resubmit plans and shall pay an additional review fee.

- I. Section R108 is amended in part by the addition of new Subsections R108.4.1, R108.4.2, and R108.4.3 to read in full in as follows:

R108.4.1 Fee for commencing work without a permit. The fee for commencing work without a permit shall be equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of this code or other requirements nor from any penalty prescribed by law.

R108.4.2 Investigative fees - work without permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigative fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The maximum investigative fee shall be equal to the amount of the permit fee required by this code. The minimum investigative fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigative fee shall not exempt any person from compliance with all other provisions of either this code or other requirements nor from any penalty prescribed by law.

R108.4.3 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which a permit is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection card is not posted or otherwise not available on the work site, the approved plans are not readily available to the inspector, failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. The re-inspection fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

- J. Section R108 is amended in part by the revision of Subsection R108.5 to read in full as follows:

R108.5 Refunds. The building official is authorized to establish a refund policy in accordance with the following criteria:

1. The building official shall be permitted to authorize refunding of not more than 50 percent of the permit fee paid when no work has been done under the permit issued in accordance with this code; and
2. The building official shall be permitted to authorize refunding of not more than 50 percent of the plan review fee paid when an application for a permit for which a plan

review fee has been paid is withdrawn or canceled provided that no examination time has been expended; and

3. The building official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

K. Section R109 is amended in part by the revision of Subsection R109.1 to read in full as follows:

R109.1 Types of inspections – inspection card. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

L. Section R109 is amended in part by the addition of a new Subsection R109.1.1.1 to read in full as follows:

R109.1.1.1 Drilled pier inspection. Drilled pier inspections shall be made while the piers are being drilled. The design engineer of record or his authorized representative shall be present during the drilling operations and shall be available to the City inspector during required inspections.

M. Section R109 is amended in part by the addition of a new Subsection R109.1.3.1 to read in full as follows:

R109.1.3.1 Lowest floor elevation. The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the Loveland Municipal Code.

N. Section R109 is amended in part by the addition of the following exception to Subsection R109.1.5.1 to read as follows:

.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

- O. Section R109 is amended in part by the addition of new Subsections R109.1.5.2 and R109.1.5.3 to read in full as follows:

R109.1.5.2 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

R109.1.5.3. Special inspections. For special inspections, Section 1704 of the building code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the building code.

- P. Section R112 is deleted in its entirety.

- Q. Section R202 is amended in part by the revision of the definition of “Townhouse” and by the addition of the following definitions of “Room, Sleeping (Bedroom),” and “Utility Space (Room)” to read as follows:

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and opens on at least two sides.

Utility Space (Room). A room designed or used to store heating and general maintenance equipment.

- R. Section R301 is amended in part by the addition of the following criteria to Table R301.2(1):

Table R301.2(1), insert the following:

Ground Snow Load: 30 psf (1436.4 pa)*

*designed in accordance with Table 1608.1, 2003 International Building Code
Wind speed: Minimum design 100 mph (3 second gust), exposure C**

**Exposure B may be allowed if site plan and Colorado licensed engineer’s calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Wind Speed Study Map. See the attached map BWS-1.

Seismic Design Category: B
 Weathering: SEVERE
 Frost Line Depth: Minimum 30” (762 mm) below finished grade
 Termite: SLIGHT TO MODERATE
 Decay: NONE TO SLIGHT
 Winter Design Temperature: -2 F (-18.9 C)
 Flood Hazards: VARIES***

***See Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code

- S. Section R301 is amended in part by the modification of the minimum uniformly distributed live loads for “attics with limited storage,” and “sleeping rooms” set forth in Table R301.5 to read as follows:

**TABLE R301.5
 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
 (In pounds per square foot)**

USE	LIVE LOAD
Attics with limited storage ^{b,e}	40
Sleeping rooms	40

- T. Section R302 is amended in part by modification of the minimum fire separation distance for “Walls” and “Projections” as set forth in Table R302.1 to read in full as follows:

**TABLE R302.1
 EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPERATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings	Not allowed	N/A	< 3 feet
	25% max. of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R317.3	< 5 feet
		None required	5 feet

- U. Section R302 is amended in part by the revision to Subsection R302.5.1 to read in full as follows:

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with a solid wood door not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20- minute fire rated doors. Doors providing opening protection shall be maintained as self-closing and self-latching.

V. Subsection R303.1 is amended in part by the addition of a new paragraph 4. under “Exceptions:” to read in full as follows:

4. Adequate artificial light may be provided as approved by the building official Upon documented information demonstrating practical difficulties providing additional natural light.

W. Section R305 is amended in part by the revision of the first paragraph of Subsection R305.1 to read in full as follows:

R305.1 Minimum height. Habitable Rooms shall have a ceiling height of 7 feet 6 inches (2286 mm). Hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling.

Exceptions:

X. Section R310 is amended in part by the addition of a second paragraph at the end of Subsection R310.2.1 to read as follows:

R310.2.1 Ladder and steps.

. . . .

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanent affixed ladder or steps usable with the window in the fully open position. If the window well is stepped and has a horizontal dimension less than 36 inches, a ladder is required out of that said level complying with requirements for ladders or steps.

Y. Section R311 is amended in part Section R311.7.5 is amended by adding the following language at the end of the paragraph titled “**Exception:**” to read as follows:

R311.7.5 Landings for stairways. There shall be a floor or landing at the top and bottom of each stairway.

Exception: . . .

Where a stairway of two or fewer risers is located on the exterior side of a door, a landing is not required for the exterior side of the door, but a landing is required at the bottom of the risers.

Provided that the exterior doorway is not for the exit doorway required by Section 311, the step between the landing and an exterior doorway and top of the threshold shall have a rise not greater than permitted in Section R311.7.4.1. The door, other than an exterior storm or screen door shall not swing over the landing.

Z. Section R311 is amended in part by the revision of Subsection R311.8.3.1 to read in full as follows:

R311.8.3.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than **32 inches** (812.8 mm) and not more than 38 inches (965 mm).

AA. Section R313 is deleted in its entirety.

BB. Section R315 is amended in part by the addition of the following Subsection R315.4 to read in full as follows:

R315.4 Carbon monoxide alarms and detectors shall be installed per Title 38 of the Colorado Revised Statutes.

CC. Section R322 is amended in part by the addition of the following paragraph to Subsection R322.1.5 to read as follows:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

DD. Section R401 is amended in part by the addition of the following sentence at the end of Subsection R401.2 paragraph to read as follows:

R401.2 Requirements.

....

Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

EE. Section R905 is amended in part by the addition of the following sentence at the end of Subsection R905.1 to read as follows:

R905.1 Roof covering application.

....

Table 1505.1 Minimum Roof Covering Classification for Types of Construction as adopted in the 2009 International Building Code shall be used for all roof coverings.

FF. Section N1101 is amended in part by the revision of Subsection N1101.1 to read in full as follows:

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exceptions:

- 1) Portions of the building envelope that do not enclose conditioned space.
- 2) Utility and miscellaneous group U occupancies and agricultural structures.

GG. Section N1101 is amended in part by the addition of the following paragraph to Subsection N1101.2 to read as follows:

Thermal design parameters for the City of Loveland is Zone 5B, and shall be used for calculations required under this code. All ducted air-distribution heating and cooling systems shall be sized using cooling loads. All heating and cooling equipment shall be tested to ensure such equipment is operating within the manufacturers’ recommended parameters and standards according to the applicable protocols established by the building code official and in accordance with the mechanical code adopted by City of Loveland.

HH. Section N1102 is amended in part by the revision of Table N1102.1 to read in full as follows:

Table N1102.1
Single-Family Prescriptive Package^{(a) (h)(i)}

Max	Max	Max	Min	Min	Min	Min	Min	Min	Min	Min
Glazing area window to wall %	Fenestration U-Factor	Skylight U-factor (b)	Ceiling R-value	frame wall R-value	Mass Wall R-value (g)	Floor R-value over unheat-ed space (e)	Basement Wall R-Value Contiuous cavity	Slab perimeter R-value/ Depth (d)	Crawl Space R value Cont./ cavity (c)	Heating/ Cooling efficiency Rating (AFUE)
NA	.35	.60	38	19 or 13+5 (f)	13	30	10/13	10, 2ft.	10/13	80/13
NA	.35	.60	38	13	8	30	10/13	10, 2ft.	10/13	90/ 13

(a) R-values are minimums. U-factors Solar Heat Gain Coefficient (SHGC) are maximums. R-19 shall be permitted to be compressed into a 2x6 cavity.

- (b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c) The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- (d) The R-5 shall be added to the required slab edge R-values for heated slabs.
- (e) Or insulation sufficient to fill the framing cavity, R-19 minimum.
- (f) 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing cover 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural cover more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- (g) Nominal log thickness of 6 inches has a mass wall R-Value (8.3), an 8 inch log is (11.3), a 10 inch log is (13.9), and a 12 inch log is (16.5).
- (h) The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.

Winter Outdoor, Design Dry-bulb (°F)	= 4
Winter Indoor, Design Dry-bulb (°F)	= 72
Summer, Outdoor Design Dry-bulb (°F)	= 94
Summer, Indoor Design Dry-bulb (°F)	= 75
Summer, Design Wet-bulb (°F)	= 63
Degree days heating	= 6600
Degree days cooling	= 479
Degrees North Latitude	= 40 degrees 35 minutes

- (i) In addition City of Loveland will accept any Climate Zone 5B Single Family Prescriptive Packages in the 2009 International Energy Conservation Code (IECC) and ResCheck Compliance Report that passes using 2009 IECC and HDD = 6600, and any Home Energy Rating Score (HERS) less than 100 by an approved qualified energy rater. For additional information on energy codes or free software download of ResCheck go to www.energycodes.gov.

II. Section M1307 is amended in part by the addition of a new Subsection M1307.7 to read in full as follows:

M1307.7 Liquefied Petroleum Appliances. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, underfloor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturers specifications and listing per appliances.

JJ. Section M1410 is amended in part by the addition of the following sentence at the end of Subsection M1410.1 to read as follows:

M1410.1 General.

.....

Un-vented gas appliance(s) and room heaters are prohibited, except for listed domestic gas range installations.

KK. Section M2005 is amended in part by the revision of Subsection M2005.1 to read in full as follows:

M2005.1 General. The minimum Energy Factor for water heaters shall be .60 for fuel-fired type, and .92 for electrical types.

LL. Appendix E “Manufactured Housing Used as Dwelling” is deleted in its entirety.

MM. Appendix F “Radon Control Methods” is deleted in its entirety.

NN. Appendix G “Swimming Pools, Spas and Hot Tubs” is deleted in its entirety.

OO. Appendix I “Private Sewage Disposal” is deleted in its entirety.

PP. Appendix L “Permit Fees” is deleted in its entirety.

QQ. Appendix M “Home Day Care—R-3 Occupancy” is deleted in its entirety.

RR. Appendix N “Venting Methods” is deleted in its entirety.

SS. Appendix P “Sizing of Water Piping System” is deleted in its entirety.

TT. Appendix Q “ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference” is deleted in its entirety.

Section 3. Section 15.10.030 of the Loveland Municipal Code is amended to read as follows:

Section 15.10.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Residential Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Residential Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE

AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL RESIDENTIAL CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 7, 2011

SECOND READING: July 5, 2011

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL
PLUMBING CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Plumbing Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Plumbing Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Plumbing Code, 2009 Edition, and certain amendments and modifications thereto.

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

Section 1. Chapter 15.20 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

Chapter 15.20

PLUMBING CODE

Sections:

- | | |
|------------------|--|
| 15.20.010 | International Plumbing Code – Adopted. |
| 15.20.020 | Modifications to the International Plumbing Code, 2009 Edition. |
| 15.20.030 | Violations and penalties. |

Section 15.20.010 – International Plumbing Code – Adopted.

The International Plumbing Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the plumbing code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to

provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Plumbing Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.20.020 - Modifications to International Plumbing Code, 2009 Edition.

The International Plumbing Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as “this code” or “plumbing code.”

- B. Section 103 is deleted in its entirety.

- C. Section 106 is amended in part by the revision of Subsection 106.5.1 to read in full as follows:

106.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE.”

The code official shall have the authority to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

- D. Section 106 is amended in part by the revision of Subsections 106.6.2 and 106.6.3 to read in full as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- E. Subsection 108.4 is deleted in its entirety.
- F. Subsection 108.5 is amended in part by the revision of the last sentence in the paragraph to read as follows:

.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

- G. Section 109 is deleted in its entirety.
- H. The following appendices are deleted in their entirety:
 - Appendix A “Plumbing Permit Fee Schedule”;
 - Appendix B “Rates of Rainfall for Various Cities”;
 - Appendix C “Gray Water Recycling Systems”;
 - Appendix D “Degree Day and Design Temperatures”;
 - Appendix E “Sizing of Water Piping System”;
 - Appendix F “Structural Safety”;
 - Appendix G “Vacuum Drainage System”;
- I. The 2009 International Private Sewage Disposal Code being a part of the 2009 International Plumbing Code, is deleted in its entirety.

Section 15.20.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Plumbing Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Plumbing Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland,

Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL PLUMBING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

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

Signed this _____ day of _____, 2011

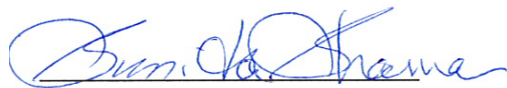
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



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

AGENDA ITEM: 6
MEETING DATE: 7/5/2011
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Brian Burson, Current Planning Division

TITLE:

1. AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND; and
2. AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND.

DESCRIPTION:

1. A legislative action to adopt an ordinance on second reading annexing the Motorplex Entry Addition to the City of Loveland, subject to the provisions in the annexation ordinance;
2. A quasi-judicial action to adopt an ordinance on second reading zoning Tract A of the Motorplex Entry Addition as Millennium PUD (#P-59); and Tract B of the Motorplex Entry Addition as DR-Developing Resources District.

BUDGET IMPACT:

Yes No

SUMMARY:

The application proposes to annex the following property:

- 0.26 acres at the southeast corner of Crossroads Boulevard and Byrd Drive
- The connecting right-of-way for Crossroads Boulevard to the west;
- A connecting one-half section of right-of-way for Byrd Drive to the north;
- The connecting right-of-way for Crossroads Boulevard to the east, including the interchange with I-25;
- The I-25 right-of-way, extending northward to Larimer County Road # 30.

City Council adopted the ordinances on first reading as an item on the Consent Agenda on June 21, 2011.

LIST OF ATTACHMENTS:

- A. Ordinance approving the annexation of Motorplex Entry Addition into the City.
- B. Ordinance approving a zoning of Millennium PUD (#P-59) for Tract A of the Motorplex Entry Addition; and DR-Developing Resource District for Tract B of the Motorplex Entry Addition.

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action, in the order provided:

1. Move to make the findings set forth in Section VI. of the May 23, 2011 Planning Commission staff report and adopt on second reading AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS ' MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND; and
2. Move to make the findings set forth in Section VI. of the May 23, 2011 Planning Commission staff report and adopt on second reading AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND.

REVIEWED BY CITY MANAGER:

FIRST READING: June 21, 2011

SECOND READING: July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "MOTORPLEX ENTRY 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 four (4) copies of the map of said territory as required by law, was filed with the City on April 28, 2011, by more than fifty percent (50%) of the owners who own more than fifty percent (50%) of the area of the territory hereinafter described, exclusive of public streets and alleys. The Council, by resolution at its regular meeting on June 21, 2011, 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 "**MOTORPLEX ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

MOTORPLEX ENTRY ADDITION

Legal Description

A tract of land being a portion of Section 22, 34 and Section 27, Township 6 North, Range 68 West and a portion of Section 3, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the Center Section line of said Section 34 as bearing North 00°00'26" East and with all bearings contained herein relative thereto:

BEGINNING at the South Quarter corner of said Section 34; thence South 72°23'38" West, a distance of 469.20 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line, North 51°26'18" West, a distance of 108.50 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 337.12 feet to the East corner of Outlot B, Myers Group Partnership #949, 2nd Subdivision; thence along the South and West lot lines of said Outlot B the following 5 courses

and distances: South 45°02'07" West, a distance of 218.27 feet; thence North 03°53'33" East, a distance of 70.36 feet; thence North 01°59'08" East, a distance of 4.03 feet; thence North 00°04'43" East, a distance of 60.22 feet; thence North 45°02'07" East, a distance of 28.26 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 433.44 feet; thence North 65°41'48" West, a distance of 109.70 feet; thence North 00°04'42" East, a distance of 60.00 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line the following 2 courses and distances: North 65°51'12" East, a distance of 109.70 feet; thence South 89°55'18" East, a distance of 326.73 feet to the West line of a right-of-way easement as described at Reception Number 2003-0098332, Larimer County Records; thence along said West and along the North and East lines of said right-of-way easement the following 3 courses and distances: North 00°37'47" West, a distance of 997.93 feet; thence South 89°55'19" East, a distance of 40.00 feet; thence South 00°37'47" East, a distance of 997.94 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'19" East, a distance of 533.35 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line the following 8 courses and distances: North 46°51'41" East, a distance of 120.35 feet; thence North 10°04'11" East, a distance of 608.30 feet; thence North 06°53'11" East, a distance of 704.20 feet; thence North 00°36'41" East, a distance of 3,769.73 feet; thence North 06°55'12" East, a distance of 90.46 feet; thence North 00°00'03" West, a distance of 150.00 feet; thence North 01°23'34" East, a distance of 150.57 feet; thence North 89°26'16" East, a distance of 32.33 feet; thence North 00°00'03" West, a distance of 4,884.25 feet; thence, North 89°02'06" East, a distance of 250.65 feet to the East right-of-way line of Interstate 25; thence along said East right-of-way line the following 6 courses and distances: South 00°00'59" East, a distance of 2,636.85 feet; thence South 00°00'48" East, a distance of 2,639.03 feet; thence South 00°35'54" West, a distance of 3,676.16 feet; thence South 08°09'08" East, a distance of 809.43 feet; thence South 09°46'48" East, a distance of 610.00 feet; thence South 34°30'18" East, a distance of 92.13 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'18" East, a distance of 150.00 feet; thence South 65°41'31" East, a distance of 109.73 feet; thence South 00°04'41" West, a distance of 60.02 feet; thence South 65°51'11" West, a distance of 109.67 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'19" West, a distance of 150.00 feet; thence North 76°38'29" West, a distance of 326.73 feet to the POINT OF BEGINNING.

The above described tract of land contains 80.934 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Section 3. That Tract A of the MOTORPLEX ENTRY ADDITION, as shown on Exhibit A, attached hereto and incorporated herein, shall be subject to the following condition:

1. Tract A shall be governed by all applicable provisions imposed or agreed to when originally annexed or subdivided by the City as part of Myers Group Partnership # 949 Addition and any pertinent subdivisions thereof.

Section 4. 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 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.

Dated this ____ day of _____, 2011.


ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 21, 2011

SECOND READING: July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "MOTORPLEX ENTRY ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

MILLENNIUM PUD (#P-59)

"Tract A of the MOTORPLEX ENTRY ADDITION to the City of Loveland, County of Larimer, State of Colorado, also formerly known as Outlot B of the Myers Group Partnership # 949 2nd Subdivision to the City of Loveland, County of Larimer, State of Colorado."

Section 2. That Tract A of the MOTORPLEX ENTRY ADDITION shall be subject to the following condition:

1. Tract A shall be governed by the Millennium Addition General Development Plan, as amended and all applicable provisions of agreements pertaining thereto.

Section 3. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "MOTORPLEX ENTRY ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

DR-DEVELOPING RESOURCES DISTRICT

"Tract B of the MOTORPLEX ENTRY ADDITION to the City of Loveland, County of Larimer, State of Colorado ".

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).

Section 5. 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.

Dated this ____ day of _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



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

AGENDA ITEM: 7
MEETING DATE: 7/5/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, Community & Strategic Planning

TITLE:

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION

DESCRIPTION:

A legislative action to approve on second reading an ordinance amending Title 15 of the Loveland Municipal Code. The amendment would:

- Adopt new Historic Residential Design Guidelines to be used by the Historic Preservation Commission when reviewing applications proposing to alter the exterior elevations of buildings on the Loveland Historic Register;
- Add provisions for processing partial demolition permits for properties on the Loveland Historic Survey; and
- Clarify process procedures.

BUDGET IMPACT:

Yes No

SUMMARY:

On May 16, 2011, the Historic Preservation Commission held a public hearing to receive public comments on these amendments to Title 15, including the proposed Historic Residential Design Guidelines. The Commission, by unanimous vote, is recommending that City Council adopt the subject ordinance amending Title 15. City Council adopted the ordinance on first reading, as an item on the Consent Agenda, on June 7, 2011.

Two minor revisions have been made to the Historic Residential Design Guidelines after first reading on June 7, 2011. The top left image and caption on Page 11 has been replaced to provide a better example of appropriate scale, massing and materials. The caption for the bottom left image on Page 19 has been corrected to indicate that the image shows appropriate, instead of inappropriate, handicap access.

LIST OF ATTACHMENTS:

- Ordinance
- Historic Residential Design Guidelines, dated June 2011.

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion:

Move to adopt on second reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION

REVIEWED BY CITY MANAGER:

FIRST READING: June 7, 2011

SECOND READING: July 5, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION

WHEREAS, City Council finds that updates to Title 15 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, the City Council has received a recommendation from the Historic Preservation Commission recommending adoption of revisions to Chapter 15.56 of the Loveland Municipal Code, regarding Historic Preservation; and

WHEREAS, the City Council desires to adopt the recommendations of the Historic Preservation Commission by repealing and reenacting Chapter 15.56 of the Loveland Municipal Code.

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

Section 1. Chapter 15.56 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

**CHAPTER 15.56
HISTORIC PRESERVATION**

Sections:

- 15.56.010. Purpose.**
- 15.56.020. Definitions**
- 15.56.030. Designation of historic structures, sites or districts.**
- 15.56.040. Procedure to amend or rescind designation of landmarks or historic districts.**
- 15.56.050. Landmark alteration certificate required.**
- 15.56.060. Landmark alteration certificate application and staff review.**
- 15.56.070. Landmark alteration certificate public hearing.**
- 15.56.080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.**
- 15.56.090. Violations.**
- 15.56.100. Designation criteria.**
- 15.56.110. Historic Residential Design Guidelines and criteria for review of alterations certificates.**

- 15.56.120. Criteria to review relocation of a structure.**
- 15.56.130. Criteria to review demolition of a structure.**
- 15.56.140. Exemptions from an alteration certificate.**
- 15.56.150. Maintenance of designated landmarks and structures within a historic district.**
- 15.56.160. Economic incentives for historic restoration.**
- 15.56.170. Demolition or relocation of historic buildings or structures not designated as local landmarks.**
- 15.56.180. Rehabilitation loan program.**

15.56.010. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

- A. The protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
- C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- D. The enhancement of property values, and the stabilization of historic neighborhoods;
- E. Fostering civic pride in the beauty and noble accomplishments of the past;
- F. Protecting and enhancing the City's attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
- G. Strengthening the economy of the City;
- H. Promoting good urban design; and
- I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public's interest in preserving Loveland's unique historic character by ensuring that demolition of, moving, or alterations to properties of

historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property's contribution to Loveland's heritage.

15.56.020. Definitions

The following terms, when used in this Chapter, shall have the meanings defined as follows:

Days – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

Partial Demolition – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

Total Demolition – The dismantling, razing, or destruction of an entire building or structure.

15.56.030. Designation of historic structures, sites or districts.

- A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:
 - 1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and
 - 2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.
- B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.
- C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.

- D. Procedures for designating structures and districts for preservation:
1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.170 of this Chapter, a nomination for designation as a landmark may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The Development Services Department shall also attempt to secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.
 2. Nomination Process for Historic Districts. A nomination for designation as a historic district may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owners of the properties within the proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.
 3. Commission Public Hearing on Landmark or Historic District Nominations. The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

4. **Commission Review.** The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.
5. **Commission Recommendation to City Council.** The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.
6. **Owner Consent Required for Further Processing of Landmark Nominations.** For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.

E. **City Council Review.**

1. **City Council Public Hearing on Landmark or Historic District Nominations.** Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and

not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.
3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.
4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

15.56.040. Procedure to amend or rescind designation of landmarks or historic districts.

- A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:
 1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.100 of this Chapter.
 2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

15.56.050. Landmark alteration certificate required.

- A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.

- B. **Building Division Referral.** The Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the Development Services Department.
- C. **Effect of Application for Landmark or Historic District Designation.** No person shall receive a permit to construct, alter, remove, partially demolish, or totally demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

15.56.060. Landmark alteration certificate application and staff review.

- A. **Application.** An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.
- B. **Review of Impact.** The Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.
- C. **Determination of No Significant Impact.** If it is determined by the Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.
- D. **Determination of Significant Impact.** If either the Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The

Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

15.56.070. Landmark alteration certificate public hearing.

- A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration total demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.
- B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.110, 15.56.120 or 15.56.130, whichever applies. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.
- C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.120 or 15.56.130, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.
- D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or

owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.

- E. **City Council Public Hearing on Appeal.** The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the Development Services Department. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record, shall not invalidate any proceedings in connection with the landmark alteration certificate.
- F. **Issuance of Landmark Alteration Certificate.** The Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.
- G. **Building Permit Required.** Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.
- H. **Documentation of Structure Prior to Total Demolition.** The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.
- I. **Removal of Artifacts From Structure Prior to Total Demolition.** The Commission or City Council shall have the authority to enter into an

agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.

- J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

15.56.080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City's Building Division or Fire Department and where the proposed measures have been declared necessary by the City's Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

15.56.090. Violations.

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

- A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and
- B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

15.56.100. Designation criteria.

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

- A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
 - 1. Historic sites shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exemplifies specific elements of an architectural style or period;
 - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;
 - (4) Represents an innovation in construction, materials, or design;
 - (5) Represents a built environment of a group of people in an era of history;
 - (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
 - (7) Is a significant historic remodel.
 - b) Social/cultural.
 - (1) Is a site of an historic event that had an effect upon society;
 - (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
 - (3) Is associated with a notable person(s) or the work of a notable person(s).
 - c) Geographic/environmental.
 - (1) Enhances sense of identity of the community; or

- (2) Is an established and familiar natural setting or visual feature of the community.
- 2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
 - (2) Is a unique example of structure.
 - b) Social/cultural.
 - (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
 - (2) Is associated with an important event in the area's development;
 - (3) Is associated with a notable person(s) or the work of a notable person(s);
 - (4) Is a typical example/association with a particular ethnic or other community group; or
 - (5) Is a unique example of an event in local history.
 - c) Geographic/Environmental.
 - (1) Is geographically or regionally important.
- 3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
 - a) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
 - b) Retains original design features, materials, and/or character;
 - c) Is the original location or same historic context if it has been moved; or
 - d) Has been accurately reconstructed or restored based on documentation.

B. Historic Districts.

1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects. The district is related by a pattern of either physical elements or social activities.
2. Significance is determined by applying criteria to the pattern(s) and unifying elements(s).
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
6. Historic districts shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exemplifies specific elements of an architectural style or period;
 - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;

- (4) Represents an innovation in construction, materials, or design;
 - (5) Represents a built environment of a group of people in an era of history;
 - (6) Is a pattern or a group of elements representing at least one of the above criteria; or
 - (7) Is a significant historic remodel.
- b) Social/cultural.
- (1) Is the site of an historical event that had an effect upon society;
 - (2) Exemplifies cultural, political, economic or social heritage of the community; or
 - (3) Is associated with a notable person(s) or the work of a notable person(s).
- c) Geographic/environmental.
- (1) Enhances sense of identity of the community; or
 - (2) Is an established and familiar natural setting or visual feature of the community.
- d) Archaeology/subsurface.
- (1) Has the potential to make an important contribution to the area's history or prehistory;
 - (2) Is associated with an important event in the area's development;
 - (3) Is associated with a notable person(s) or the work of a notable person(s);
 - (4) Has distinctive characteristics of a type, period or manner of construction;
 - (5) Is of geographic importance;
 - (6) Is a typical example/association with a particular ethnic group;

- (7) Is a typical example/association with a local cultural or economic activity; or
- (8) Is a unique example of an event or structure.

15.56.110. Historic Residential Design Guidelines and criteria for review of alterations certificates.

- A. Historic Residential Design Guidelines Adopted. The “Historic Residential Design Guidelines,” dated June, 2011, are hereby adopted and are on file with the City Clerk’s Office.
- B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the design guidelines.
- C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.
- D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:
 - 1. The effect upon the general historical and architectural character of the structure and property;
 - 2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
 - 3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
 - 4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
 - 5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
 - 6. The condition of existing improvements and whether they are a hazard to public health and safety;

7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
 8. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.
- E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.
- F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
- G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

15.56.120. Criteria to review relocation of a structure.

In addition to the alterations criteria in Section 15.56.110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

- A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:
 1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;

2. The contribution the structure makes to its present setting;
 3. Whether plans are specifically defined for the site to be vacated;
 4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
 5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
 6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
- B. **New Site Review Criteria.** For consideration of the new location, the Commission shall review for compliance with all of the following criteria:
1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
 2. The structure's architectural integrity and its consistency with the character of the neighborhood; and
 3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

15.56.130. Criteria to review demolition of a structure.

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

- A. **Review Criteria for Total Demolition.** Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
3. The structure cannot be practically moved to another site in Loveland;
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
 - (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
 - (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties;
 - (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
2. The applicant has mitigated, to the greatest extent possible:
 - (a) Impacts on the historic importance of the structure or structures located on the property; and
 - (b) Impacts on the architectural integrity of the structure or structures located on the property.

15.56.140 Exemptions from an alteration certificate.

If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

- A. Economic Hardship Exemption. An economic hardship exemption may be granted if:
 - 1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
 - 2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
 - 3. The economic hardship claimed is not self-imposed.
- B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.
- C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:
 - 1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and
 - 2. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

15.56.150. Maintenance of designated landmarks and structures within a historic district.

- A. Normal Maintenance. Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.
- B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such properties to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such designated landmark or district in which it is situated.

15.56.160 Economic incentives for historic restoration.

- A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:
 - 1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
 - 2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.180 of this Chapter; and
 - 3. Applicable state and federal income tax credits.
- B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.
- C. The Commission shall make the determination for each request regarding economic incentives.

15.56.170. Demolition or relocation of historic buildings or structures not designated as local landmarks.

- A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.050 of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey (“Survey”) as eligible for nomination to the State of Colorado Register of Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.
- B. Building Division Referral. The Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City’s Building Division shall promptly forward such permit application to the Development Services Department.
- C. Review for Landmark Nomination. The Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.
- D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.
- E. Disapproval of Landmark Nomination. If it is determined, by the Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter the Development Services Director shall notify the City’s Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.
- F. Approval of Landmark Nomination. If either the Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the Development Services Department within sixty (60) days, after the completed application was filed. The Development Services Department shall process the

application in accordance with the procedures set forth in section 15.56.030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.

- G. Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the Development Services Department by the Commission designees.

15.56.180. Rehabilitation loan program.

- A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, integrity, and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of locally designated landmarks or contributing structures in local landmark districts a source of funding for exterior rehabilitation of such structures.
- B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars (\$5,000.00) for a residential property or ten thousand dollars (\$10,000.00) for a commercial property unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.
- C. Criteria. No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:
1. The subject structure must have been designated as a local landmark or be a contributing structure in a local landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded;
 2. All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan;

3. The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures;
4. Neither the loan nor the matching funds may be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmark structure;
5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
6. No interior improvements may be purchased utilizing City loan funds;
7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
8. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City, and has been approved by the Commission and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by the actual proof of expense;
9. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program;
10. Property owners who have previously received loans shall be eligible for subsequent loans;
11. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may

authorize an extension of up to one (1) additional year for completion of the work;

12. No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:

(a) The applicant has demonstrated an effort to return the structure to its original appearance;

(b) It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations;

(c) The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances; and

13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan, agreed to repay the loan in full upon sale or transfer of the property.

D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty (60) days from the date that it was established by the Commission. Applications received after the application deadline will not be considered.

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).

Signed this _____ day of _____, 2011.


ATTESTED:
COLORADO

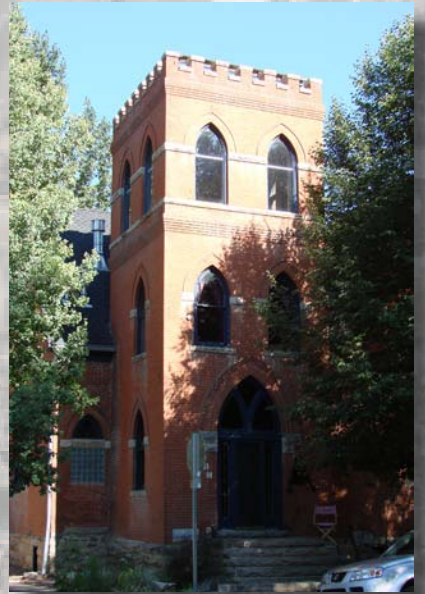
CITY OF LOVELAND,

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



HISTORIC RESIDENTIAL DESIGN GUIDELINES

JUNE 2011



City of Loveland

ALLER • LINGLE • MASSEY
ARCHITECTS
P.C.



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City of Loveland
Historic Residential Design Guidelines

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Loveland, Colorado was settled in the 1860s, growing during the late 19th and early 20th centuries into a regional market community to serve the surrounding agricultural area. Growth accelerated in the 1960s with the establishment of Hewlett Packard and other high technology employers. During its early development, residential areas were established to both the east and west of the historic 4th Street downtown area, then slowly stretched northward as the community grew. These neighborhoods are characterized by an eclectic collection of one - and two-story brick, wood and stone buildings of historical and architectural significance, worthy of preservation.

These historic residential neighborhoods have remained remarkably intact for over 100 years, but the character and charm that has driven this stability are now making them increasingly vulnerable to alterations, additions, “scrape-offs” and infill development. Both the City of Loveland and the property owners within these historic residential neighborhoods have recognized these threats, and the need to develop advisory design guidelines to protect their character and guide the design of additions and redevelopment. The City received a grant in 2010 from the Certified Local Government Program, administered by the Colorado Historical Society, to help fund the development of Historic Residential Design Guidelines to assist property owners and residents in preserving and enhancing these irreplaceable community assets.

The intent of these Historic Residential Design Guidelines is to protect and preserve the historic buildings in Loveland’s residential neighborhoods by:

- Provide design guidance for property owners in the restoration or rehabilitation of their historic properties.
- Provide design guidance for the redevelopment and infill of vacant properties within the historic residential neighborhoods.
- Protect and enhance the qualities of the residential neighborhoods, while providing design guidance for the conversion of single family homes into more commercial uses.
- Provide specific design guidance for historic building features and treatments, such as windows, doors, and porches.
- Prevent inappropriate alterations or additions to historic buildings that would jeopardize their historic designation, or their eligibility for future designation.
- Provide criteria for the City’s Historic Preservation Commission in reviewing alteration certificate applications on designated properties.

Loveland contains a broad mix of neighborhoods with varying character-defining features. Overall, the consistency of these characteristics defines the visual quality of a neighborhood. A single building that is out of context with its surroundings can have a dramatic impact on the visual character of a place and the image of the neighborhood as a whole. The context of a building is defined by the neighborhood’s overall age, lot size, setbacks, building placement on a lot, lot coverage, height and massing of homes, rooflines, fences, alleys, vehicular access, architectural styles, building materials and vegetation. Property owners should carefully study the context of their surroundings before making changes to their property. Changes within these established neighborhoods should conform to the existing context so as not to significantly alter the character of the neighborhood.

The Design Guidelines are intended to provide design assistance to individual property owners for restoration or rehabilitation of their historic properties, encourage appropriate historic preservation techniques, and guide new development so that it remains compatible with the historic fabric of Loveland's historic residential neighborhoods.

The following guidelines have been developed by Aller • Lingle • Massey Architects P.C., Fort Collins, Colorado. The project was directed for the City of Loveland by Tangier Barnes, Karl Barton and Bethany Clark, City Planners, and Greg George, Director of Community and Strategic Planning. The guidelines were adopted by City Council, by reference to Article 15 of the Loveland Municipal Code, on _____, 2011.

How the Historic Residential Design Guidelines will be used:

The Design Guidelines will be used by the Loveland Historic Preservation Commission as the specific design criteria to evaluate alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that the Commission has the authority to review per Section 15.56 of the Loveland Municipal Code.

These Guidelines are also intended as a voluntary guide to assist property owners in designing appropriate alterations, additions, redevelopment and infill development on other properties in historic residential neighborhoods.

How specific designs will be reviewed:

Building or property owners will submit scaled plan and elevation drawings for their proposed restoration, rehabilitation or new infill construction project. The designs will be reviewed by the Historic Preservation Commission for compliance with these Design Guidelines, the Secretary of Interior's Standards for Rehabilitation and other applicable City of Loveland codes and standards.

Applications on non-designated properties will be reviewed through the standard applicable building permit process.

Secretary of the Interior's Standards for Rehabilitation

The Secretary of Interior's Standards, developed by the National Park Service, form the basis for the Design Guidelines, as well as review by the City's Historic Preservation Commission.

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
8. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
10. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*



Loveland's historic residential neighborhoods contain houses, churches and commercial buildings that date from the 1880s through the post-war 1950s. Retaining and reusing older buildings promotes environmental sustainability, with restoration or rehabilitation consuming far fewer resources than new construction. Buildings from different eras should be retained and protected to represent the changes in architectural styles, building materials, construction techniques and shifts in societal trends.



These historic residential neighborhoods contain a rich variety of single-family homes, multi-family homes, schools, churches and commercial buildings, representing how different uses co-existed during Loveland's early development.

Guidelines

- The mixed-use character of Loveland's historic residential neighborhoods should be preserved and enhanced.
- Changes in use, such as the conversion of single family homes into professional offices or churches into artist's studios or multi-family residences, are permissible, provided the historic character of the building is preserved and any adverse impacts on the neighborhood are adequately mitigated.
- New development in these neighborhoods should allow for mixed-use, blending residential housing with traditional commercial and retail businesses and providing downtown live/work opportunities.



Historic buildings are distinguished by the unique details, materials, and craftsmanship of their construction. Architectural details found in the buildings of Loveland’s historic neighborhoods represent changes in architectural styles, and give each building a distinctive character.

Guidelines

- Character defining architectural details, such as original doors, windows, mouldings, door hoods, brackets, and rafter tails should be retained and preserved.
- Significant architectural details should not be removed, altered or covered when buildings are renovated or remodeled, or when additions are constructed.
- Damaged or deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
- Missing character defining details may be replicated or reconstructed, provided such reconstruction is based upon accurate physical or documentary evidence, including appropriate historical photographs.



Loveland’s historic residential neighborhoods predominately feature small single story, with a few two- or three-story homes, churches and schools scattered throughout.

Guidelines

- This predominant neighborhood scale should be preserved when infill, redevelopment or additions are proposed.
- Likewise, the building footprints within these historic neighborhoods should respect the scale of the existing buildings within the same block or block face.
- The existing front yard setback established along a block face should be preserved when an addition or redevelopment project is proposed. If porch additions are proposed that would encroach into this setback, the porch shall remain predominately open.
- Side yard setbacks shall also be preserved, particularly on corner lots or where additions taller than one-story are proposed.



Scale of infill development should respect the historic character of the adjacent existing houses



Appropriate scale of infill development



New development that is out of scale to adjacent existing houses

“Scrape-Offs” and the resulting infill construction or redevelopment can significantly alter the character of historic residential neighborhoods.

Guidelines

- Infill or redevelopment should respect the scale and historic character, including architectural style and materials, of the adjacent structures.
- Upper level additions should attempt to minimize the visual impact of the addition on the front of the historic building.
- Infill or redevelopment should not adversely impact adjacent property’s storm water drainage runoff, solar access, privacy, etc.
- Window placement, raised porches or decks and other design aspects of infill or redevelopment should take into account the layout of adjacent structures, and protect their privacy to the extent possible
- Roof forms, such as gabled, hipped, shed, mansard, flat, etc. should be consistent with surrounding properties and the historical precedent established for the architectural style.
- Materials chosen should be consistent with those found in surrounding historic buildings.



Compatible design and massing of addition, although taller than original house



Appropriate location and scale of addition



Appropriate scale and roofline of addition, with different stucco texture on the addition



Inappropriate design, massing and roofline of addition

Additions to historic buildings should be compatible in scale and design to the original building.

Guidelines

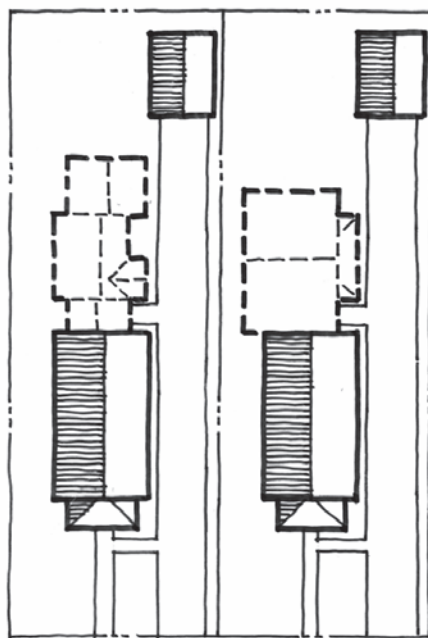
- In general, the scale of additions should be compatible with the original structure in height, massing, bulk, volume and roof form.
- The original character, form and roofline of the historic building should remain distinguishable from an addition.
- The articulation of an addition's overall form, mass and volume should be compatible with the original building.
- The architectural style of additions should be compatible with, but not copy or mimic, the original building.
- Materials used for additions should be compatible with the original building. For example, if the original building is predominately brick, the addition should also be predominately brick, although variations in color, texture and detailing are acceptable. Likewise, if the original building is stucco, the addition should preferably be stucco, but can have different texture to differentiate the addition from the original. Situations may exist where the use of other compatible materials is appropriate.
- Architectural detailing of the addition should be "subordinate" to the original, compatible but simplified.
- Original materials and character defining features of the original building should not be destroyed or obscured in the design of new additions.



Appropriate scale, massing and materials of addition, plus simplified but complementary detailing



Appropriate scale and articulation of addition



Appropriate location, scale and articulation for addition

Inappropriate location, scale and articulation for addition of same size



Additions should not project beyond side wall of original building



Inappropriate scale and massing of addition



Inappropriate scale and massing of addition



Inappropriate scale and massing of addition

Guidelines

- Additions on corner lots should follow the Design Guidelines for all additions, but also maintain the same level of architectural design articulation and detailing on the side street facade as exists on the front facade.
- Additions should preferably not extend beyond the side walls of the original building.
- Two-story additions should follow the Design Guidelines for all additions, but be smaller in scale than the original building.



Before (similar house)



After - Appropriate upper level addition



Appropriate upper level addition



Inappropriate design and massing of upper level addition



Appropriate upper level addition



Inappropriate - location and scale of addition

Upper level additions, or “pop-ups” should respect the massing and architectural style of the original building.

Guidelines

- Upper level additions that add 1/2 story volumes with dormers are preferred to full second story additions.
- Upper level additions should attempt to minimize the visual impact of the addition on the front of the historic building.
- Upper level additions should retain balanced character and massing, although exact symmetry is not required. Additions to only one side of an upper level should be avoided.
- Upper level additions should be designed with roof forms that are similar to the roof of the original building.



Appropriate dormer scale



Inappropriate dormer design, massing and roofline



Appropriate dormer scale



Inappropriate scale and height of dormer



Appropriate dormer design



Inappropriate dormer scale

Dormers shall be compatible with the architectural style and detailing of the original historic building.

Guidelines

- Gabled or shed dormers are both appropriate designs.
- Scale and massing of dormers should be compatible with the overall size and form of the original roof. The ridge of gable dormers should not be higher than the original roof.
- Single larger dormers, even if they incorporate multiple windows, are preferred to multiple smaller dormers, depending on the architectural style of the historic building. Dormer design should be based upon compatible examples of similarly styled buildings.
- Materials and architectural detailing of dormers should be complementary to the original building.



Original porch preserved



Original porch preserved



New porch constructed in style compatible with original house



Original porch preserved



Original door hood preserved



Inappropriate porch architectural style and materials



Inappropriate porch materials

Front porches are significant, character defining elements for most historic homes, particularly prior to 1960.

Guidelines

- Front porches are encouraged to remain intact and “open” if possible.
- Rear or side porches are subject to these Design Guidelines, but the application of the guidelines may be more discretionary, unless the location of such porch is significantly visible from the front or any side street.
- Character defining porch and railing materials and details should be retained and preserved, such as posts, columns, brackets, railings and trims.
- Missing porches can be reconstructed if adequate physical or photographic evidence exists to guide an authentic reconstruction of the porch, using appropriate materials. Use of modern materials, such as composite wood polymer decking and railings, is discouraged except for elements not exposed to view.
- Porches shall not be demolished and reconstructed in an architectural style that is not compatible with the house, or using the materials or details that are not complementary to the original. Porches shall not be reconstructed using concrete for the porch deck and stairs if this material is not original to the house.
- Fiberglass or other incompatible roofing materials are not permitted.



Appropriate porch enclosure maintaining original structural brick columns



Appropriate porch enclosure using multiple windows to preserve the original "open" character



Appropriate porch enclosure using window types that match original house

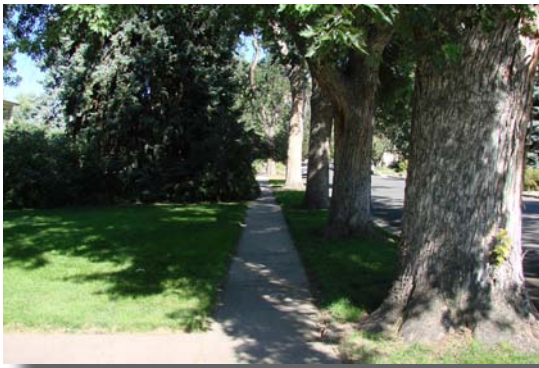


Inappropriate porch enclosure, with incompatible window style and sliding patio doors

As previously mentioned, existing historic porches are encouraged to remain open if possible.

Guidelines

- If enclosure of all or part of the front porch is desired, the original character of the porch openings should continue to "read" in the design.
- Porch enclosures should be primarily glazed to help maintain the original "open" character of the porch.
- Original brick or stone porch columns, or wood posts, should be retained and exposed to view in the porch enclosure.
- Original porch openings should not be reduced in size or infilled with non-original siding or other wall materials.
- Window units used to enclose the porch should be complementary to the building's other windows in style, scale and materials.
- Use of modern materials, such as sliding glass patio doors, vinyl windows, etc., is discouraged.



Retain streetscape of detached sidewalks and tree lawns



Infill development should preserve the streetscape of detached sidewalk and street tree lawn

Most of Loveland's historic residential neighborhoods are characterized by detached sidewalks, separated from the street by tree lawns and street trees, all located within the public right-of-way. This streetscape contributes to the character, charm and sense of place of these neighborhoods.

Guidelines

- The residential character of these streetscapes should be maintained.
- While selection of landscape materials is not governed by these Design Guidelines, retaining the current streetscape of turf covered tree lawns and front yards is encouraged. Selection of water-conserving and drought-tolerant species for shrub beds is encouraged.
- Existing front yard setbacks should be respected, with additions and infill redevelopment not permitted to encroach into the front setback.
- The existing streetscape of detached sidewalks, tree lawns and street trees should be retained. Street trees shall not be pruned or cut and removed except as authorized by the City of Loveland. If street trees are missing, the city maintains a list of appropriate street tree species to guide Owners in planting new trees.
- Parking should be provided off of the alley, and not in front, rear or side yards.
- Replacement of turf grass in the tree lawn (between the street curb and the detached sidewalk) with rock mulch, pavers, etc. is discouraged.
- Sprinkler systems should be adjusted and maintained so as not to overspray onto the walls and foundations of the building, particularly brick or stone masonry.



Appropriate gate-type signage



Appropriate post-mounted signage

As traditionally residential properties in historic neighborhoods convert to commercial uses, signage for businesses needs to be provided in a manner that maintains the integrity and character of the residential neighborhood. Design regulations for signage are found in various City of Loveland codes. In addition to these standards, other Design Guidelines are included for historic residential neighborhoods.

Guidelines

- Signage should not detract from the character of the neighborhood, and should be of a type and size to complement the house and property.
- Signage in residential neighborhoods should be relatively small in size and low in profile, in order to maintain the residential scale of the streetscape. Signs should not exceed 4'-0" in height.
- Signage should be low gate-type, post mounted or other signs of residential character, in materials and colors that are compatible with the house or building that they are associated with.
- More modern sign designs are permitted, if other design criteria are met.
- Signs can be externally illuminated with small floodlights or similar fixtures, provided the lighting is directed back toward the sign, there is no light spillage off of the property, and does not cause glare onto the street or sidewalk.



Appropriate fencing design and materials



Original fencing preserved or re-installed



Details of new fencing should be complementary to the character of the house

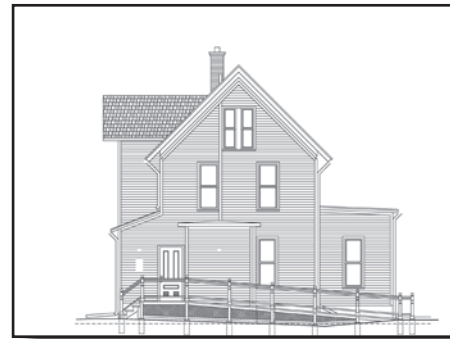
Design standards for fencing are found in various City of Loveland codes, regulating fencing placement and heights. In addition to these standards, other Design Guidelines are included for historic residential neighborhoods.

Guidelines

- Decorative fencing and gates for enclosure of front and side yards of historic homes is permitted. If decorative fencing is added, the style and materials should be appropriate to the era of the house.
- Existing historic fencing and gates should be retained and preserved.
- Fencing and gate materials shall be complementary to the architecture, materials and details of the original building.
- Use of modern fencing materials, such as vinyl or composite wood polymers, is discouraged.



Handicapped access not provided to front porch, so does not adversely impact the primary historic facades



Access provided to rear or side door of house



Appropriate location for access provided by ramp up from the side to the main entrance



Inappropriate access that adversely impacts the historic character of the building's primary facade

Handicapped access is required to the main level of all historic buildings or houses adaptively converted to commercial or public use, but is not necessarily required to be to the front door. Access to existing or new side or rear entrances is permitted, if it is not an unreasonable distance from public sidewalks or parking areas.

Guidelines

- Handicapped accessible ramps or lifts should be sited on the side or rear of the building, where possible, so as not to adversely impact the historic front or street-facing facades. Accessible ramps leading from the public sidewalk to the front porch or entry to an historic building is discouraged.
- If access must be taken to the front of the building, the design should be as inobtrusive as possible to the historic facade.
- Ramps should be designed in a style that is compatible with the building, using materials that complement its building materials and details.
- Materials for required railings should be compatible with the style and materials of the historic building.



Original detached garage preserved



Appropriate detached garage accessed from side street



Appropriate 1-car garage, set back from front facade



Appropriate carriage house garage with living space above



Appropriate 1-car garage, set back from front facade

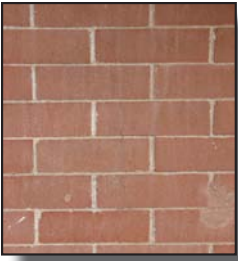


Appropriate rear-loaded garage

Garages and historic outbuildings form an integral part of the character of historic residential neighborhoods.

Guidelines

- Original detached garages, chicken coops, sheds and other outbuildings should be retained and preserved when possible.
- New garages or additions to existing structures should be complementary to the primary residential building in architectural style, scale, materials and detailing.
- Where properties are adjacent to rear alleys or side streets, access to garages is encouraged to be from the alley or street.
- Where not sited behind the historic residential building, detached or attached garages shall be set back from the front facade of the house a minimum of 5’-0”.
- Detached “carriage houses” containing living space, artist space, storage, etc., over garages are permitted, when allowed by other City of Loveland zoning and development standards. If constructed, the design of carriage houses should comply with the other Design Guidelines.



Appropriate cleaning and repointing



Preserve original stucco



Use of historic color palettes is encouraged



Sandblasting not permitted



Preserve original brick and stone



Contemporary materials and colors are appropriate for infill development, provided they are compatible with the character of the historic neighborhood

Historic buildings are distinguished by the natural textures, colors and quality of their materials, and often utilized local materials and local craftsmen. Historic building materials illustrate the local history of construction and building trades. Hand-faced stone or soft-fired brick masonry establishes a building's place in history and distinguishes it from wire-cut brick, cast iron, or the steel and glass construction of later eras. Likewise, the colors of natural materials help establish a building's history and indicate the use of locally available materials.

Guidelines

- Owners are encouraged to consult with knowledgeable materials representatives or craftsmen in analyzing issues related to the cleaning or repair of historic building materials.
- Historic brick or stone masonry should be preserved and mortar joints repointed as needed to maintain their historic character. Mortar used for repointing should be compatible with the original in strength, color and material composition.
- Historic brick or stone masonry can be gently cleaned to remove dirt and pollution damage. High-pressure washing of historic brick is discouraged. Sandblasting of historic brick or stone masonry is not permitted.
- Likewise, historic stucco should be preserved and repaired as needed. New stucco repair materials should be compatible with the original in strength, texture and material composition.
- Historic brick or stone masonry should not be painted. Painting and, in some cases, sealing of historic brick or stone masonry does not allow the building walls to 'breathe' and can lead to deterioration from moisture build-up within the walls.
- If buildings have been painted, stripping of the paint using products specifically developed for historic brick, stone or other materials is encouraged.
- Rehabilitation of historic buildings should use materials of like kind, including salvaged brick and other materials, where possible.
- Use of historically accurate color palettes is encouraged, as appropriate, for different architectural styles. The use of bright or luminous colors is discouraged.
- Infill and redevelopment should utilize materials and color palettes that are compatible with buildings in the immediate neighborhood.



Narrow profile wood bevel lap siding with alternating bands of butt wood shingles in gable end



Wider profile wood or composite siding, with simple detailing



Narrow profile wood bevel lap siding with wood corner trims, wide head trim at fascia and decorative scalloped shingles in gable end



Decorative shingles in multiple patterns in gable end



Narrow profile wood bevel lap siding with pre-formed metal corners

Distinctive or character defining siding, cladding and trim materials or examples of craftsmanship should be preserved.

Guidelines

- Wood and other materials used for siding should be retained and evaluated for repair before being replaced. Epoxy wood repair compounds can be used to consolidate or fill in gaps in deteriorated wood siding and trim materials.
- Replacement of cladding materials, if warranted, used for additions should be done with the same (in kind) materials, matching lap exposure, profile depth, texture and finish.
- Historic brick or stone masonry should not be covered with new stucco or other non-original material.
- Siding and cladding materials used for additions should be of the same type and general design as the original cladding, although variations in lap exposure, profile, texture and finish are acceptable to differentiate the new materials from the old.
- Modern siding materials, intended to be painted, such as molded hardboard or fiber cement board, are acceptable for additions and new construction, provided other Design Guidelines such as lap exposure and profile are met.
- Modern, non-original materials, such as vinyl or aluminum siding, are not permitted to be installed over original siding. Where these materials have been installed, Owners are encouraged to remove them and rehabilitate the underlying original siding materials.



Appropriate replacement fiberglass shingles with metal hip and ridge caps, half-round gutters and round downspouts



Reroofing original houses with metal roofing is discouraged



Original wood shingles preserved



Inappropriate replacement fiberglass shingles in "faux" slate tile pattern

Likewise, original or distinctive roofing materials, trims and details should be preserved.

Guidelines

- Replacement of roofing materials should be done using original materials, if possible. Owners are encouraged to consult historic photographs to determine the original materials. Wood shingles, if applicable, need to meet current City building standards.
- Modern laminated, textured architectural fiberglass shingles are an acceptable alternative to wood shingles, if wood is not permitted. Patterns and colors of modern fiberglass shingles should replicate wood shingles, without mimicking slate, clay tile or other materials.
- Non-original roofing materials should be removed down to the original plank or sheet plywood roof sheathing. If new structural sheathing is installed over older materials that allowed for ventilation beneath the roofing, a ventilating underlayment should be used to prolong the life of the roofing. Additional attic ventilation may also be required.
- Historic roof details, such as metal hip and ridge caps, should be retained, and salvaged and reinstalled during reroofing.
- Roofing materials used for additions should be of the same type and material as the original roof, although variations in color or texture are acceptable to differentiate the new materials from the old.
- Modern roofing materials, such as standing seam metal, are acceptable for redevelopment or new infill construction, but are discouraged for reroofing of historic buildings.



Windows in additions should be compatible with the originals in type, sizes, design and detailing



Preserve distinctive corner windows



Preserve distinctive corner windows



Original wood storm windows preserved



Inappropriate window replacement, where window openings have been reduced in size.

Windows are one of the most important and significant character defining elements of historic residential buildings.

Guidelines

- Original windows, sashes, screens/storm windows, casings and hardware should be retained and preserved or rehabilitated, where feasible.
- Original fenestration pattern and rhythm, such as paired double hung windows, double hung windows flanking a fixed “picture“ window unit, etc., should be retained and preserved.
- Original window opening sizes and distinctive characteristics, such as corner windows, should be retained.
- Where the original window opening sizes, pattern and rhythm have previously been altered, Owners are encouraged to restore the original sizes and pattern.
- Original wood windows and sashes should be repaired or rehabilitated (where feasible) before the window units are replaced.
- Likewise, original steel sash or other window materials should be retained and preserved or rehabilitated.
- Where exterior screens and/or storm windows existed, replica units can be reconstructed as needed. Where they did not originally exist, installation of interior storm windows is preferred to window replacement.
- If full window replacement is warranted, replacement units should be high quality, wood (or aluminum-clad wood) or metal units, as appropriate to the style of the building, using units specifically designed for historic buildings. Window sizes should not be reduced or altered significantly when replaced. Frame and sash profile and dimensions should match the originals as closely as possible. Owners should strive to replace windows with original materials, and consult photographic documentation (if available) where physical evidence does not exist.
- Replacement windows should match the muntin patterns of the original windows. Replacement windows are encouraged to have true divided-lite sashes, not applied muntins.
- Introduction of octagonal windows, boxed or bay windows, etc., where these window types are not original to the building is an inappropriate addition and is not permitted.
- Use of vinyl or fiberglass replacement windows is discouraged.



Appropriate location for roof window



Appropriate location for roof window



Appropriate solar "tube" installation

Fixed and operable roof windows are encouraged where their use is more appropriate to preserving the historic character of the building than installation of dormers or other more obtrusive construction.

Guidelines

- Roof windows are allowable on any roof plane, provided they are installed as flush as possible with the roof plane. Placement on front facing roof planes is discouraged.
- Preferred locations for roof window placement are where they can be screened behind dormers or roof gables.
- Solar "tubes" or other natural daylighting equipment are allowable on any roof plane, although placement on front facing roof planes is discouraged.



Retain original doors



Retain original doors



Retain original doors



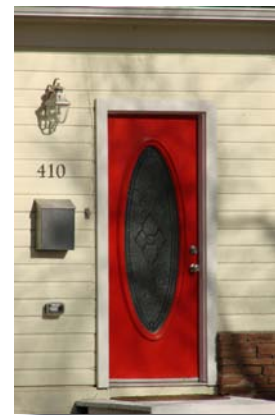
Retain original hardware



Appropriate screen door



Appropriate storm door



Inappropriate replacement door

Likewise, entry doors are a significant character defining element of historic residential buildings.

Guidelines

- Original entry doors, glazing, sidelites, transoms, casings and hardware should be retained and preserved, where feasible. New door hardware added to historic doors, such as lever handles or deadlocks, should match the original finishes but can be more contemporary in design.
- Original doors and sidelites or transoms should be repaired or rehabilitated (where feasible) before the door units are replaced.
- If replacement is warranted, doors should be high quality wood units specifically designed for historic buildings. Door style and materials should be compatible with the architectural style, materials and details of the house. Owners should strive to replace doors with original materials, and consult photographic documentation (if available) where physical evidence does not exist.
- Use of vinyl, fiberglass or embossed metal replacement doors and screen/storm doors is discouraged.
- Original screen doors should be retained and preserved.
- Introduction of non-original screen or storm doors are permitted, provided they are predominantly glazed to allow the original historic door to continue to be seen.



Appropriate solar panel installation, on rear roof shielded by dormer



Inappropriate solar panel installation



Inappropriate satellite dish installation

Energy conserving technologies are encouraged where their installation respects the historic character of the building.

Guidelines

- Solar or photovoltaic panels should be installed flush with the roof surface, not elevated on metal framework.
- Solar or photovoltaic panels should be installed on rear or side facing roof planes.
- Solar or photovoltaic panels are not be permitted on front or street facing roof planes, unless no other roof orientation provides sufficient solar access.
- Wind turbines, if roof mounted, should be installed on rear or side facing roof planes, and shielded by dormers or projecting gables if possible.
- Satellite television dishes and similar equipment should be mounted as inconspicuously as possible, preferably below projecting roof eaves or other architectural features.



CITY OF LOVELAND"
CITY ATTORNEY'S OFFICE

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(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 8
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MEETING DATE: 7/5/2011
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TO: City Council
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FROM: City Clerk and City Attorney
Á
PRESENTER: Terry Andrews

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TITLE:
A Public Hearing to Consider:
A RESOLUTION OF THE LOVELAND CITY COUNCIL AUTHORIZING THE CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN THE STATEWIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 1, 2011

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AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD NOVEMBER 1, 2011 SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

DESCRIPTION:

The proposed Resolution is an administrative action authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to participate in a coordinated election with the County on November 1, 2011. The proposed Ordinance is a legislative action needed to allow the City's regular election to be held on November 1, 2011, to be conducted as a coordinated election with the Larimer County Clerk and Recorder.

BUDGET IMPACT:

Yes No Á

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SUMMARY: As provided in Section 6-2 of the City's Charter, the City of Loveland's next regular election is to be held on November 1, 2011. A statewide special election is also scheduled for November 1, 2011. In the past the City has participated in this statewide special election by coordinating its regular election with the Larimer County Clerk and Recorder. State law requires the City to notify the Larimer County Clerk and Recorder of its intention to participate in this upcoming statewide special election as a coordinated election at least 100 days prior to the election.

In addition to directing the election to be held as a coordinated election, the Ordinance provides that the City's regular election will be governed by the Uniform Election Code, but only to the extent necessary to conduct the City's election as a coordinated election with Larimer County as part of the statewide special election. In all other respects, the City's regular election will be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

LIST OF ATTACHMENTS:

Resolution
Ordinance

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends approval of the Resolution and the Ordinance.

REVIEWED BY CITY MANAGER:

RESOLUTION #R-44-2011

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
AUTHORIZING THE CITY CLERK TO NOTIFY THE
LARIMER COUNTY CLERK AND RECORDER OF THE
CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN
THE STATEWIDE SPECIAL ELECTION TO BE HELD ON
NOVEMBER 1, 2011**

WHEREAS, the City of Loveland intends to participate in the statewide special election to be held on November 1, 2011, and to coordinate that election with the Larimer County Clerk and Recorder; and

WHEREAS, C.R.S. Section 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder of its intention to participate in this upcoming election; and

WHEREAS, this Resolution constitutes the City's formal decision to participate in the November 1, 2011, statewide special election to be coordinated with the Larimer County Clerk and Recorder.

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

Section 1. That the City Clerk is hereby authorized to notify the Larimer County Clerk & Recorder of the City's intention to participate in the November 1, 2011, statewide special election and to coordinate its participation in that election with the Larimer County Clerk and Recorder.

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


APPROVED this 5th day of July, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

FIRST READING: _____

SECOND READING: _____

ORDINANCE No. _____

AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND’S REGULAR ELECTION TO BE HELD ON NOVEMBER 1, 2011, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

WHEREAS, on July 5, 2011, the Loveland City Council adopted Resolution #R-____-2011 authorizing the City Clerk to notify the Larimer County Clerk and Recorder (“the County Clerk”) of the City of Loveland’s intention to participate in the November 1, 2011, statewide special election and to coordinate the City’s participation in that election with the County Clerk; and

WHEREAS, Loveland Charter Section 6-1 provides that City elections are to be governed by the provisions of the Colorado Municipal Election Code of 1965 (C.R.S. §31-10-101, *et seq*) (“the Municipal Election Code”), except as otherwise provided by the City Charter or by City ordinance; and

WHEREAS, C.R.S. §31-10-102.7 provides that any municipality may provide by ordinance that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of the Colorado Revised Statutes, (“the Uniform Election Code”) in lieu of the requirements and procedures of the Municipal Election Code for any election; and

WHEREAS, since it is the intent of the City Council that the City’s regular election to be held on November 1, 2011, be a coordinated election with the County Clerk as part of the statewide special election on November 1, 2011, the purpose of this Ordinance is to provide that such coordinated election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election, and otherwise the City’s regular election on November 1, 2011, shall be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

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

Section 1. That the City's November 1, 2011, regular election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with the County Clerk as part of the statewide special election to be held on November 1, 2011. In all other respects, the City's regular election on November 1, 2011, shall be governed by the Municipal Election Code, the City Charter, and applicable City ordinances.

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).

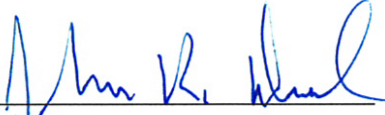
Dated this _____ day of July, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

**CITY OF LOVELAND**
POLICE DEPARTMENT810 East 10th Street • Loveland, Colorado 80537
(970) 667-2151 • FAX (970) 962-2917 • TDD (970) 962-2620

AGENDA ITEM: 9

MEETING DATE: 7/5/2011

TO: City Council

FROM: Ray Miller, Police Department

PRESENTER: Ray Miller

TITLE:

Motion to approve staff's application for a Federal JAG grant

DESCRIPTION:

This is a public hearing to consider an administrative action. Federal regulations require review of the grant application not fewer than 30 days before the application is submitted. A public hearing will be conducted prior to submitting the grant application.

BUDGET IMPACT: Yes No

This is just the grant application stage. If the grant is approved there is no local match.

SUMMARY:

The Federal JAG grant of \$15,816 for the Police Department will fund overtime for Detectives in the Special Investigations Unit at the Northern Colorado Drug Task Force. The public hearing notice was published in the Loveland Reporter-Herald on June 28, 2011.

LIST OF ATTACHMENTS:JAG Grant Application Solicitation

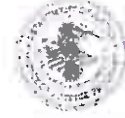
RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the motion

REVIEWED BY CITY MANAGER:

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

OMB No. 1121-0329



The U.S. Department of Justice (DOJ), Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is pleased to announce that it is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2011 Local Solicitation

Eligibility

Applicants are limited to units of local government appearing on the FY 2011 JAG Allocations List. To view this list, go to www.ojp.usdoj.gov/BJA/grant/11jagallocations.html. For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States.

Deadline

Registration for this funding opportunity is required prior to application submission, by selecting the "Apply Online" button associated with the solicitation title in OJP's Grants Management System (GMS). (See "How to Apply," page 11.) All registrations and applications are **due by 8:00 p.m. eastern time on July 21, 2011.** (See "Deadlines: Registration and Application," page 4.)

Contact Information

For technical assistance with submitting the application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to GMS.HelpDesk@usdoj.gov.

Note: The [GMS](#) Support Hotline hours of operation are Monday–Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1–877–927–5657, via e-mail to JIC@telesishq.com, or by [live web chat](#). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, and 8:30 a.m. to 8:00 p.m. eastern time, Monday through Friday, on the solicitation close date. You may also contact your State Policy Advisor: www.ojp.gov/BJA/resource/ProgramsOffice.html.

Release date: June 6, 2011

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Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation CFDA #16.738

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadlines: Registration and Application

Registration is required prior to submission. The deadline to register in GMS is 8:00 p.m. eastern time on July 21, 2011 and the deadline for applying for funding under this announcement is 8:00 p.m. eastern time on July 14, 2011. Please see the "How to Apply" section, page 6, for more details.

Eligibility

Please refer to the cover page of this solicitation for eligibility under this program.

JAG Program—Specific Information

Formula

Once each fiscal year's overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).
2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.
3. Dividing each state's final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.
4. Determining local unit of government award allocations, which are based on their proportion of the state's three-year violent crime average. If a local eligible award amount is less than \$10,000, the funds are returned to the state to be awarded to these

local units of government through the state agency. If the eligible award amount is \$10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

Award Amount

Eligible award amounts under JAG are posted annually to BJA's JAG web page: www.ojp.usdoj.gov/BJA/grant/jag.html.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Purpose Areas

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems for criminal justice that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Note: The authorizing statute for the JAG Program provides that funds are to be used for the purposes above and notes that these purposes include all of the purposes previously authorized under the Edward Byrne Memorial State and Local Assistance Program (Byrne Formula) and the Local Law Enforcement Block Grant Program (LLEBG). This provision may be useful to applicants in understanding all of the allowable uses under the above purpose areas. For example, relying on this provision, it can be understood that the JAG Purpose Area "Prosecution and court programs" listed above, provides the states and local units of government with the authority to fund defender, judicial, pretrial, and court administration efforts as well as prosecution programs. For a listing of prior Byrne Formula and LLEBG purpose areas, see www.ojp.usdoj.gov/BJA/grant/byrnepurpose.html. Although these two programs have been eliminated, their prior purpose areas may be useful in appreciating the scope of the JAG purpose areas.

JAG funds may also be used to address key statutory requirements that may not be otherwise funded, including requirements from the state and federal level, such as addressing limited English proficiency requirements and other similar mandates.

Priorities

BJA recognizes that the downturn in the economy has resulted in significant pressures on state and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. In light of this, it is important to make SAAs and local JAG recipients aware of several areas of priority that may be of help in maximizing the effectiveness of the Byrne JAG funding at the state and local level.

As an overall framework for success, we encourage both state and local comprehensive justice planning, bringing all of the system stakeholders together, including law enforcement, courts, prosecutors, defenders, corrections officials, and other stakeholders to create a comprehensive and strategic justice plan to ensure coordination and a more effective justice system.

As a part of this strategic planning process, we strongly encourage state and local planners to consider programs that are evidence-based and have been proven effective; in a difficult budgetary climate, it is critical that dollars are spent on programs whose effectiveness is proven. However, we recognize that state and local programs can also be excellent laboratories for innovative programs that can be models for other states and localities addressing difficult problems. BJA has made resources available to SAAs and others to provide training and technical assistance in identifying and using evidence-based practices as the outcome of a comprehensive and strategic justice plan in the state or local community. We also strongly encourage SAAs and local recipients to use JAG funding to support, replicate and expand strategic efforts to assess system cost drivers and to make appropriate policy changes that can reduce system costs while not jeopardizing public safety. These efforts include justice reinvestment and court reengineering as well as others.

In addition to these overarching considerations and in addition to our longstanding and unwavering commitment to keeping violent crime at its lowest level in decades, the following priorities represent key areas where we will be focusing nationally and invite each state to join us in addressing these challenges as a part of our JAG partnership.

Counterterrorism and Information Sharing/Fusion Centers

A key priority for DOJ and, indeed, the entire Administration, is effective counterterrorism and terrorism prevention programs. We recognize that state and local law enforcement are critical partners in detecting, identifying, preventing, and disrupting acts of violence against the United States by both domestic and international extremist organizations. Preventing terrorism remains the first goal of DOJ's strategic plan and remains a priority for BJA. A key priority of the National Strategy on Information Sharing for preventing terrorism includes support for State and Major Urban Area fusion centers (fusion centers) to address gaps in achieving full implementation of Global's Baseline Capabilities for fusion centers. Through the partnership of the U.S. Department of Homeland Security and DOJ the support for these fusion centers also enhances a state's response to "all crimes" by improving information sharing and coordination with local law enforcement agencies.

Evidence-Based Programs or Practices

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations). Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based.

Economic Crime

As our economy shows signs of recovery, it is essential that we not allow this progress to be thwarted by economic crime, including mortgage fraud, financial crimes, fraud, and intellectual property crimes that threaten our economic growth and stability.

Reentry and Smart Probation

In order to lessen the burden on what has been described as an overreliance on incarceration, it is essential that those who have served time can transition back into the community and into crime-free pro-social lives. To do this, we will emphasize smart and effective approaches to offender reentry and will support statewide and local efforts in justice reinvestment, which reduces costly spending on incarceration and reinvests a portion of the savings into other areas of the justice system without sacrificing accountability.

Indigent Defense

Another key priority area is ensuring that justice is truly done in the criminal justice system—the Attorney General has consistently stressed that the crisis in indigent defense reform is a serious concern of his, a concern which is shared by OJP and BJA. As a former prosecutor and judge, however, the Attorney General is also acutely aware that without adequate funding for the courts, prosecution, problem-solving courts, and other innovative, cost-saving alternatives to incarceration, true justice cannot be achieved.

Children Exposed To Violence

Last, but certainly not least, we must ensure that, in the context of our continued focus on addressing violent crime, children who are exposed to violence are responded to effectively so that these experiences do not risk the futures of these children and do not fuel the cycle of violence.

These priorities and others will be the focus of our efforts during FY 2011, and we invite you as a partner and grantee to join us in our efforts to address these critical issues.

Interoperable Communications

Grantees (including sub-grantees) that are using FY 2011 JAG Program funds to support emergency communications activities should comply with the *FY 2011 SAFECOM Guidance for Emergency Communication Grants*, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order. SAFECOM guidance can be found at www.safecomprogram.gov.

Grantees interested in developing a public safety broadband network in the 700 MHz band in their jurisdictions must adhere to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band. The recipient shall also ensure projects support the Statewide Communication Interoperability Plan (SCIP) and are fully coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of

BJA-2011-3031

SWICs for each of the 56 states and territories. Please contact OEC@hq.dhs.gov if you are not familiar with your state or territory's SWIC. If any future regulatory requirement (from the FCC or other governmental entity) results in a material technical or financial change in the project, the recipient should submit associated documentation, and other material, as applicable, for review by the SWIC to ensure coordination. Please note that for future year solicitations (FY 2012), BJA will require that the SWIC provide approval for changes in interoperable communication projects. Grantees should establish communications with the SWIC in their state or territory in the near future in order to ensure seamless coordination on all projects going forward.

Grantees (and sub-grantees) should provide a listing of all communications equipment purchased with grant award funding (plus the quantity purchased of each item) to their assigned BJA State Policy Advisor once items are procured during any periodic programmatic progress reports.

Responsibilities

The Chief Executive Officer (CEO) of an eligible unit of local government or other officer designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting quarterly financial status (SF-425) and performance metrics reports and annual programmatic reports; and providing ongoing oversight and assistance to any subrecipients of the funds.

Length of Awards

Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total grant period of 4 years. Extensions beyond this period may be made on a case-by-case basis at the discretion of the Director of BJA and must be requested via the Grants Management System (GMS) **no less than 30 days prior to the grant end date.**

Administrative Funds

A unit of local government may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds.

Disparate Certification

A disparate allocation occurs when a city or municipality is allocated one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crimes. A disparate allocation also occurs when multiple cities or municipalities are collectively allocated four times (400 percent) more than the county, and the county bears more than 50 percent of the collective costs associated with prosecution or incarceration of each municipality's Part 1 violent crimes.

- ★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which

jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.ojp.usdoj.gov/BJA/grant/jag11/11JAGMOU.pdf.

Governing Body Review

The applicant agency (fiscal agent in disparate situations) must make the grant application available for review by the governing body (or to the organization designated by the governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment

The applicant agency (the fiscal agent in disparate situations) must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and to neighborhood or community-based organizations.

Budget Information

Match Requirement

While match is not required with the JAG Program, match can be used as an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives.

Supplanting

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose. Supplanting is prohibited under JAG. Please see BJA's [JAG web page](#) and the updated JAG FAQs for examples of supplanting.

Trust Fund

Award recipients may drawdown JAG funds in advance. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. This trust fund requirement only applies to direct JAG award recipients as well as subrecipients that are not on a reimbursement basis.

Prohibited Uses

No JAG funds may be expended outside of JAG purpose areas. Even within these purpose areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

*For information related to requesting a waiver to use funds for any prohibited item, please refer to the updated JAG FAQs on BJA's [JAG web page](#).

Reporting Requirements

Once an award is accepted, award recipients must submit quarterly financial status (SF-425) and annual performance reports through [GMS](#).

In addition, applicants who receive funding under this solicitation must provide data that measures the results of their work. Please refer to "Performance Measures" below for further information.

Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measures the results of their work. **Quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) web site: www.bjaperformancetools.org. The performance measure can be found at: www.bjaperformancetools.org/help/ARRAJAGandJAGCombinedIndicatorGrid.pdf.**

All JAG recipients should be aware that BJA is currently considering changes to the JAG performance reporting processes, including measures. While state administering agencies will play a role in the process, recipients are advised that the reporting requirements noted above may be subject to modification through this process.

Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Please refer to the section "What an Application Must Include" (below) for additional information.

Note on project evaluations: Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protections. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting requirements likely do not constitute "research." Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” (28 C.F.R. § 46.102(d)). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP Other Requirements for OJP Applications” web page (www.ojp.usdoj.gov/funding/other_requirements.htm). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

Notice of New Post-Award Reporting Requirements

Applicants should anticipate that all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), will be required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at www.fsrs.gov/.

Please note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

How to Apply

Applications are submitted through OJP’s Grants Management System (GMS). GMS is a web-based, data-driven computer application that provides cradle to grave support for the application, award, and management of awards at OJP. Applicants must register in GMS for each specific funding opportunity and should begin the process immediately to meet the GMS registration deadline, especially if this is the first time using the system. Complete instructions on how to register and submit an application in GMS can be found at www.ojp.usdoj.gov/gmscbt/. If the applicant experiences technical difficulties at any point during this process, please e-mail GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), Monday-Friday from 6:00 a.m. to midnight eastern time, except federal holidays. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants should complete the following steps:

1. **Acquire a DUNS number.** A DUNS number is required to submit an application in GMS. In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS (Data Universal Numbering System) number in their application for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life

cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 866–705–5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days.

2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must **update or renew their CCR registration annually** to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.
3. **Acquire a GMS username and password.** A new user must create a GMS profile by selecting the “First Time User” link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/.
4. **Verify the CCR registration in GMS.** OJP requests that all applicants verify their CCR registration in GMS. Once logged into GMS, please click the “CCR Claim” link on the left side of the default screen. Click the submit button to verify the CCR registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the “Funding Opportunities” link on the left side of the page. Please select the Bureau of Justice Assistance and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program—Local Solicitation.
6. **Register by selecting the “Apply Online” button associated with the solicitation title.** The search results from step 5 will display the solicitation title along with the registration and application deadlines for this funding opportunity. Please select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.
7. **Submit an application consistent with this solicitation by following the directions in GMS.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, an applicant must wait for GMS approval before submitting an application. Applicants are urged to submit the application **at least 72 hours prior** to the due date of the application.

Note: OJP’s Grants Management System (GMS) does not accept executable file types as application attachments. The disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

Experiencing Unforeseen GMS Technical Issues

If an applicant experiences unforeseen GMS technical issues beyond the applicant’s control that prevent submission of its application by the deadline, the applicant must contact the Bureau of Justice Assistance Programs Office staff **within 24 hours after the deadline** and request approval to submit the application. At that time, BJA Programs Office staff will instruct the applicant to submit specific information detailing the technical difficulties. The applicant must e-

mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and GMS Help Desk tracking number(s) received. After the program office reviews all of the information submitted, and contacts the GMS Help Desk to validate the technical issues reported, OJP will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time, (2) failure to follow GMS instructions on how to register and apply as posted on its Web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Must Include

This section describes what an application is expected to include and sets out a number of elements. Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision nevertheless be made to make an award, will result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Memoranda of Understanding," etc.) for all required attachments.

1. Application for Federal Assistance (SF-424)

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form.

2. Program Narrative

Applicants **must** submit a program narrative that generally describes the proposed program activities for the four year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

3. Budget and Budget Narrative

Applicants **must** submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. This narrative should include a full breakdown of administrative costs, as well as an overview of

how funds will be allocated across approved JAG purpose areas. Applicants should utilize the following approved budget categories to label the requested expenditures: Personnel, Fringe Benefits, Travel, Equipment, Supplies, Consultants/Contracts, and an Other category. For informational purposes only, a sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf. Failure to submit this required information will result in an application being change requested in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding special condition at the time of award if time does not permit for a change request process.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

4. Review Narrative

Applicants **must** submit information documenting that the date the JAG application was made available for review to the governing body, or to an organization designated by that governing body, on a date not less than 30 days before the application was submitted to BJA. The attachment must also specify that an opportunity to comment was provided to citizens to the extent applicable law or established procedures make such opportunity available. Failure to submit this required information will result in an application being change requested in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding special condition at the time of award if time does not permit for a change request process.

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

5. Abstract

Applicants **must** provide an abstract that includes the applicant's name, title of the project, goals of the project, and a description of the strategies to be used. In addition, above or below the abstract narrative, applicants **must identify up to five project identifiers** that would be associated with proposed project activities. The list of all identifiers can be found at www.ojp.usdoj.gov/BJA/grant/jag11/JAGIdentifiers.pdf. The abstract **must not** exceed a half-page, or 400-500 words. Ray

Failure to submit this required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

~~6~~ Tribal Authorizing Resolution (if applicable)

If an application is being submitted by either (1) a tribe or tribal organization or (2) a third party proposing to provide direct services or assistance to residents on tribal lands, then a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable governing body authorizing the inclusion of the tribe or tribal organization and its membership should be included with the application. In those instances when an organization or consortium of tribes proposes to apply for a grant on behalf of a tribe or multiple specific tribes, then the application should include a resolution from all tribes that will be included as a part of the services/assistance provided under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from

all tribes in the consortium (i.e., without authorizing resolution or other enactment of each tribal governing body) may submit a copy of its consortium bylaws with the application in lieu of tribal resolutions.

7. Additional Attachments (if applicable)

Jurisdictions certified as disparate **must** identify a fiscal agent that will submit a **joint application** for the aggregate eligible allocation to all disparate municipalities. The joint application **must** determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, **must** be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU **must** be attached to the application. For a sample MOU, go to www.ojp.usdoj.gov/BJA/grant/jag11/11JAGMOU.pdf.

Failure to submit this required information will result in an application being change requested in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding special condition at the time of award if time does not permit for a change request process.

8. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP's funding page at www.ojp.usdoj.gov/funding/forms.htm. For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Please note in particular the following forms.

- a. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#) (required to be submitted in GMS prior to the receipt of any award funds).
- b. [Disclosure of Lobbying Activities](#) (required for any applicant that expends any funds for lobbying activities; this form must be downloaded, completed, and then uploaded).
- c. [Accounting System and Financial Capability Questionnaire](#) (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and then uploaded).
- d. [Standard Assurances](#) (required to be submitted in GMS prior to the receipt of any award funds).

Review Process

OJP is committed to ensuring a fair and open process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG).

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. We strongly encourage you to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- [Civil Rights Compliance](#)
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Nonsupplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in excess of \$5,000,000 – federal taxes certification requirement
- Active CCR Registration

Application Checklist
FY 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
Local Solicitation

The application checklist has been created to aid assist in developing an application.

Eligibility Requirement:

- _____ The jurisdiction listed as the legal name on the application corresponds with the eligible jurisdiction listed on BJA's JAG web page
- _____ The federal amount requested is within the allowable limit of the FY 2011 JAG Allocations List as listed on BJA's JAG web page

The Application Contains:

- _____ Standard 424 Form (see page 13)
- _____ Program Narrative (see page 13)
- _____ Budget and Budget Narrative (see page 13)
- _____ Review Narrative (the date the JAG application was made available to the governing body for review and that it was provided to the public for comment) (see page 14)
- _____ Abstract (see page 14)
- _____ Additional Attachment: Memorandum of Understanding (MOU), if in a funding disparity (see page 15)
- _____ Tribal Authorizing Resolution (if applicable) (see page 14)
- _____ Other Standard Forms as applicable (see page 15), including:
 - _____ Disclosure of Lobbying Activities (if applicable)
 - _____ Accounting System and Financial Capability Questionnaire (if applicable)
- _____ DUNS Number (see page 11)
- _____ CCR Registration (see page 12)



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

AGENDA ITEM: 10
MEETING DATE: 7/5/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, Community & Strategic Planning

TITLE:

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS

DESCRIPTION:

A public hearing to consider an administrative action to adopt an ordinance on first reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for a historic preservation brochure. The ordinance would transfer \$3,000 in grant funds from the Lodging Tax fund to the General Fund for creation of a historic tourism brochure of historic structures in Loveland.

BUDGET IMPACT:

Yes No

The grant funds were appropriated in the Lodging Tax fund grant program and are transferred to the General Fund, Development Services budget. Development Services serves as the staff liaison to the Historic Preservation Commission.

SUMMARY:

On May 3, 2011 City Council unanimously approved a resolution awarding a \$3,000 Lodging Tax Grant to the Historic Preservation Commission for the purpose of creating a walking tour brochure to be distributed to area hotels, the Loveland Visitor's Center, the Loveland Museum, and other venues frequently visited by tourists. The grant funds were originally appropriated in the Lodging Tax fund grant program and need to be transferred to the General Fund in the Development Services budget. Community and Strategic Planning staff will be responsible for managing and distributing the funds to allow the Historic Preservation Commission to create and publish the brochure.

LIST OF ATTACHMENTS:

1. AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS
-

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for Council action:

Move to adopt on first reading AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS.

REVIEWED BY CITY MANAGER:

FIRST READING July 5, 2011

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of \$3,000 from the Lodging Tax Grants in the Lodging Tax Fund 241 are available for appropriation. Revenues in the total amount of \$3,000 are transferred to the General Fund 001 and hereby appropriated for the creation of a Historic Tourism Brochure and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund - Historic Preveration Grant**

Revenues		
001-0000-373-01-21-LT1001	Transfer from Lodging Tax Fund	3,000
Total Revenue		3,000
Appropriations		
001-1914-409-03-50	Professional Services	3,000
Total Appropriations		3,000

**Supplemental Budget
Lodging Tax Fund - Historic Preservation Grant**

Appropriations

241-1822-409-04-40	Grants	(3,000)
241-1822-473-07-01-LT1001	Transfer to General fund	3,000

Total Appropriations -

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


ADOPTED this ____ day of July, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
FINANCE DEPARTMENT

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

AGENDA ITEM: 11
MEETING DATE: 7/5/2011
TO: City Council
FROM: Renee Wheeler, Assistant City Manager/Finance Director
PRESENTER: Renee Wheeler

TITLE:
May 2011 Financial Report

DESCRIPTION:

This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the five months ending May 31, 2011.

BUDGET IMPACT:

Yes No

SUMMARY:

The Snapshot Report is submitted for Council review and includes the reporting of the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the five months ending May 31, 2011. Citywide Revenue (excluding internal transfers) of \$79,950,559 is 102.4% of year to date (YTD) budget or \$1,859,188 over the budget. Sales Tax collections year to date are 103.6% of the YTD budget or \$461,664 over budget. Building Material Use Tax is 50.4% of YTD budget, or \$379,854 under budget. The year to date Sales and Use Tax collections were 101.0% of YTD budget or \$149,126 over YTD budget. When the combined sales and use tax for the current year are compared to 2010 the same period last year, they are higher by 3.2% or \$458,234.

City wide total expenditures of \$75,443,154 (excluding internal transfers) are 88.5% of the YTD budget or \$9,813,406 under the budget, primarily due to the construction timing of capital projects (61.6% YTD budget).

The City's health claims paid year-to-date is \$3,274,205 or 96.3% of budget. Compared to 2010 for the same period, claims paid in 2011 increased \$158,726 or 5.09%. The City's cash and reserve balance year-to-date was \$194,044,010.

LIST OF ATTACHMENTS:

Snapshot report for May 2011

RECOMMENDED CITY COUNCIL ACTION:

No action is required

REVIEWED BY CITY MANAGER:

SnapShot

Monthly Financial Report

May 2011

Inside this edition

Citywide Revenues & Expenditures	2
General Fund Revenues & Expenditures	4
Tax Totals & Comparison	6
Sales Tax SIC & Geo Codes	8
Health Care Claims	9
Activity Measures	10
Cash & Reserves	11
Capital Projects	12



A Snapshot In Time

- Citywide Revenue, excluding transfers between funds, \$80.0 million (102.4% of Year-To-Date Budget, 2.4% above projected)
- Sales & Use Tax Collection, \$14.6 million (101.0% of Year-To-Date Budget, 1% above projected)
- Citywide Expenditures, excluding transfers between funds, \$75.4 million (88.5% of Year-To-Date Budget, 11.5% below projected)
- Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$4.5 million.
- General Fund Revenue, excluding transfers between funds, \$28.1 million (104.5% of Year-To-Date Budget, 4.5% above projected).
- General Fund Expenditures, excluding transfers between funds, \$24.2 million, (98.4% of Year-To-Date Budget, 1.6% below projected)
- General Fund Revenues exceed Expenditures by \$3.6 million.
- Health Claims, \$3.3 million (96.3% of Year-To-Date Budget, 3.7% below projected)
- Cash & Reserves Year-To-Date Balance, \$194.0 million, \$142.8 million or 73.6% of these funds are restricted or reserved primarily for future capital projects.



The Sales Tax Basics

	MAY 2011	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2011	\$	12,865,440	\$ 793,550	\$ 766,550	\$ 14,425,540
Actual 2011	\$	13,327,104	\$ 860,866	\$ 386,696	\$ 14,574,666
% of Budget		103.6%	108.5%	50.4%	101.0%
Actual 2010	\$	12,545,564	\$ 754,819	\$ 816,049	\$ 14,116,432
Change from prior year		6.2%	14.0%	-52.6%	3.2%



Financial Sustainability

The City maintains projections for financial performance over 10 years into the future. Projections, based on the current information available, indicate that the revenues in the General Fund will not be sufficient to cover expenditures in each of the future years. The average gap between revenues and expenditures is projected to be \$3.5 million annually, 2012–2020. The Financial Sustainability Process has been designed to strategically evaluate durable solutions. City Council has been working on setting priorities and principles to guide the evaluation of ideas generated for solutions. Many different groups of people have been submitting ideas, including employees and citizens. Three Financial Sustainability Forums were held with members of the public. An online survey was open to the public through April 30. Financial sustainability strategy recommendations were approved June 7, 2011 by City Council.

Citywide Revenues & Expenditures

Monthly Financial Report

Combined Statement of Revenues and Expenditures MAY 2011

REVENUE	Current Month	YTD Actual	YTD Revised Budget **	% of Budget
General Governmental				
1 General Fund	\$ 6,498,730	\$ 28,065,371	\$ 26,864,538	104.5%
2 Special Revenue	92,067	303,593	402,200	75.5%
3 Other Entities	3,518,173	8,451,513	8,552,726	98.8%
4 Internal Service	1,676,852	6,865,491	6,760,118	101.6%
5 <i>Subtotal General Govt Operations</i>	\$ 11,785,822	\$ 43,685,968	\$ 42,579,582	102.6%
6 Capital Projects	829,007	4,145,620	4,461,419	92.9%
Enterprise Fund				
7 Water & Power	5,351,090	26,519,373	25,653,335	103.4%
8 Stormwater	363,250	1,756,281	1,791,665	98.0%
9 Golf	381,907	1,173,470	1,215,400	96.6%
10 Solid Waste	516,906	2,669,847	2,389,970	111.7%
11 <i>Subtotal Enterprise</i>	\$ 6,613,154	\$ 32,118,970	\$ 31,050,370	103.4%
12 Total Revenue	\$ 19,227,982	\$ 79,950,559	\$ 78,091,371	102.4%
<i>Prior Year External Revenue</i>		79,011,029		
<i>Increase (-Decrease) From Prior Year</i>		1.2%		
13 Internal Transfers	2,404,260	5,239,218	4,097,226	127.9%
14 Grand Total Revenues	\$ 21,632,242	\$ 85,189,776	\$ 82,188,597	103.7%

EXPENDITURES				
General Governmental				
15 General Fund	\$ 5,993,144	\$ 23,748,912	\$ 23,748,532	100.0%
16 Special Revenue	8,152	192,077	346,992	55.4%
17 Other Entities	3,044,154	7,235,784	7,387,871	97.9%
18 Internal Services	1,536,701	5,900,247	7,017,730	84.1%
19 <i>Subtotal General Gov't Operations</i>	\$ 10,582,150	\$ 37,077,021	\$ 38,501,125	96.3%
20 Capital	2,771,928	13,616,952	22,100,827	61.6%
Enterprise Fund				
21 Water & Power	4,453,106	21,540,940	20,926,540	102.9%
22 Stormwater	228,291	783,666	825,312	95.0%
23 Golf	293,720	908,614	1,108,175	82.0%
24 Solid Waste	412,085	1,515,962	1,794,581	84.5%
25 <i>Subtotal Enterprise</i>	\$ 5,387,202	\$ 24,749,181	\$ 24,654,608	100.4%
26 Total Expenditures	\$ 18,741,280	\$ 75,443,154	\$ 85,256,560	88.5%
<i>Prior Year External Expenditures</i>		67,991,533		
<i>Increase (-Decrease) From Prior Year</i>		11.0%		
27 Internal Transfers	2,404,260	5,239,218	4,097,226	127.9%
28 Grand Total Expenditures	\$ 21,145,540	\$ 80,682,372	\$ 89,353,786	90.3%

** Based on seasonality of receipts and expenditures since 1995.

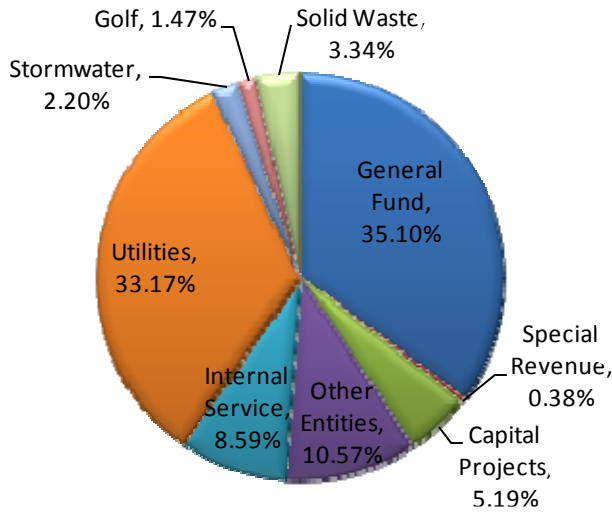
Special Revenue Funds: Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures.

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

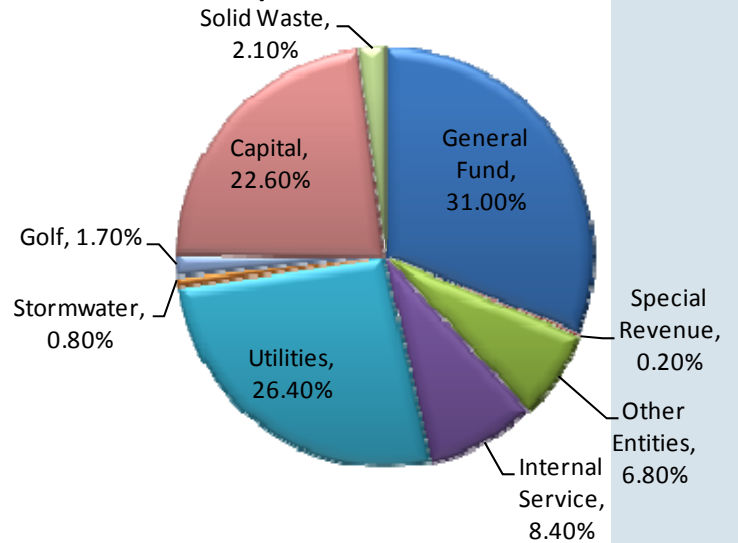
General Government Capital Projects Fund: Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

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

YTD Operating Revenues of \$79.95 Million



YTD Operating Expenditures of \$75.44 Million



Revenues exceed expenditures YTD by \$4,507,404. (Line #14 less Line #28)

Special Revenue (Line #2) is under budget due to a slow quarter for lodging tax and less grants from Community Development Block Program.

Capital Projects (Line #6) is under budget due to grant revenue for the Library construction project being recorded in the wrong fund by mistake (\$360,000). This will be corrected in June.

Solid Waste (Line #10) is over budget due to proceeds on sale of assets.

Internal Transfers (Lines #10 & #27) is over budget due to faster than anticipated progress on several streets projects, the library expansion, and Rialto Bridge project.

Special Revenue (Line #16) is under budget due to timing of Grants from lodging tax revenue and CDBG.

Internal Services (Line #18) is under budget due to timing of recording health claims, and payments for workers' compensation, supplies and purchased services.

Capital expenditures (Line #20) is under budget mainly due to low activity on the Wastewater and Power projects.

Stormwater (Line #22) is under budget due to less spending in their supplies, and purchased services.

Golf (Line #23) is under budget due to less spending in their personal services, supplies and purchased services budgets.

Solid Waste (Line #24) is under budget due to less spending on carts and bins, yard waste and solid waste disposal charges, and personal services.

YTD Operating Revenue & Expenditures By Comparison, Excluding Transfers



General Fund Revenues & Expenditures

Monthly Financial Report

General Fund Revenue & Expenditures MAY 2011

	REVENUE	MAY 2011	YTD Actual	YTD Revised Budget	% of Budget
1	Taxes				
2	Property Tax	1,726,494	4,525,667	4,437,520	102.0%
3	Sales Tax	2,462,213	13,327,104	12,865,440	103.6%
4	Building Use Tax	104,373	386,695	766,550	50.4%
5	Auto Use Tax	202,940	860,867	793,550	108.5%
6	Other Taxes	15,220	1,093,501	1,222,580	89.4%
7	Intergovernmental	744,344	2,937,761	2,511,748	117.0%
8	License & Permits				
9	Building Permits	117,606	449,758	325,450	138.2%
10	Other Permits	38,709	217,372	121,665	178.7%
11	Charges For Services	382,405	1,629,301	1,465,030	111.2%
12	Fines & Forfeitures	81,131	393,389	400,970	98.1%
13	Interest Income	37,875	181,360	186,575	97.2%
14	Miscellaneous	585,419	2,062,597	1,767,460	116.7%
15	<i>Subtotal</i>	\$ 6,498,730	\$ 28,065,371	\$ 26,864,538	104.5%
16	Internal Transfers	259,576	914,282	858,615	106.5%
17	Total Revenue	\$ 6,758,306	\$ 28,979,654	\$ 27,723,153	104.5%
	EXPENDITURES				
	Operating				
18	Legislative	\$ 6,669	\$ 39,098	\$ 50,710	77.1%
19	Executive & Legal	187,231	706,562	638,877	110.6%
20	Comm. & Bus. Relations	36,702	132,971	164,994	80.6%
21	Cultural Services	124,516	456,604	480,950	94.9%
22	Development Services	271,882	1,191,409	1,241,099	96.0%
23	Finance	230,265	804,234	876,549	91.8%
24	Fire & Rescue	883,152	3,297,196	3,046,615	108.2%
25	Human Resources	78,138	298,701	394,950	75.6%
26	Information Technology	297,818	1,451,522	1,621,314	89.5%
27	Library	238,926	965,406	961,621	100.4%
28	Parks & Recreation	902,192	2,947,545	3,375,982	87.3%
29	Police	1,713,946	7,022,162	6,419,366	109.4%
30	Public Works	1,174,223	4,373,414	4,443,865	98.4%
31	Non-Departmental	15,577	489,564	864,465	56.6%
32	<i>Subtotal Operating</i>	\$ 6,161,239	\$ 24,176,388	\$ 24,581,357	98.4%
33	Internal Transfers	671,655	1,241,006	1,518,513	81.7%
34	Total Expenditures	\$ 6,832,894	\$ 25,417,395	\$ 26,099,870	97.4%

Building Use Tax (Line #4) is under budget due to low building activity.

Auto Use Tax (Line #5) is over budget due to higher than expected sales.

Other Taxes (Line #6) is under budget due to lower revenue for alcohol tax, cable and gas franchise fees, and fiber optic lease fees.

Intergovernmental (Line #7) is over budget due to DOLA grant revenue for Library construction getting recorded in General Fund instead of the Capital Projects Fund.

Building Permits (Line #9) is over budget due to fees paid for an office building on Rocky Mountain Avenue.

Other Permits (Line #10) is over budget primarily due to school fees in lieu of land, and police special events permits

Charges For Services (Line #11) is over budget primarily due to recreation and adult athletics revenues.

Miscellaneous (Line #14) is over budget due to higher than anticipated collections for rental income, Library and Cultural Services donations, and proceeds on sale of assets .

Internal Transfers (Line #16) are over budget due to the transfer from Raw Water to General Fund for Agilent, approved by City Council on May 24, 2011. Transfer was made in May, but budget wasn't loaded until June.

Legislative (Line #18) is under budget mainly due to budget dollars for the Council Advance and travel and meetings not used.

Executive & Legal (Line #19) is over budget due to personal services. May had 3 pay periods, but the third pay period wasn't budgeted until June.

Comm. & Bus. Relations (Line #20) is under budget due to timing in spending their personal services and purchased services budgets.

Cultural Services (Line #21) is under budget due to timing in spending their personal services, supplies, repair and maintenance, and artist fees budgets.

Finance (Line #23) is under budget due to timing in spending their supplies, purchased services budgets for revenue audits, and bank charges/investment fees.

Fire & Rescue (Line #24) is over budget due to personal services. May had 3 pay periods, but the 3rd pay period wasn't budgeted until June.

Human Resources (Line #25) is under budget due to timing in spending their supplies, and purchased services budget, as well as a vacant position.

Information Technology (Line #26) is under budget due to timing in spending their computer supplies budget.

Parks & Recreation (Line #28) is under budget due to timing in spending their personal services, supplies, and purchased services budget.

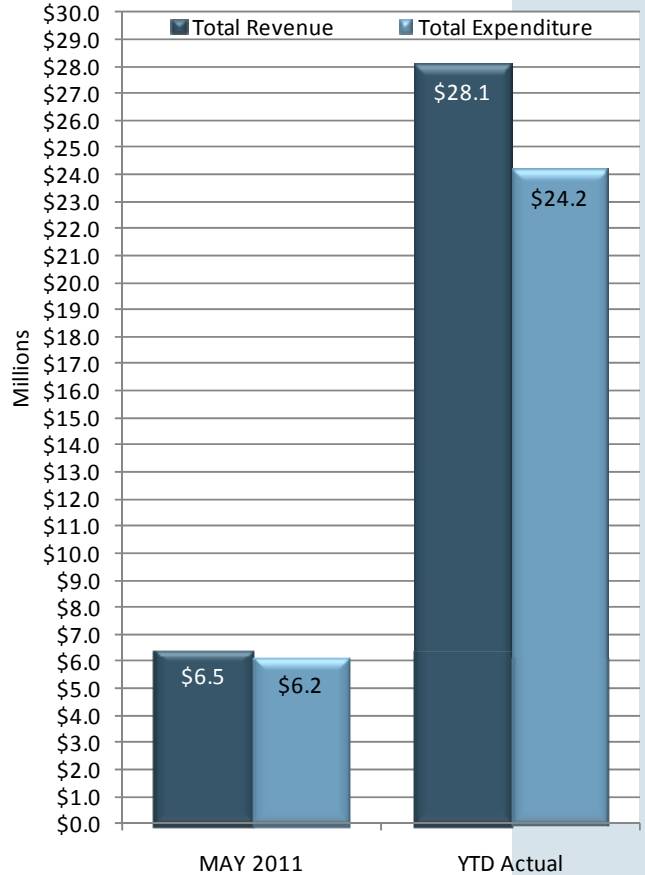
Police (Line #29) is over budget due to personal services. May had 3 pay periods, but the third pay period wasn't budgeted until June.

Non-Departmental (Line #31) is under budget due to timing in spending their purchased services budget for building and ground maintenance.

Internal Transfers (Line #33) are under budget due to timing of capital projects expenditures. Transfers are made monthly based on actual project costs. Also, no transfers have been made to risk for unemployment claims, or to power for building fee waivers.

Revenues exceed expenditures by \$3,562,259. (Line #17 less Line #34)

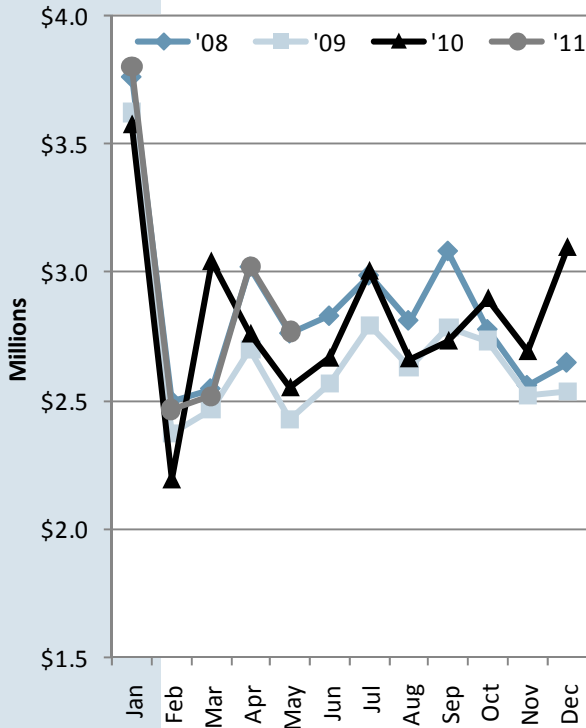
General Fund Operating Revenue & Expenditures By Comparison, Excluding Transfers



Tax Totals & Comparisons

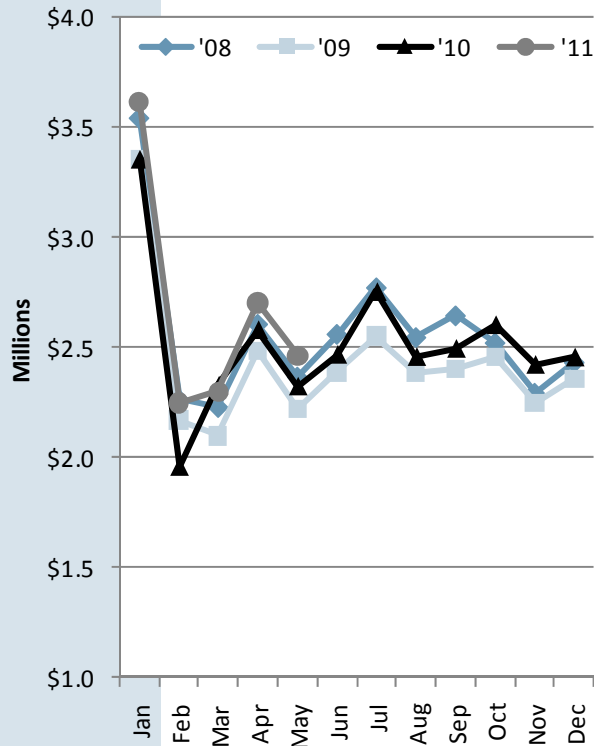
Monthly Financial Report

Sales & Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,763,212	\$ 3,622,251	\$ 3,573,972	\$ 3,799,760	\$ 3,708,140	2.5%
Feb	\$ 2,499,464	\$ 2,374,608	\$ 2,191,609	\$ 2,465,448	\$ 2,618,440	-5.8%
Mar	\$ 2,544,688	\$ 2,468,095	\$ 3,041,068	\$ 2,517,162	\$ 2,559,770	-1.7%
Apr	\$ 3,020,580	\$ 2,701,737	\$ 2,759,556	\$ 3,022,770	\$ 2,910,840	3.8%
May	\$ 2,761,197	\$ 2,428,860	\$ 2,550,227	\$ 2,769,526	\$ 2,628,350	5.4%
Jun	\$ 2,829,423	\$ 2,569,125	\$ 2,665,632		\$ 2,738,110	
Jul	\$ 2,987,495	\$ 2,794,222	\$ 3,004,324		\$ 2,968,340	
Aug	\$ 2,811,579	\$ 2,628,842	\$ 2,662,932		\$ 2,815,690	
Sep	\$ 3,082,644	\$ 2,782,768	\$ 2,732,087		\$ 2,884,640	
Oct	\$ 2,776,559	\$ 2,733,964	\$ 2,897,370		\$ 2,941,910	
Nov	\$ 2,557,802	\$ 2,522,092	\$ 2,690,549		\$ 2,659,950	
Dec	\$ 2,646,945	\$ 2,537,802	\$ 3,096,111		\$ 2,682,740	
	\$ 34,281,588	\$ 32,164,365	\$ 33,865,435	\$ 14,574,666	\$ 34,116,920	
YTD	\$ 14,589,141	\$ 13,595,551	\$ 14,116,432	\$ 14,574,666	\$ 14,425,540	1.0%

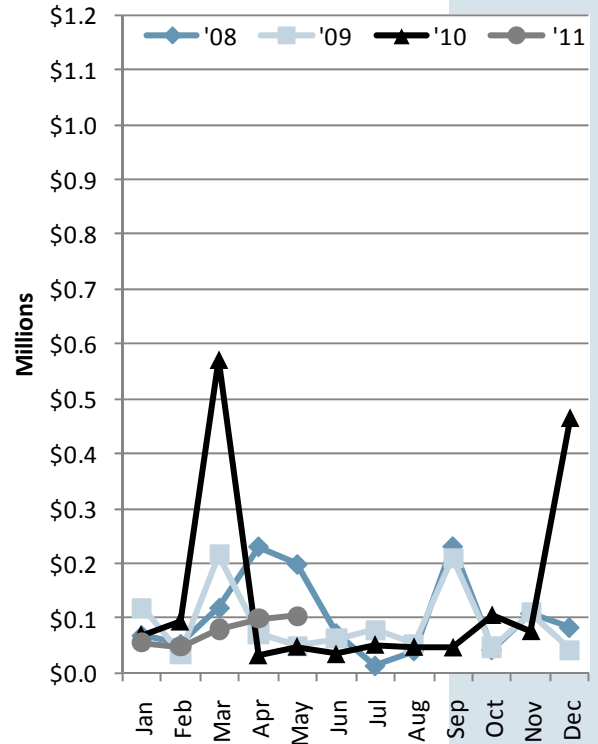
Retail Sales Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,538,021	\$ 3,354,704	\$ 3,352,821	\$ 3,613,881	\$ 3,419,500	5.7%
Feb	\$ 2,266,805	\$ 2,170,562	\$ 1,959,729	\$ 2,249,749	\$ 2,333,970	-3.6%
Mar	\$ 2,229,963	\$ 2,100,216	\$ 2,328,701	\$ 2,299,237	\$ 2,216,570	3.7%
Apr	\$ 2,605,919	\$ 2,482,752	\$ 2,579,918	\$ 2,702,024	\$ 2,585,290	4.5%
May	\$ 2,367,597	\$ 2,218,482	\$ 2,324,395	\$ 2,462,213	\$ 2,310,110	6.6%
Jun	\$ 2,560,453	\$ 2,390,535	\$ 2,468,207		\$ 2,489,270	
Jul	\$ 2,770,864	\$ 2,552,195	\$ 2,752,870		\$ 2,657,610	
Aug	\$ 2,546,052	\$ 2,383,119	\$ 2,458,382		\$ 2,481,550	
Sep	\$ 2,644,113	\$ 2,401,596	\$ 2,495,338		\$ 2,500,790	
Oct	\$ 2,521,253	\$ 2,457,158	\$ 2,602,599		\$ 2,558,640	
Nov	\$ 2,294,503	\$ 2,245,659	\$ 2,422,352		\$ 2,338,410	
Dec	\$ 2,432,635	\$ 2,358,273	\$ 2,455,821		\$ 2,424,090	
	\$ 30,778,179	\$ 29,115,253	\$ 30,201,133	\$ 13,327,104	\$ 30,315,800	
YTD	\$ 13,008,305	\$ 12,326,717	\$ 12,545,564	\$ 13,327,104	\$ 12,865,440	3.6%

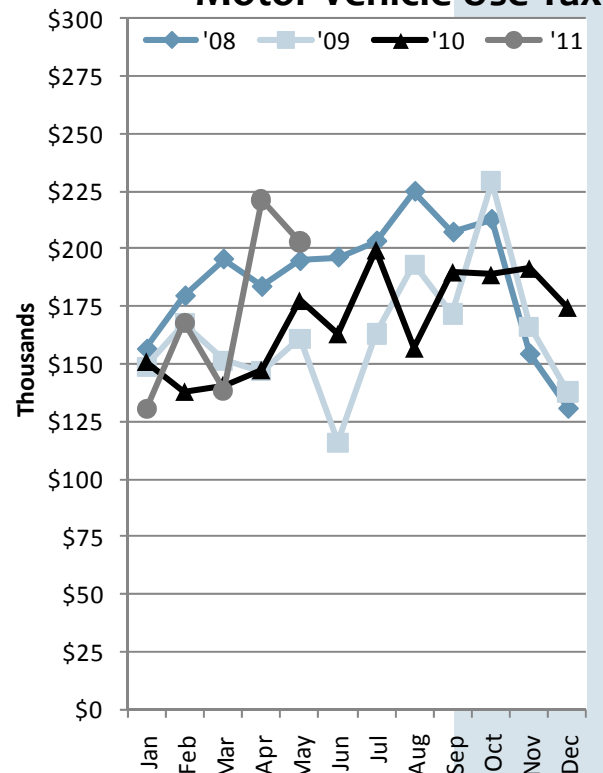
	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 68,522	\$ 118,719	\$ 70,117	\$ 55,542	\$ 136,380	-59.3%
Feb	\$ 52,986	\$ 36,254	\$ 93,928	\$ 47,622	\$ 112,810	-57.8%
Mar	\$ 119,149	\$ 216,500	\$ 571,599	\$ 79,590	\$ 188,330	-57.7%
Apr	\$ 230,954	\$ 72,251	\$ 32,260	\$ 99,569	\$ 175,440	-43.2%
May	\$ 198,765	\$ 49,434	\$ 48,145	\$ 104,373	\$ 153,590	-32.0%
Jun	\$ 72,544	\$ 62,723	\$ 34,349		\$ 130,300	
Jul	\$ 13,276	\$ 79,061	\$ 51,657		\$ 144,010	
Aug	\$ 40,683	\$ 52,578	\$ 47,716		\$ 136,550	
Sep	\$ 231,321	\$ 209,338	\$ 46,646		\$ 208,060	
Oct	\$ 42,561	\$ 47,437	\$ 105,818		\$ 148,620	
Nov	\$ 108,737	\$ 110,207	\$ 76,444		\$ 151,490	
Dec	\$ 83,315	\$ 41,844	\$ 465,626		\$ 115,540	
	\$ 1,262,815	\$ 1,096,346	\$ 1,644,305	\$ 386,696	\$ 1,801,120	
YTD	\$ 670,376	\$ 493,158	\$ 816,049	\$ 386,696	\$ 766,550	-49.6%

Building Material Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 156,669	\$ 148,828	\$ 151,034	\$ 130,337	\$ 152,260	-14.4%
Feb	\$ 179,673	\$ 167,793	\$ 137,951	\$ 168,077	\$ 171,660	-2.1%
Mar	\$ 195,576	\$ 151,378	\$ 140,768	\$ 138,335	\$ 154,870	-10.7%
Apr	\$ 183,707	\$ 146,734	\$ 147,378	\$ 221,177	\$ 150,110	47.3%
May	\$ 194,835	\$ 160,943	\$ 177,687	\$ 202,940	\$ 164,650	23.3%
Jun	\$ 196,426	\$ 115,867	\$ 163,076		\$ 118,540	
Jul	\$ 203,356	\$ 162,966	\$ 199,797		\$ 166,720	
Aug	\$ 224,843	\$ 193,144	\$ 156,834		\$ 197,590	
Sep	\$ 207,209	\$ 171,833	\$ 190,102		\$ 175,790	
Oct	\$ 212,745	\$ 229,369	\$ 188,953		\$ 234,650	
Nov	\$ 154,561	\$ 166,225	\$ 191,753		\$ 170,050	
Dec	\$ 130,995	\$ 137,685	\$ 174,664		\$ 143,110	
	\$ 2,240,595	\$ 1,952,766	\$ 2,019,997	\$ 860,866	\$ 2,000,000	
YTD	\$ 910,459	\$ 775,677	\$ 754,819	\$ 860,866	\$ 793,550	8.5%

Motor Vehicle Use Tax



Sales Tax Collections

Monthly Financial Report

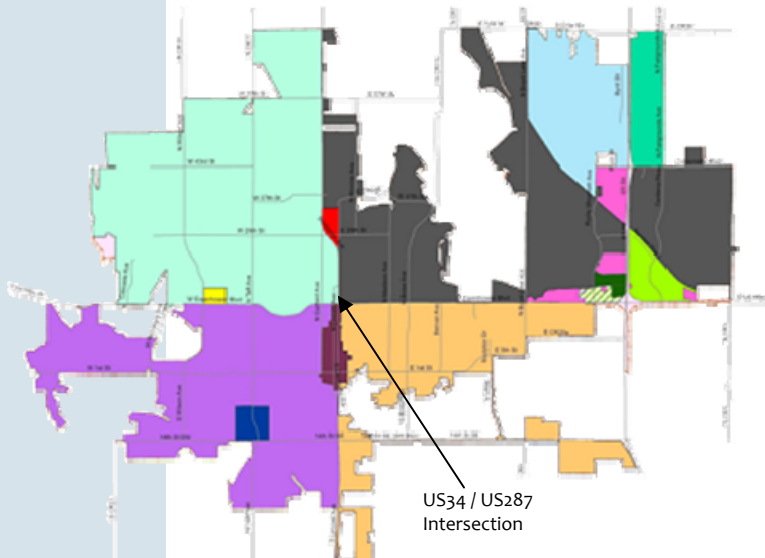
Collections By Standard Industrial Classification Code

Description	YTD 2011	YTD 2010	\$ Change	% Change	% of Total	Cumulative %
1 Department Stores & General Merchandise	\$ 3,074,479	\$ 3,047,536	\$ 26,943	0.9%	23.1%	23.1%
2 Restaurants & Bars	1,520,222	1,399,317	120,905	8.6%	11.4%	34.5%
3 Grocery Stores & Specialty Foods	1,411,042	1,341,066	69,976	5.2%	10.6%	45.1%
4 Clothing & Clothing Accessories Stores	960,250	826,933	133,317	16.1%	7.2%	52.3%
5 Utilities	835,990	863,560	(27,570)	-3.2%	6.3%	58.5%
6 Motor Vehicle Dealers, Auto Parts & Leasing	777,161	711,038	66,122	9.3%	5.8%	64.4%
7 Building Material & Lawn & Garden Supplies	773,162	712,994	60,168	8.4%	5.8%	70.2%
8 Sporting Goods, Hobby, Book & Music Stores	660,284	594,983	65,300	11.0%	5.0%	75.1%
9 Broadcasting & Telecommunications	571,772	553,509	18,264	3.3%	4.3%	79.4%
10 Used Merchandise Stores	371,516	336,261	35,255	10.5%	2.8%	82.2%
11 Electronics & Appliance Stores	321,576	308,734	12,842	4.2%	2.4%	84.6%
12 Beer, Wine & Liquor Stores	279,820	264,568	15,252	5.8%	2.1%	86.7%
13 Health & Personal Care Stores	240,732	214,764	25,968	12.1%	1.8%	88.5%
14 Hotels, Motels & Other Accommodations	239,005	192,277	46,728	24.3%	1.8%	90.3%
15 Consumer Goods & Commercial Equipment	205,564	205,538	26	0.0%	1.5%	91.9%
16 Electronic Shopping & Mail-Order Houses	202,649	147,971	54,678	37.0%	1.5%	93.4%
17 Furniture & Home Furnishing Stores	169,594	154,896	14,698	9.5%	1.3%	94.7%
18 Office Supplies, Stationery & Gift Stores	157,511	148,117	9,394	6.3%	1.2%	95.8%
19 Gasoline Stations with Convenience Stores	91,482	86,066	5,416	6.3%	0.7%	96.5%
20 All Other Categories	463,293	435,434	27,858	6.4%	3.5%	100.0%
Total	\$ 13,327,104	\$ 12,545,564	\$ 781,540	6.23%	100.0%	100.0%

Sales tax received through May 2011, is 6.23% over 2010. Every geographical area continues to show positive sales trends, with the Airport and Ranch areas showing the largest percentage increases due to new businesses and lots of events at the Event Center and the Fairgrounds. The Outlet Mall is up almost 14% in part from new store openings. The Centerra Marketplace (west of I-25) has the largest increase in dollars thanks to spending on clothing and clothing accessories and improved restaurant spending.

By business category; Electronic Shopping & Mail-Order Houses show the largest increase at 37% due to improved compliance and enforcement efforts. Hotels, Motels & Other Accommodations are up 24% over last year's strong sales numbers and Clothing & Clothing Accessories Stores are up 16%.

The year-to-date Audit Revenue is \$140,428 and \$145,313 has been collected in Lodging Tax.



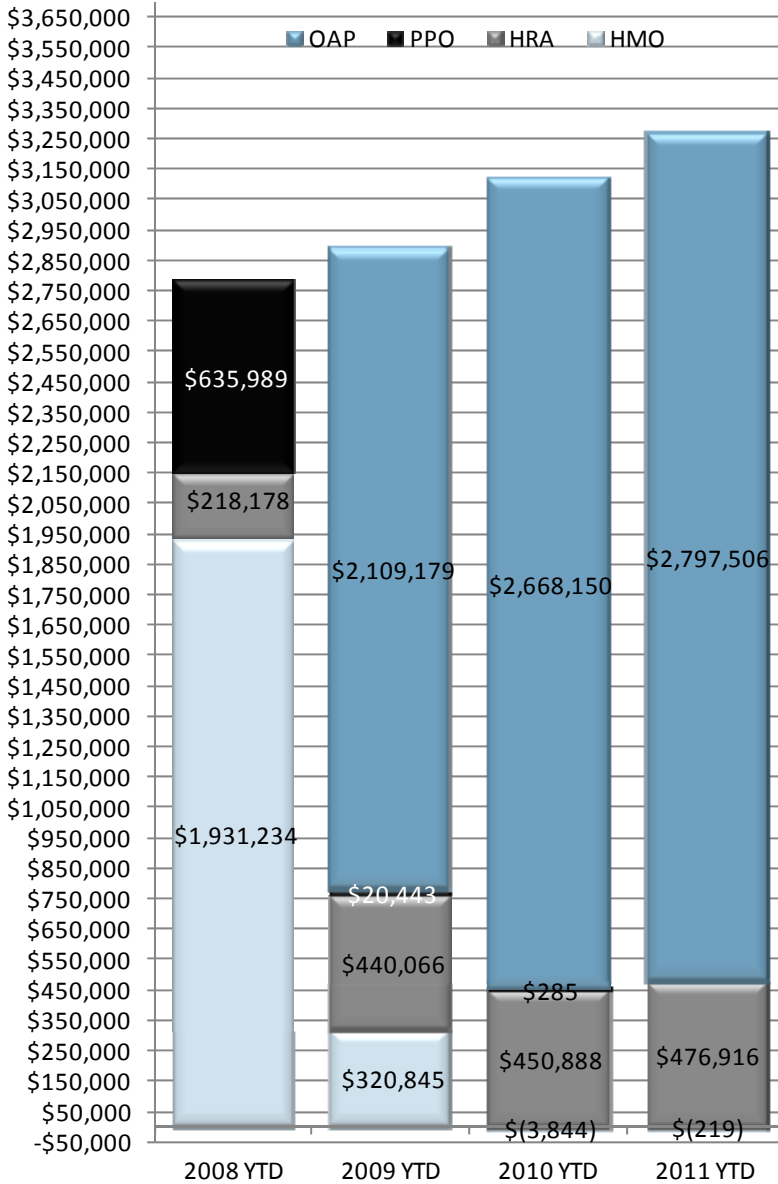
Collections By Geographical Code

Geographical Area	YTD 2011	YTD 2010	% Change
North West Loveland	\$1,525,126	\$1,489,686	2.38%
South West Loveland	\$421,673	\$394,224	6.96%
North East Loveland	\$819,877	\$756,821	8.33%
South East Loveland	\$3,143,139	\$3,070,279	2.37%
Orchards Shopping Center	\$875,017	\$824,721	6.10%
Columbine Shopping Center	\$237,748	\$227,370	4.56%
Downtown	\$427,781	\$416,010	2.83%
Centerra	\$1,245,711	\$1,122,713	10.96%
Promenade Shops	\$1,042,257	\$960,866	8.47%
Outlet Mall	\$511,859	\$449,715	13.82%
Thompson Valley Shopping Center	\$678,964	\$625,380	8.57%
The Ranch	\$271,174	\$215,140	26.05%
Airport	\$135,733	\$104,588	29.78%
All Other Areas	\$1,991,044	\$1,888,051	5.45%
Total	\$13,327,104	\$12,545,564	6.23%

Health Care Claims

May 2011

YTD Processed Claims

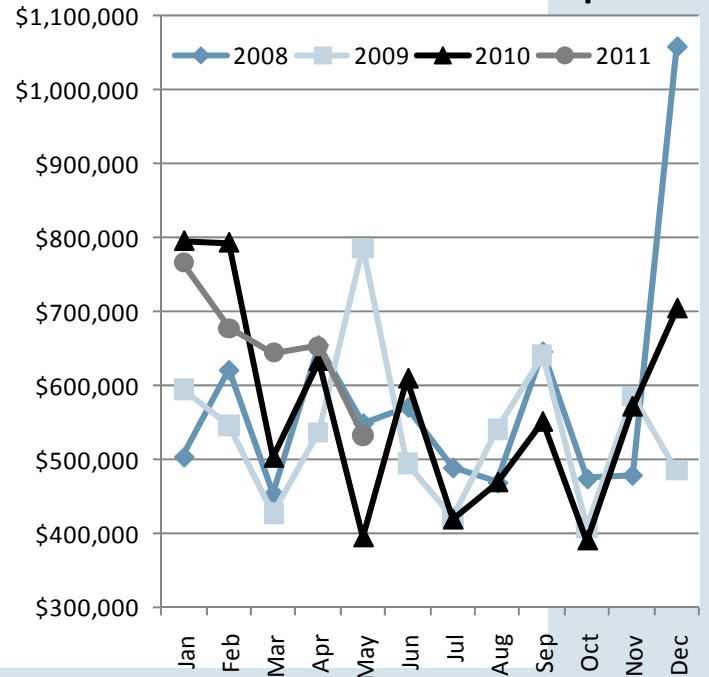


Claims Over \$25k Comparison (2008-2011)

	Year-to-date # of claims			
	2008	2009	2010	2011
May YTD	17	17	16	19

2011 Stoploss YTD claims: 0

Total Incurred Claims Comparison



Cash Basis for Claims Paid

		HMO	OAP	HRA	PPO	Total	Budget	\$ Over / (Under) Budget	% Over / (Under) Budget
		2011	May	\$ -	\$ 447,073	\$ 85,754	\$ -	\$ 532,827	\$ 680,043
	YTD	-	2,797,507	476,698	-	3,274,205	3,400,213	(126,008)	-3.7%
2010	May	\$ (263)	\$ 359,833	\$ 34,180	\$ -	\$ 394,013	\$ 630,046	\$ (236,033)	-37.5%
	YTD	\$ (3,844)	\$ 2,668,150	\$ 450,888	\$ 285	\$ 3,115,479	\$ 3,150,229	\$ (34,750)	-1.1%
Change	May	\$ -	\$ 87,240	\$ 51,574	\$ -	\$ 138,814			
	% Apr	0.0%	24.2%	150.9%	0.0%	35.2%			
	YTD	\$ (3,844)	\$ 129,357	\$ 25,810	\$ (285)	\$ 158,726			
	% YTD	100.0%	4.8%	5.7%	-100.0%	5.1%			

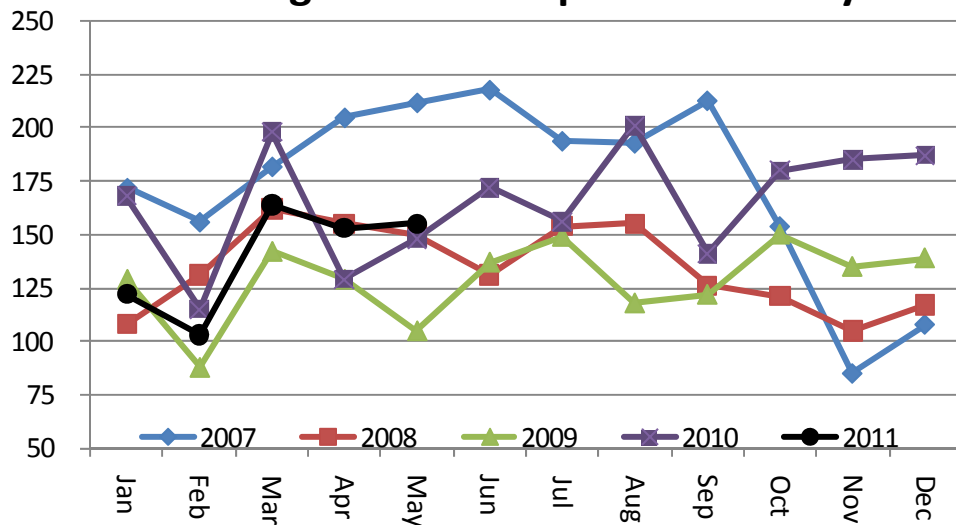
Activity Measures

Monthly Financial Report

Activity Measures

Measures	May '09	May '10	May '11	2009 YTD	2010 YTD	2011 YTD
# of Building Permits	105	148	155	593	758	697
Building Permit Valuations	\$ 3,536,207	\$ 3,592,092	\$11,733,254	\$ 30,994,338	\$ 72,108,895	\$ 37,037,521
# of Certified Occupancies	13	20	14	97	70	90
Net # of Sales Tax Licenses	23	38	38	94	65	59
New Residential Electric Meter Sets	4	33	11	56	72	170
# of Utility Bills Sent	33,517	35,007	35,514	166,948	174,685	177,276
Rounds of Golf	16,669	15,033	13,606	39,174	28,974	32,954
Health Claim Costs/Emp.	\$ 782	\$ 644	\$ 625	\$ 4,790	\$ 5,056	\$ 4,999
# of Vacant Positions	6	11	14			
# of Frozen Vacant Positions	1	11	13			
# of Eliminated Positions	14	38	45			
KWH Demand (kH)	98,469	101,019	83,497	446,412	455,683	456,567
KWH Purchased (kwh)	52,862,226	53,333,809	55,282,456	271,349,343	273,350,947	283,317,468
Gallons of Water Sold	229,071,483	197,000,798	250,555,559	816,882,657	770,689,784	829,637,998
# of Workers' Comp Claims	4	8	10	32	65	45
\$ of Workers' Comp Claims Paid	\$ 25,934	\$ 44,053	\$ 8,970	\$ 50,316	\$ 60,435	\$ 25,281
# of Open Claims Current Year	NA	7	12			
# of Total Open Claims	NA	11	14			
\$ of Total Open Claims	\$ 177,339	\$ 210,881	\$ 64,096			
# of Hotel Rooms	NA	1,117	1,117			
\$ of Lodging Tax Collected	NA	\$ 32,589	\$ 33,265	NA	\$ 120,763	\$ 145,313

Building Permit Comparison History



Cash & Reserves

May 2011

Cash & Reserves

Total Cash & Reserves = \$194.0 million, of which \$142.8 million is restricted or reserved, or 73.6%, leaving \$51.2 million unrestricted.

Statement of Cash May 2011			
	Beginning	YTD Activity	Ending
Restricted			
1 Capital Expansion Fees	\$ 36,464,857	\$ (501,516)	\$ 35,963,341
2 Other Special Revenue Funds	20,268,968	400,017	20,668,985
3 Capital Projects	3,439,842	(1,020,671)	2,419,171
4 Debt Reserves-Golf	-	-	-
5 Water System Impact Fees	5,634,568	811,272	6,445,839
6 Windy Gap	4,776,059	(535,359)	4,240,700
7 Raw Water	22,801,762	(4,151,201)	18,650,560
8 Wastewater System Impact Fees	4,258,451	510,604	4,769,054
9 Storm Drainage System Impact Fees	1,542,372	(209,096)	1,333,276
10 Power System Impact Fees	5,624,382	747,204	6,371,587
11 Cemetery	2,433,991	38,934	2,472,925
12 Other Entities	3,393,300	1,597,624	4,990,924
13 Total Restricted	\$ 110,638,551	\$ (2,312,188)	\$ 108,326,364
Committed/Assigned Balance Amounts			
14 General Fund			
15 Operating/Emergency ***	1,731,040	-	1,731,040
16 Council Contingency	-	-	-
17 Council Capital Reserve ***	4,730,850	(1,091,750)	3,639,100
18 Liability	125,000	-	125,000
19 Equipment Replacement	-	-	-
20 Police Communication Console Replacement	512,000	104,000	616,000
21 Library Reserve	158,379	1,060	159,439
22 Library Building Reserve	16,750	-	16,750
23 Telephone Switch Reserve	261,460	-	261,460
24 Excess TABOR	5,698,193	(366,266)	5,331,927
25 Water	660,898	(340,441)	320,458
26 Wastewater	816,746	1,164	817,910
27 Storm Water	442,355	20,476	462,831
28 Power	2,696,087	241,104	2,937,191
29 Golf	243,784	1,631	245,415
30 Insurance Reserves	4,632,532	(85,370)	4,547,162
31 Employee Benefits	6,443,162	361,252	6,804,414
32 Fleet Replacement	6,208,177	273,740	6,481,917
33 Total Committed/Assigned	\$ 35,377,415	\$ (879,400)	\$ 34,498,014
34 Total Restricted/Committed/Assigned	\$ 146,015,966	\$ (3,191,588)	\$ 142,824,378
Unassigned Balance Amounts			
35 General	12,740,445	4,292,856	17,033,301
36 Airport	814,146	140,017	954,163
37 Internal Service - Vehicle Maintenance	57,032	38,607	95,639
38 Golf	902,662	42,015	944,677
39 Water	3,745,091	(1,929,164)	1,815,926
40 Wastewater	7,350,712	10,479	7,361,191
41 Power	15,277,828	1,366,254	16,644,082
42 Stormwater	2,506,679	116,029	2,622,708
43 Solid Waste	2,873,450	874,495	3,747,945
44 Total Unassigned	\$ 46,268,044	\$ 4,951,588	\$ 51,219,632
45 Total Cash	\$ 192,284,010	\$ 1,760,000	\$ 194,044,010

*Operating/Emergency: TABOR Amendment requirement for 3% of operating expenditures excluding transfers and debt.

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

***Contributions made at year end.

(Line #17) Council Capital Reserve:
\$900,000 Downtown Improvements
\$191,750 Interfund Loan Payment

(Line #22) The market value of the Proctor & Gamble Stock as of December 31, 2010 is \$205,856. This value represents the original value of the stock when it was first donated.

(Line #24) Six main streets projects are: US 34/Madison, Boyd Lake Ave Extension, Signal at 4th/Lincoln, Crossroads/71st St, 57th/287, and Crossroads/I-25

Prepared by:
Finance Department

WEBSITE: WWW.CITYOFLOVELAND.ORG

Citywide Capital Projects Over \$500,000

Project Title	2011 Budget	2011 Expenditures	Remaining 2011 Budget	% of 2011 Budget (Exp/Bud)	Budget Book Page #
Water Capital					
Washington Ave WL Replacement	\$ 547,810	\$ 110,521	\$ 437,289	20.18%	C-115
Filter Plant 2 Improvements	\$ 827,210	\$ 930,943	\$ (103,733)	112.54%	C-113
Raw Water Capital					
Windy Gap Firming Project	\$ 596,490	\$ -	\$ 596,490	0.00%	C-86
Purchase Colorado Big Thompson Water	\$ 4,500,000	\$ 4,500,000	\$ -	100.00%	C-87
Wastewater Utility Capital					
Carlisle Phase IV (Taft to RR)	\$ 601,510	\$ 16,959	\$ 584,551	2.82%	C-101
Waste Activated Sludge Thickening	\$ 5,738,330	\$ 173,006	\$ 5,565,324	3.01%	C-88
Power Capital					
Horseshoe Sub tie S along Taft to ckt existing on West 29th	\$ 2,300,000	\$ 3,755	\$ 2,296,245	0.16%	
West Sub tie E along Arkins Branch, N along Wilson to 29th	\$ 1,300,000	\$ 3,080	\$ 1,296,920	0.24%	
Valley Sub tie W along 402, N along Wilson, W along Arkins to W Sub	\$ 1,100,000	\$ 1,768	\$ 1,098,232	0.16%	
Horseshoe Sub - New Transformer	\$ 1,200,000	\$ -	\$ 1,200,000	0.00%	
Stormwater Capital					
Washington Ave Outfall Phase 4	\$ 3,313,990	\$ 857,883	\$ 2,456,107	25.89%	
Streets Transportation Program					
US34/Madison	\$ 749,020	\$ 122,682	\$ 626,338	16.38%	
Boyd Lake Ave Extension	\$ 1,005,100	\$ 212,501	\$ 792,599	21.14%	C-71
2011 Street Rehabilitation	\$ 2,956,210	\$ 153,727	\$ 2,802,483	5.20%	C-39
All Other					
Downtown Infrastructure	\$ 900,000	\$ -	\$ 900,000	0.00%	C-40
Open Lands Acquisition	\$ 2,445,000	\$ -	\$ 2,445,000	0.00%	C-29
MeHaffey Park Development	\$ 640,000	\$ -	\$ 640,000	0.00%	C-28
Library Expansion*	\$ 7,870,850	\$ 1,922,245	\$ 5,948,605	24.42%	

*Budget will be rolled from 2010

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

For more information regarding this report contact:
Renee Wheeler, Assistant City Manager
970.962.2704 or wheeler@ci.loveland.co.us





CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 7/5/2011
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE: Investment Report for May 2011

DESCRIPTION: This is an information only item. No Council action is required. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first five months of 2011, the amount posted to the investment account is \$1,259,936 including realized gains. Actual year-to-date earnings are lower than the year-to-date projection by \$58,035. Based on May's monthly statement, the estimated annualized yield is about 2.01%, just over the annual target rate. Interest rates are trending lower, but annual returns should still meet the target.

BUDGET IMPACT: Investment earnings provide revenue to the City's various funds.

Yes No

SUMMARY: At the end of May, the City's total portfolio had an estimated market value of \$195.2 million, about \$ 1.7 million more than a month ago. Of this amount, USBank held (including accrued interest) \$185.1 million in trust accounts; other funds are held in local government investment pools, in operating accounts at WellsFargo Bank, and a few miscellaneous accounts. Based on the monthly report from the trustee, USBank, the estimated annualized yield on securities held at the end of May was 2.01%, slightly lower than the prior month. Investments are held in US Treasury Notes, highly-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, 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 \$1.9 million annually. Each basis point would be about \$19,520 annually.

LIST OF ATTACHMENTS: Investment Focus May 2011

RECOMMENDED CITY COUNCIL ACTION: For Council's information; questions welcomed.

REVIEWED BY CITY MANAGER:



Investment Focus

Monthly Investment Report

May 2011

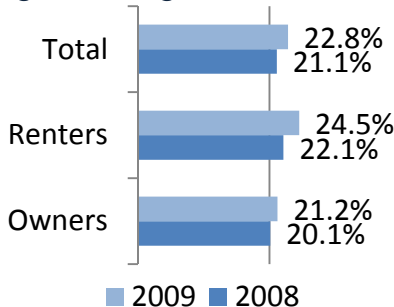
What's in here?

Focal Points	1
Gain / Loss	
Rate Trends	2
Cash Statement	3
Portfolio size	4
Investment types	
Transactions /	5
Maturity	
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Focal Points

- * **2011 targets for the City's portfolio: 1) the interest rate target is 2.0%; 2) the earnings goal = \$3,163,130**
- * **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- * **Revenue posted to accounts = \$1,259,936. This includes realized gains on the sale of securities of \$55,922.**
- * **Each 1% of the total portfolio amounts to about \$1.95 million.**
- * **Lower interest rates make the unrealized loss lower – now at \$382,614.**

Has the decrease in housing prices helped solve the affordable housing issue? *Not really. The level of Working Households with a Severe Housing Cost Burden grew during the recession.*



Source: Center for Housing Policy February 2011

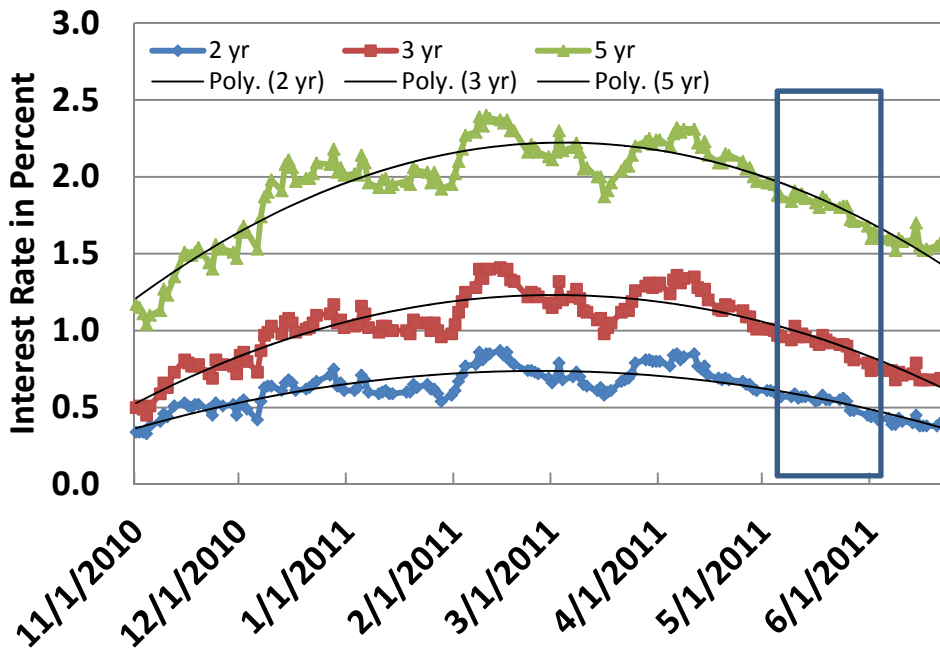
Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 7,260,701	\$ 7,260,701	--
Investment Pools	2,770,574	2,770,574	--
Money Markets	<u>10,019,171</u>	<u>10,019,171</u>	--
Subtotal	\$ 20,050,446	\$ 20,050,446	--
Notes and Bonds	<u>175,536,943</u>	<u>175,154,329</u>	(\$ 382,614)
Total Portfolio	\$ 195,587,389	\$ 195,204,775	(\$ 382,614)
Data Sources	(Morgan Stanley)	(US Bank)	

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



Monthly Investment Report

Interest rate trends / housing cost burden



Since reaching record lows in early November, interest rates rose through February and have since trended downward.

Based on the 2-year treasury, the May month-end rate was 16 basis points lower (a 26% decrease) than April.

When the treasury market shifts like this, the value of prior investments increases. The down-side is that reinvestment yields are lower.

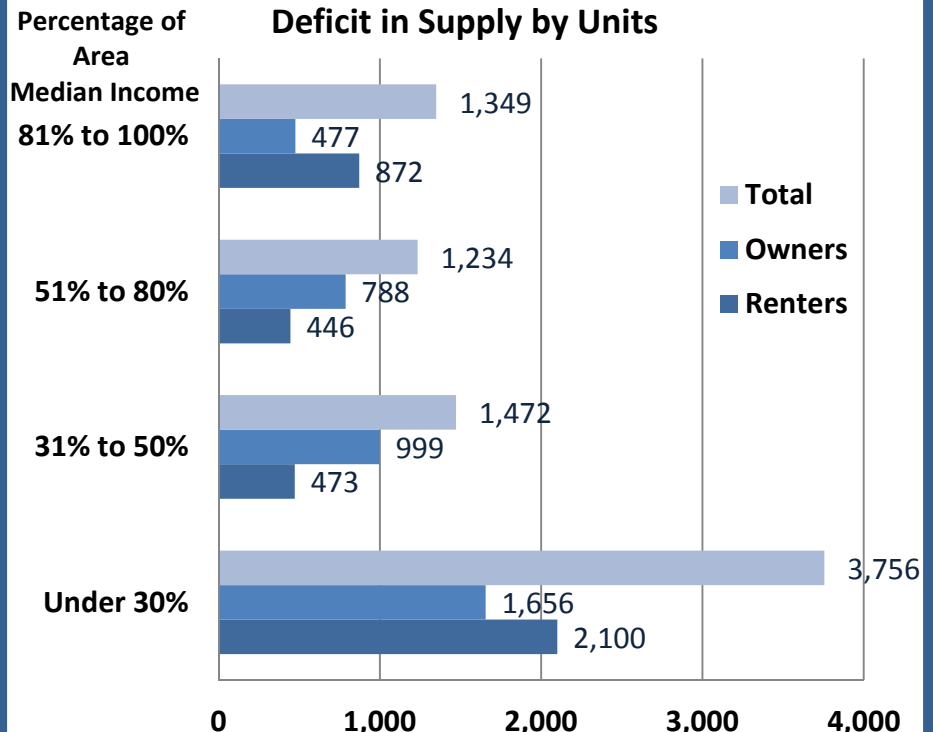
Loveland Housing Affordability

Just like the national statistics in the chart on page one, the pressure on affordable housing for low- and moderate- income households continues to be a challenge in Loveland.

The chart at the right shows the Affordable Housing Gap. Based on the data, there is a housing deficit of nearly 8,000 housing units for low- and moderate-income households. Based on recent meetings with affordable housing builders, staff heard about the challenges in the post-recession markets. It is nearly impossible to find financing for projects. The need is the most pressing at the lowest incomes.

Source: Larimer County Housing Needs Assessment September 2009

Loveland's Affordable Housing Gap Deficit in Supply by Units



May 2011

Cash Position Summary

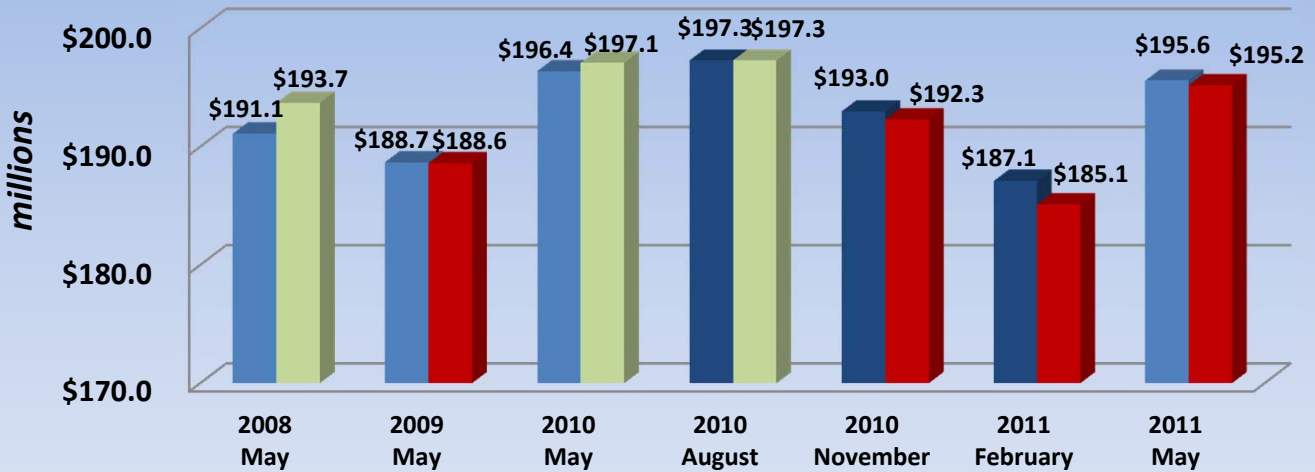
Cash & Reserves (unaudited)

	2011 Beginning	YTD Activity	Month End Total	
Restricted Reserves				
1	Capital Expansion Fees	\$ 36,464,857	\$ (501,516)	\$ 35,963,341
2	Water System Impact Fees	5,634,568	811,272	6,445,839
3	Raw Water Revenue – Windy Gap	27,577,821	(4,686,560)	22,891,260
4	Wastewater System Imp. Fees	4,258,451	510,604	4,769,054
5	Storm Drain System Imp. Fees	1,542,372	(209,096)	1,333,276
6	Power Plant Investment Fees	5,624,382	747,204	6,371,587
7	Cemetery Perpetual Care	2,433,991	38,934	2,472,925
8	Other Restricted	27,102,110	967,970	28,079,081
9	Total Restricted	\$ 110,638,551	\$ (2,312,188)	\$ 108,326,364
Reserve Balance Amounts				
10	General Fund	\$ 13,233,672	\$ (1,352,956)	\$ 11,880,716
11	Enterprise Funds	4,859,870	(76,066)	4,783,804
12	Internal Service Funds	17,283,872	549,622	17,833,494
13	Total Reserves	\$ 35,377,415	\$ (879,400)	\$ 34,498,014
14	Total Restricted and Reserved	\$ 146,015,966	\$ (3,191,588)	\$ 142,824,378
Unrestricted				
15	General Fund	\$ 12,740,445	\$ 4,292,856	\$ 17,033,301
16	Airport	814,146	140,017	954,163
17	Internal Service – Vehicle Maint	57,032	38,607	95,639
18	Enterprise Funds	32,656,422	480,108	33,136,530
19	Total Unrestricted	\$ 46,268,044	\$ 4,951,588	\$ 51,219,632
20	TOTAL CASH	\$ 192,284,010	\$ 1,760,000	\$ 194,044,010

Monthly Investment Report

Portfolio Size / Types of Investments

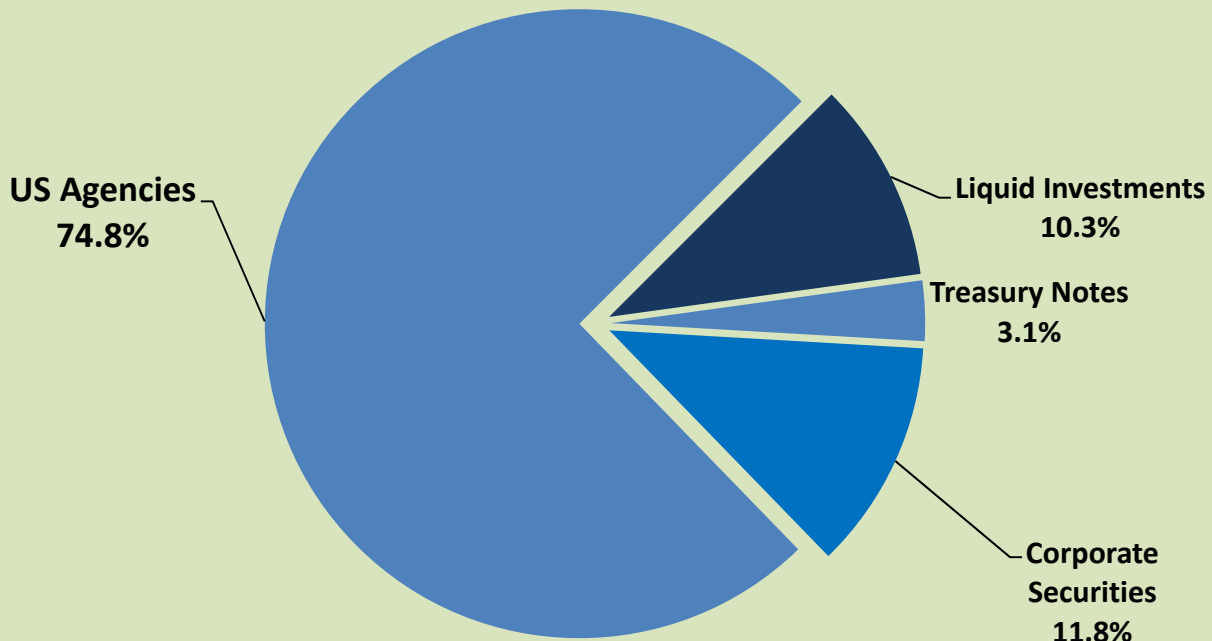
Portfolio Size since May 2008



Blue bars show Purchase value, red and green bars show market value, red = loss and green = gain

Portfolio by Type of Investment

May 2011 – Value of \$194.4 million



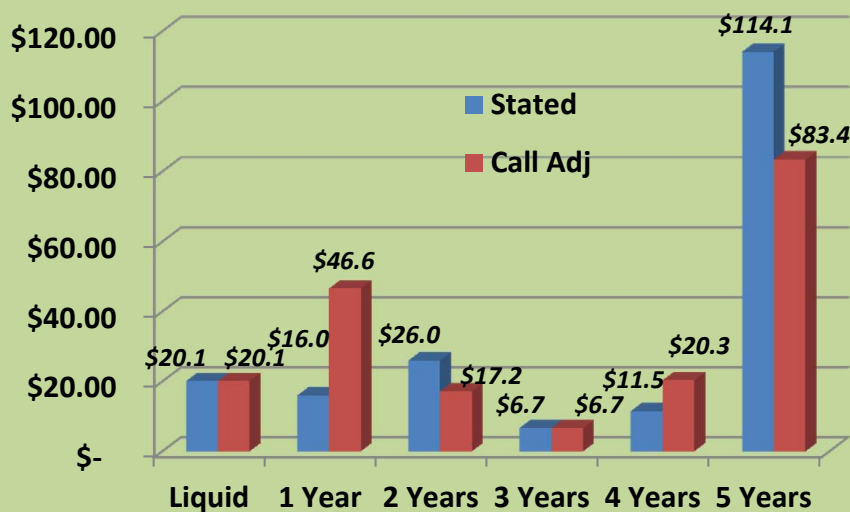
May 2011

Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
<u>Purchases</u>				
General Electric Corp Note	05/01/2013	\$ 2,000,000	\$ 2,136,040.00	4.800%
Barclays Bank Corp Note	01/13/2014	1,500,000	1,518,079.50	Floating
<u>Matured</u>		None this month		
<u>Called</u>		None this month		<u>Call Value \$</u>
<u>Sales</u>			<u>Gain \$</u>	
Credit Suisse USA Corp Note	04/12/2013	\$ 1,500,000	\$ 11,620.31	0.553%
Federal Home Loan Bank	06/29/2015	3,000,000	6,900.00	2.000%
Fed Nat'l Mortgage Assn.	10/21/2015	5,000,000	20,000.00	2.125%

Portfolio by Maturity Term

(in millions - Total = \$194.4 at the end of May 2011)



The target rate for 2011 is 2.0%. For the 1st five months, rates have been near this level, so the portfolio is still on track to reach the interest rate target level for 2011.

To support earnings or to reposition the portfolio, bonds may be sold. Gains on sales total \$55,921 to date.

The blue bars show the stated term. Red bars show the calls given the recent interest rate trends. It is expected that many of the five year bonds will be called early.



Future Scan / rates still on hold and recovery weak

- ❖ The **Federal Open Market Committee** (“FOMC”) kept short-term interest rates at a record low near zero at its latest policy meeting on June 21-22. The Fed downgraded many of the growth indicators that track the economy. High gasoline and grocery prices have tested consumer’s confidence and they have cut back on spending. The FOMC is now expected to keep rates low throughout 2011 and in to 2012. The next meeting will be held on August 9th.
- ❖ In Chairman Bernanke’s post-FOMC press conference, the questions were tougher than last month and revealed a Fed Chairman who was befuddled with the economic situation. Bernanke said that part of the slowdown in economic growth was related to Japan and higher oil prices but that there were other factors that he could not explain. Economic weakness in the recent months is signaling far less momentum than previously thought. These events have driven interest rates lower. Nearly all economists have revised their forecasts for economic growth lower for the second half of 2011.
- ❖ Loveland’s labor market **expanded** again in May with 225 more jobs when compared to April. Compared to the revised estimate for May 2010, there are 238 more jobs for city residents. Using non-seasonally adjusted data for April, the national unemployment rate was 9.2%, the State of Colorado was 8.5%, Larimer County was 6.6%, Fort Collins was 7.6% and Loveland **was 5.8%**. Of Colorado cities, only Lafayette and Parker were lower at 5.1% and 4.8% respectively. Aurora (Adams County) had the highest unemployment rate at 15.9%.
- ❖ The Conference Board’s index of leading indicators rebounded in May after slipping into negative territory in April. This was the first negative reading after nine consecutive months of positives. The 8/10^{ths} of a percent increase was good news. Economists explained that the indicator shows that the recovery will be modest over the next few months.
- ❖ Most of the major economic forecasting firms have revised their outlook for interest rates lower through the second half of 2011. Average interest rates in May decreased by 26% (basis the two-year treasury). For purposes of the City’s next budget and capital improvement plan, lower rates have been incorporated into the future revenue flows. For 2011, the interest rate projection remains at 2%. This is much higher than current rate levels for the five-year treasury.

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

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Monthly Investment Report

May 2011



Updated for Colorado Labor data for May

- ❑ Loveland's workforce **expanded** in May, up 225 jobs from April 2011.
- ❑ Compared to one year ago in May, there are 238 more jobs.

