

**LOVELAND CITY COUNCIL MEETING  
TUESDAY, AUGUST 7, 2012  
CITY COUNCIL CHAMBERS  
500 EAST THIRD STREET  
LOVELAND, COLORADO**

**THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.**

**5:30 P.M.                      DINNER - City Manager's Conference Room  
6:30 P.M.                      REGULAR MEETING - City Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. 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**

1.     **CITY CLERK**  
**APPROVAL OF COUNCIL MINUTES**  
**Consideration of a motion approving Council minutes**  
This is an administrative action to approve Council minutes from the following meetings:  
July 10, 2012 study session and July 17, 2012 regular meeting.
  
2.     **CITY MANAGER**  
**APPOINTMENTS TO BOARDS & COMMISSIONS**  
**Consideration of a motion appointing and reappointing members to various boards and commission**  
This is an administrative action to consider the following appointments:

Volunteer Fire Fighters' Pension Board of Trustees: John Stuart is recommended for appointment for a term effective until June 30, 2016.

Disabilities Advisory Commission: John Suess is recommended for reappointment and Chris Kanowitz is recommended for appointment both for terms effective until June 30, 2015.

Human Services Commission: Melody Bettenhausen and Tim Hitchcock are recommended for appointment both for terms effective until June 30, 2015. Jacqueline Elliott is recommended for reappointment for a term effective until June 30, 2015. Audra Montoya is recommended for appointment as an Alternate member for a term effective until June 30, 2013.

Library Board: Louise Lucke is recommended for appointment to a partial term effective until December 31, 2013.

Transportation Advisory Board: Bruce Croissant is recommended for appointment for a partial term effective until June 30, 2013.

### 3. **DEVELOPMENT SERVICES**

#### **REZONE PROPERTY – AGILENT OPEN SPACE**

**Consideration on second reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located in the amended plat of: the amended plat of CMS Addition and the Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the amended plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett - Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado**

This item is consideration of a quasi-judicial action to adopt an ordinance, on second reading, to rezone the property described in said ordinance, from I- Developing Industrial District and DR- Developing Resource District to PP- Public Park District. The property is to be known as the River's Edge Natural Area. The applicant is the City of Loveland Parks and Recreation Department. City Council unanimously adopted the ordinance on first reading on July 17, 2012.

### 4. **DEVELOPMENT SERVICES**

#### **DESIGNATION OF RAY HOUSE/HAUSEMAN HOUSE AS HISTORIC LANDMARK**

**Consideration on second reading of an ordinance designating as a historic landmark the Ray House/Hauseman House located at 524 North Harrison Avenue in Loveland, Colorado**

A legislative action to adopt an ordinance on second reading designating as a Historic Landmark the "Ray House/Hauseman House" at 524 North Harrison Avenue, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff reviewed the benefits and obligations of historic designation with the property owner. City Council unanimously adopted the ordinance on first reading on July 17, 2012.

5. **DEVELOPMENT SERVICES**  
**PUBLIC HEARING**

**DRAINAGE AND UTILITY EASEMENT VACATION - ALFORD LAKES FIRST SUBDIVISION**

**Consideration on first reading of an ordinance vacating a portion of a drainage and utility easement on Lot 39, Block 1, Alford Lakes First Subdivision, City of Loveland**

A public hearing on a legislative action to consider a request to vacate a 122.5 square foot portion of a drainage and utility easement in the Alford Lake First Subdivision, located at 5285 Crabapple Court.

6. **DEVELOPMENT SERVICES**

**NOMINATION OF MILNER-SCHWARZ HOUSE FOR NATIONAL REGISTER OF HISTORIC PLACES**

**Consideration of Resolution #R-52-2012 authorizing the City Manager to sign an application nominating the Milner-Schwarz House to the National Register of Historic Places**

An administrative action to consider authorizing the City Manager to sign an application to nominate the Milner-Schwarz House, located at 700 South Railroad Avenue, to the National Register of Historic Places. The Historic Preservation Commission recommends Council approval of the resolution. If national designation is attained, state designation is recognized automatically.

7. **POLICE**

**CONTRACT AWARD TO MOTOROLA FOR POLICE COMMUNICATION EQUIPMENT**

**Consideration of a motion awarding a contract to Motorola Solutions, Inc. in the amount of \$889,517 for the purchase of a Motorola MCC7500 dispatch console system and authorizing the City Manager to execute the contract**

This is an administrative action awarding a contract for replacement of communication console software and equipment. The new equipment will be comprised of one dispatch center and ten (10) operator positions located at the Loveland Police Department. This is a sole source procurement to retain compatibility with other emergency service providers in the area.

8. **AIRPORT**

**FAA GRANT AWARDS**

**Consideration of Resolution #R-53-2012 authorizing the City Manager to execute the 2012 grant agreements (Project No. 3-08-0023-30 and Project No. 3-08-0023-31) with the Federal Aviation Administration for improvements and equipment acquisitions at the Fort Collins-Loveland Municipal Airport**

This is an administrative action. The resolution authorizes the City Manager to execute two grant agreements with the Federal Aviation Administration for funds in the amounts of \$295,592 and \$234,685. The first FAA grant in the amount of \$295,592 will be used for the phase one engineering design of an aircraft apron rehabilitation project. The second FAA grant in the estimated amount of \$234,685 will be used to pay for the acquisition of snow removal equipment.

**END OF CONSENT AGENDA**

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

**CITY COUNCIL**

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

**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 quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.*

**REGULAR AGENDA****CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA****9. FINANCE****June 2012 Financial Report**

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the five months ending June 30, 2012.

**10. CITY MANAGER****Investment Report for June 2012**

This is an information only item. The budget estimate for investment earnings for 2012 is \$2,729,560. Through June 2012, the amount posted to the investment account is \$1,758,377 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$387,749. Based on the June monthly statement, the estimated annualized yield on the U.S. agencies and corporates dropped up to 1.31%, under the annual target rate of 1.7% for 2012. Reinvestment rates are still near record low levels, much lower than the budget projection.

**11. CITY MANAGER****MID-YEAR REVIEW OF CITY COUNCIL GOALS FOR 2012**

This is an information only item. The City Council held its Annual Advance on January 21, 2012 at Group Publishing in Loveland. This annual event is intended for the Council to set major goals and priorities for the coming year. As follow-up to the Advance, the Council expressed interest in holding a mid-year review to evaluate progress. This is that review.

**ADJOURN**



City Council Study Session  
 July 10, 2012  
 Page 1 of 1

Mayor Gutierrez called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, Farley, Fogle, Taylor, Trenary, Klassen, McKean and Shaffer. City Manager Bill Cahill was also present.

1.     Development Services  
 Loveland's Historic Preservation Program  
 Development Services Director Greg George introduced this item to Council. Historic Preservation Commission Chair, Jim Fox focused on an overview of historic preservation in Loveland and the economic benefits of historic preservation. Council thanked the commission for the presentation.
  
2.     City Manager  
 Capital Expansion Fee Progress Report  
 Executive Fiscal Advisor Alan Krcmarik introduced this item to Council for information and discussion. City staff members began the process with a Study Session in March to conduct a major review of the Capital Expansion Fees covering the introduction of the process and a history of how the City has used Capital Expansion Fees since 1984. Staff provided a progress report on the survey conducted with 14 other Colorado communities showing vast differences in the ways fees are tallied thereby making the comparisons inexact although as specific as possible. The study covered single-family homes, apartments and industrial projects. Council discussion ensued. Another survey is planned that will cover office and retail development. Loveland's development costs appear to be in line with neighboring cities. The studies will be used to determine Loveland's competitiveness with other communities. Council directed staff to move forward with the next survey.

Staff will bring an emergency ordinance to Council on July 17, 2012 to extend the time period addressing the use of open flames, as defined by the Governor's Executive Order D 2012-015, dated June 14, 2012.

Having no further business to come before Council, the July 10, 2012 Study Session was adjourned at 9:39 p.m.

Respectfully Submitted,

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Jeannie M. Weaver, Deputy City Clerk

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Cecil A. Gutierrez, Mayor

**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, Farley, Klassen, Shaffer, Trenary, Fogle, McKean, and Taylor.

**PROCLAMATION** Councilor McKean read a proclamation declaring the month of August 3-7, 2012 as "Larimer County Fair and PRCA Rodeo Days" and July 28, 2012 as "Larimer County Fair and PRCA Rodeo Parade Day". The proclamation was accepted by Gil Barela, chairman of the Larimer County Fair Board.

**PROCLAMATION**

**WHEREAS** The City of Loveland has been a major part of the Larimer County Fair and PRCA Rodeo since its inception; and

**WHEREAS** The Loveland community supports the Family Concept as a way of life; and

**WHEREAS** The City of Loveland has been an integral part of the 4-H Community and their family oriented Activities; and

**WHEREAS** Agriculture and Livestock are a large part of the success of the Loveland Community; and

**WHEREAS** The Larimer County Fair and PRCA Rodeo has provided a fun, safe, and productive environment for the City of Loveland and also the visitors of the Fair.

Now Therefore, we the City Council of Loveland, Colorado do hereby proclaim August 3-7, 2012 as:

**LARIMER COUNTY FAIR AND PRCA RODEO DAYS**

and July 28, 2012 as:

**LARIMER COUNTY FAIR AND PRCA RODEO PARADE DAY "RED WHITE AND BLUE THROUGH AND THROUGH"**

In Loveland, Colorado, and in doing so encourage all citizens to attend the Larimer County Fair and PRCA Rodeo.

Signed this 17th day of July, 2012

Cecil A. Gutierrez Mayor  
City of Loveland

**PROCLAMATION** Mayor Gutierrez read a proclamation declaring Kenneth Weedin an "Honored Citizen" of Loveland, Colorado. Kenneth Weedin accepted the proclamation.

**PROCLAMATION NAMING KENNETH WEEDIN, "HONORED CITIZEN"**

**WHEREAS** Kenneth Weedin moved his family to Loveland in 1956 and became a partner in the oldest insurance agency in town, Chesebro and Patterson; and

**WHEREAS** Kenneth Weedin and his family's business, The Weedin Insurance Agency, has been successful in Loveland for 56 years; and

**WHEREAS** Kenneth Weedin has dedicated his life to service in the business community having served as Chamber of Commerce President in 1966, started TEEM, The East Eisenhower Merchants, in the 1970's, served as President of the Colorado Association of Realtors in 1974, been a member of the Loveland Rotary for 50 years, chaired the U-Care Project to fund planters and trees in Downtown Loveland; and

**WHEREAS** Kenneth Weedin was instrumental in fundraising the money and getting the volunteer labor necessary to build the Chamber of Commerce building on West 51h Street in Downtown Loveland; and

City Council Regular Meeting  
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WHEREAS Kenneth Weedin's involvement in economic development brought Alco, the first major discount store, to Loveland; and

WHEREAS Kenneth Weedin served two terms on the Loveland City Council 1961 to 1962 and served as Mayor Pro-Tem 1970 to 1971, and was in the 1 vote majority that voted to extend utilities to Highway 402 in order to ensure that Hewlett Packard would locate their first facility outside California in Loveland; and

WHEREAS Kenneth Weedin's service and commitment to the citizens of Loveland has made the City of Loveland a better community.

NOW, THEREFORE, I, Cecil A. Gutierrez, Mayor of the City of Loveland, Colorado do hereby proclaim Kenneth Weedin as an "Honored Citizen" of the City of Loveland and express the City's appreciation and gratitude for his leadership and the contributions he has made toward making Loveland the "masterpiece" of Northern Colorado.

Signed this 17th day of July, 2012  
 Cecil A. Gutierrez, Mayor  
 City of Loveland

**PRESENTATION** Mayor Gutierrez presented the Distinguished Budget Presentation Award for the 2012 Budget to Budget Officer, John Hartman and Adam Dorritie from the Budget Department.

**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 Shaffer moved to approve the Consent Agenda. The motion was seconded by Councilor Farley and a roll call vote was taken with all councilors present voting in favor thereof. Councilor McKean abstained from voting on Item 1 as he was not in attendance at the Council meetings referenced in Item 1 "Approval of Council Minutes".

**1. CITY CLERK**  
**Approval of Council Minutes**  
**Motion**

Administrative Action: The minutes from the June 26, 2012 study session; the June 26, 2012 special meeting and the July 3, 2012 regular meeting were approved.

## **2. CITY MANAGER**

### **Appointments to the Community Marketing Commission**

#### **Motion**

Administrative Action: A motion reappointing Kurt Albers and Tom Dwyer to the Community Marketing Commission for a term effective until June 30, 2015 was approved.

## **3. WATER & POWER**

### **Municipal Code Amendment – Chapter 19.04 concerning water rights in accordance with the 2012 Raw Water Master Plan**

#### **Ordinance #5691**

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 19.04 CONCERNING WATER RIGHTS IN ACCORDANCE WITH THE 2012 RAW WATER MASTER PLAN" was approved and ordered published on second reading.

## **4. CITY CLERK**

### **Change to City of Loveland Ward Boundaries**

#### **a) Ordinance #5692**

Legislative Action: "AN ORDINANCE AMENDING CHAPTER 1.24 OF THE LOVELAND MUNICIPAL CODE CHANGING THE BOUNDARIES OF THE CITY'S FOUR WARDS" was approved and ordered published on second reading.

#### **b) Resolution #R-50-2012**

Legislative Action: A resolution changing the boundaries of the City of Loveland's four wards and establishing the City's voter precincts was approved.

#### **RESOLUTION #R-50-2012**

#### **A RESOLUTION CHANGING THE BOUNDARIES OF THE CITY OF LOVELAND'S FOUR WARDS AND ESTABLISHING THE CITY'S VOTER PRECINCTS**

WHEREAS, Loveland Charter Section 6-4(a) provides that the City shall be divided into four wards, the boundaries of which may be changed by resolution adopted by a vote of the majority of the entire City Council; and

WHEREAS, Loveland Charter Section 6-4(b) provides that the boundaries of the wards shall be changed as necessary to conform to constitutional apportionment requirements; and

WHEREAS, as a result of the Federal 2010 Census, it is necessary to change the boundaries of the wards to conform to the constitutional apportionment requirements; and

WHEREAS, CRS Section 31-10-502 provides that each of the City's voter precincts shall not contain more than one ward; and

WHEREAS, traditionally the City's voter precincts have corresponded to the voter precincts established by Larimer County as they are located within the City; and

WHEREAS, on January 10, 2012, the Board of County Commissioners of Larimer County adopted Resolution No. 01102012R010 establishing the boundaries of the new voter precincts for all of Larimer County based on the Federal 2010 Census; and

WHEREAS, the City of Loveland Ward and Voter Precinct Map attached hereto as Exhibit "A" and incorporated by reference, represents the new boundaries of the City's wards which meet constitutional and statutory requirements and that establishes the City's new voter precincts which correspond with the new voter precincts within the City established by the Board of County Commissioners of Larimer County in its Resolution No. 01102012R010 ("the Ward and Precinct Map").

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

Section 1. That the Ward and Precinct Map is hereby approved changing and establishing the boundaries of the City's four wards as shown on the Map and establishing the City's voter precincts as shown on the Map. This Ward and Precinct Map shall supersede and replace in all respects all previous ward and precinct maps approved by the City Council including, without limitation, those maps approved in Council's Resolution No. R-41-2003 and Resolution No. R-69-2007.

Section 2. That this Resolution shall go into effect on the date that the City Council Ordinance No.5692 becomes law as provided in Loveland Charter Section 4-8(b).

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Dated this 17th day of July, 2012.  
 Cecil A. Gutierrez, Mayor  
 Attest: Teresa G. Andrews, City Clerk  
 Exhibit A is available in the City Clerk's Office

## **5. PUBLIC WORKS**

### **Supplemental Appropriation – Grant Funds for Traffic Signal Interconnect System**

**Ordinance #5693**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR A FEDERAL GRANT TO DESIGN AND CONSTRUCT A RELIABLE TRAFFIC SIGNAL/ITS DEVICES INTERCONNECT SYSTEM EXPANSION ALONG REGIONALLY SIGNIFICANT CORRIDORS IN LOVELAND" was approved and ordered published on second reading.

## **6. FINANCE**

### **Supplemental Appropriation – New PEG Fee fund Transfer**

**Ordinance #5694**

Administrative Action: "AN ORDINANCE ON FIRST READING ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO TRANSFER FUND BALANCE TO THE NEW PEG FEE FUND" was approved and ordered published on second reading.

## **7. DEVELOPMENT SERVICES**

### **Designation of Ray House/Hauseman House as Historic Landmark**

**1<sup>st</sup> Rdg Ord & P.H.**

Legislative Action: A public hearing was held and "AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK THE RAY HOUSE/HAUSEMAN HOUSE LOCATED AT 524 NORTH HARRISON AVENUE IN LOVELAND, COLORADO" was approved and ordered published on first reading.

## **8. DEVELOPMENT SERVICES**

### **Rezone Property – HP/Agilent Open Space**

**1<sup>st</sup> 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 certain property located in the amended plat of: the amended plat of CMS Addition and the Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the amended plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett-Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado" was approved and ordered published on first reading.

**CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

## CITY COUNCIL

### a) Citizens' Reports

None

### b) Business from Council

Klassen

Councilor Klassen attended an event at Heska with the Rocky Mountain Center for Innovation. He also attended the grand opening celebration for the SNAG and the mini-course at the Cattail Creek Golf Course. He praised former councilmember Cathleen McEwen and her service to Loveland. Councilor Klassen spoke on the issue of taxing internet sales.

Taylor

Councilor Taylor mentioned the many outstanding events occurring in Loveland this summer. Saturday, July 21, 2012 is the Cherry Pie & Street Dance Celebration in downtown Loveland. He expressed his appreciation to Cathleen McEwen for her service to the community.

McKean

Councilor McKean acknowledged former councilmember Cathleen McEwen contributions to the City and said he would miss her fairness and expertise.

Farley

Councilor Farley also acknowledged Cathleen McEwen contributions and wished her well.

Shaffer

Councilor Shaffer also thanked Cathleen McEwen for her service. She mentioned the North Front Range Metropolitan Planning Organization is continuing to move forward with their search for an Executive Director. She attended many community events over the weekend including the Robin Dodge exhibit at the Museum, dedication of four pieces of art at the Benson Sculpture Garden and the Loveland loves BBQ, Bands and Brews event.

Trenary

Councilor Trenary attended the Colorado Oil & Gas exploration event. He thanked all those involved with the Loveland Loves BBQ, Bands and Brews event. He mentioned the tourism brand launch is occurring at the Visitor's Center on July 18, 2012. He will be serving pie at the Cherry Pie & Street Dance Celebration next weekend. He thanked Cathleen McEwen for her service and wished her the best.

Fogle

Councilor Fogle thanked all those involved with the Loveland loves BBQ, Bands and Brews event especially Engaging Loveland. He wished Cathleen McEwen best of luck. He also thanked the Police Department for their service. Four councilors supported Councilor Fogle's request to look at the action the City of Greeley has taken which allows open consumption (of liquor) in a specific area downtown during their Friday Night Events.

Gutierrez

Mayor Gutierrez spoke about the many wonderful events occurring in Loveland and in particular he enjoyed the "rolling artwork-cars display" at Loveland Loves BBQ, Bands and Brews event. Another activity being held is the tourism brand launch at the Visitor's Center on Wednesday, July 18, 2012 at 3:00 pm. The Mayor also mentioned attending a meeting with local Chief Executive Officers about moving economic development forward within Loveland. The Mayor visited a Sculpture Park in Seattle recently with only four large sculptures and compared it to Benson Sculpture Garden where there are now 135 sculptures in there after the installation of four new pieces this week. An open house to meet the four finalists for the Platte River Power Authority General Manager position will be held at the Rialto Theater Center on July 25, 2012 at 5:00 pm. Also, October 1-3,

2012, CSU will be hosting a natural gas and energy forum. Mayor Gutierrez also thanked Cathleen McEwen for her service to the City of Loveland. He also mentioned another event that occurred with the Collings' Foundation "Wings of Freedom Tour" on July 7 & 8 at the Loveland-Fort Collins Airport.

c) City Manager Report

Cahill

City Manager Bill Cahill thanked Cathleen McEwen for her exemplary service to the City of Loveland.

d) City Attorney Report

City Attorney John Duval also expressed his best wishes to Cathleen McEwen.

**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**

**9. ECONOMIC DEVELOPMENT**

**Sales Tax Refund Agreement for Coffee Tree LLC**

**Resolution #R-51-2012**

This is an administrative action. City Planner Mike Scholl introduced this item to Council. The resolution would approve a 33 percent sales tax (one penny out of three collected) refund for the Coffee Tree LLC. The agreement is for 36 months and shall not exceed \$15,962.25. The agreement is performance based and their ability to collect the refund is based entirely on store sales. The amount is to help offset the cost of a grease interceptor and HVAC improvements to the building to facilitate a restaurant use. Discussion ensued. Councilor Shaffer moved to approve Resolution #R-51-2012 approving a sales tax refund agreement for the Coffee Tree LLC. Councilor Trenary seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**RESOLUTION #R-51-2012**

**A RESOLUTION APPROVING A SALES TAX REFUND AGREEMENT FOR THE COFFEE TREE LLC**

WHEREAS, the Coffee Tree LLC, a Colorado limited liability company ("Coffee Tree"), is a locally owned company specializing in fresh roasted coffee, coffee drinks, and baked goods; and

WHEREAS, the Coffee Tree operated a retail store in Anthology Book Store in Downtown Loveland at 422 E. Fourth Street for six years; and

WHEREAS, the Coffee Tree recently entered into a lease agreement for 210 E. Fourth Street in Downtown Loveland and completed substantial renovations at a cost of \$105,000 including a new internal grease collector and improvements to the HVAC system to make the building more functional; and

WHEREAS, the Coffee Tree intends to expand its offerings of baked goods, sandwiches, salads along with its signature fresh roasted coffee and coffee drinks in its new larger 3,500 square-foot location at 210 E. Fourth Street (the "Store") and plans to hire three new full time staff; and

WHEREAS, before leasing and renovating the Store, the Coffee Tree asked the City to assist with redevelopment costs for the Store by providing a refund of sales taxes in an amount equal to one-third (1/3) of all City sales taxes collected by the Coffee Tree and received by the City with respect to transactions in or from the Store during a thirty-six (36) month period, in accordance with the terms and conditions of the Sales Tax Refund Agreement attached hereto as "Exhibit A" and incorporated by this reference (the "Agreement"); and

WHEREAS, the City Council believes that granting the Coffee Tree a refund of sales taxes as provided in the Agreement, will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased sales and property tax revenues to the City, and, therefore, the Agreement is in the best interests of the public and the City.

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

Section 1. That the City Council hereby finds that granting the Coffee Tree a refund of sales taxes collected by Coffee Tree and received by the City with respect to transactions in or from the Store as set forth in the Agreement, will serve a public purpose because the Coffee Tree's expansion, renovation, and operation of the Store in Downtown Loveland will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased sales and property tax revenues to the City,

Section 2. That the Agreement attached hereto as Exhibit A and incorporated by reference is hereby approved.

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

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Loveland.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17th day of July 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **10. CITY MANAGER**

### **Ban on Certain Fires and Sale/Use Of Fireworks Within City Of Loveland**

Fire Chief Randy Mirowski introduced this item to Council and informed Council that this morning Larimer County lifted their ban on open burning and would now recommend that Council consider only the fireworks ban. This is a legislative action to consider two emergency ordinances or alternatively the same two ordinances as non-emergency ordinances, with one ordinance enacting a temporary ban in the City on certain types of outdoor fires until October 1, 2012, and the other temporarily prohibiting in the City the sale and use of permissible fireworks until October 1, 2012. This action would be similar in many respects to Larimer County's bans on "open fires" and on the sale and use of all fireworks, which were enacted by the County Commissioners by resolution on June 19, 2012. The mayor opened the public hearing at 8:24 p.m. and hearing no comments closed the hearing at 8:24 p.m. Discussion ensued. Council consensus supported the emergency ordinance for the temporary fireworks ban.

#### **a) Ordinance**

This ordinance was not considered by Council: "AN EMERGENCY ORDINANCE TEMPORARILY BANNING CERTAIN OUTDOOR FIRES WITHIN THE CITY OF LOVELAND UNTIL OCTOBER 1, 2012".

#### **b) Ordinance #5696**

Councilor Shaffer moved to approve and ordered published on the first and only reading "AN EMERGENCY ORDINANCE TEMPORARILY PROHIBITING THE SALE AND USE OF PERMISSIBLE FIREWORKS IN THE CITY OF LOVELAND UNTIL OCTOBER 1,



2012". Councilor Trenary seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**11. CITY ATTORNEY**  
**SPECIAL MUNICIPAL ELECTION**  
**Resolution #R-52-2012**

City Attorney John Duval introduced this item to Council. This is an administrative action to adopt a resolution: (1) calling for a special election to be held on November 6, 2012, as a coordinated election with Larimer County; (2) allowing this special election to be governed by the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election with Larimer County; and (3) directing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to conduct its special election on November 6, 2012 as a coordinated election with Larimer County. City Attorney Duval stated an ordinance to approve an IGA with the county will be brought to Council at a future date. Councilor Shaffer moved to approve Resolution #R-52-2012 calling for a special municipal election to be held on November 6, 2012, for the purpose of filling a Council vacancy in Ward 4 and to authorize the Loveland City Clerk to notify the Larimer County Clerk and recorder of the City of Loveland's intention to conduct this special election as a coordinated election with Larimer County. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**RESOLUTION #R-52-2012**

**A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, FOR THE PURPOSE OF FILLING A COUNCIL VACANCY IN WARD 4 AND TO AUTHORIZE THE LOVELAND CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO CONDUCT THIS SPECIAL ELECTION AS A COORDINATED ELECTION WITH LARIMER COUNTY**

WHEREAS, on July 10, 2012, Cathleen A. McEwen, a Ward 4 councilmember and Mayor Pro Tem, submitted her written resignation as a councilmember, thus creating a vacancy on the City Council; and

WHEREAS, Loveland Charter Section 3-7(d) provides that when a vacancy occurs in the office of a councilmember, it shall be filled for the remainder of the term at a special election to be scheduled and held as provided in Charter Section 6-3; and

WHEREAS, Charter Section 3-7(f) provides that if a general statewide election will be held within one hundred eighty (180) days of when a Council vacancy occurs, the vacancy must be filled at a special election held on the date of that upcoming statewide election; and

WHEREAS, a general statewide election is currently scheduled to occur on November 6, 2012, which is within one hundred eighty (180) days of Councilmember McEwen's resignation on July 10, 2012 and, therefore, the Council is required by Charter Section 3-7(f) to call a City special election to be held on November 6, 2012; and

WHEREAS, Charter Section 6-3 provides that this special election must be called by resolution adopted by Council at least thirty (30) days prior to the election and that the resolution shall set forth the purpose of the election; and

WHEREAS, C.R.S. § 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder at least one hundred (100) days before the upcoming general statewide election of the City's intention to so participate with Larimer County in that election; and

WHEREAS, 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. Section 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 of the Municipal Election Code provides that any municipality may provide by ordinance or by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1

City Council Regular Meeting  
 July 17, 2012  
 Page 9 of 9

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, it is the intent of the City Council that a City special election shall be held on November 6, 2012, to fill this vacancy in Ward 4 and that it be conducted as a coordinated election with Larimer County in accordance with the applicable provisions of the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election and, in all other respects, the City's special election on November 6, 2012, shall be governed by applicable provisions of the Municipal Election Code, the City Charter, and City ordinances.

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

Section 1. That pursuant to Charter Sections 3-7(d) and 6-3, a special election of the City of Loveland, Colorado is hereby called and shall be held on November 6, 2012 as a coordinated election with Larimer County.

Section 2. That the purpose of this special election shall be to fill the council vacancy in Ward 4 for the remainder of former Councilmember McEwen's unexpired term.

Section 3. That the City's November 6, 2012, special election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with Larimer County and, in all other respects, the City's special election on November 6, 2012, shall be governed by the applicable provisions of the Municipal Election Code, the City Charter, and City ordinances.

Section 4. That pursuant to C.R.S. §1-7-116(5), the City Clerk is hereby directed to notify the Larimer County Clerk and Recorder of the City's intent to conduct its special election on November 6, 2012, as a coordinated election with Larimer County.

Section 5. That this Resolution shall become effective on the date and at the time of its adoption.

DATED and ADOPTED this 17th day of July, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

## **12. CITY MANAGER** **ELECTION OF MAYOR PRO-TEM**

Mayor Gutierrez called for nominations for Mayor Pro-Tem. Councilor Taylor nominated Daryle Klassen. Councilor Shaffer nominated Ralph Trenary. A roll call vote was taken resulting in a 4 to 4 tie vote with Councilors Taylor, Klassen, McKean and Fogle voting for Daryle Klassen and Councilors Farley, Shaffer, Trenary and Gutierrez voting for Ralph Trenary. The position of Mayor Pro-Tem will be left open until after the Ward 4 council vacancy has been filled or until a councilmember contacts the Mayor and a new vote is requested. City Attorney Duval added that Council can appoint, as needed, a councilmember to conduct meetings and sign documents in the Mayor's absence.

## **ADJOURNMENT**

Having no further business to come before Council, the July 17, 2012 Regular Meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

---

Jeannie Weaver, Deputy City Clerk

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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:** 8/7/2012  
**TO:** City Council  
**FROM:** City Manager's Office  
**PRESENTER:** Bill Cahill

---

**TITLE:**

Appointments to boards and commissions

**RECOMMENDED CITY COUNCIL ACTION:**

Motion to appoint John Stuart to the Volunteer Firefighters' Pension Board of Trustees for a term effective until June 30, 2016.

Motion to reappoint John Suess and to appoint Chris Kanowitz to the Disabilities Advisory Commission, each for a term effective until June 30, 2015.

Motion to reappoint Jacquie Elliott and to appoint Melody Bettenhausen and Tim Hitchcock to the Human Services Commission, each for a term effective until June 30, 2015 and to appoint Audra Montoya as an Alternate member of Human Services Commission for a one year term effective until June 30, 2013.

Motion to appoint Louise Lucke to the Library Board for a partial term effective until December 31, 2013.

Motion to appoint Bruce Croissant to the Transportation Advisory Board for a partial term effective until June 30, 2013.

**OPTIONS:**

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

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**DESCRIPTION:**

This is an administrative item recommending the appointment and reappointment of members to the Volunteer Firefighters' Pension Board of Trustees, Disabilities Advisory Commission, Human Services Commission, Library Board, and Transportation Advisory Board.

**BUDGET IMPACT:**

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible

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**SUMMARY:**

After a July 24, 2012 interview, John Stuart is recommended for appointment to the **Volunteer Firefighters' Pension Board of Trustees** for a term effective until June 30, 2016.

The interview panel for the **Disabilities Advisory Commission** ("DAC") recommends the reappointment of John Suess and the appointment of Chris Kanowitz to DAC, each for three year terms effective until June 30, 2015. Two term vacancies remain and recruiting continues.

February 7, 2012, Melody Bettenhausen was appointed to a partial term on the **Human Services Commission** effective until June 30, 2012. The *Handbook for Boards and Commissions* states:

"Any person who has served less than 50% of a full term will be eligible for consecutive reappointment for a full term, pursuant to the following process:

1. 90 days prior to the partial term expiration, a letter will be sent by the City Manager's Office to the member advising the member that he or she must notify the City Manager's Office in writing within 15 days of the date of the letter if the member desires to be reappointed to the board or commission. If the member provides such notification and if the member remains otherwise eligible to serve on the board or commission, the member shall be recommended to the City Council for reappointment without the need for solicitation of applicants and interviews."

Ms. Bettenhausen indicated her desire to be reappointed to the commission for a full term. The interview committee recommends the appointment of Melody Bettenhausen to the Human Services Commission ("HSC") for a three year term effective until June 30, 2015. Interviews of the three applicants for remaining terms were conducted and the committee recommends the reappointment of Jacqueline Elliott to the Human Services Commission, for a three year term effective until June 30, 2015. The committee also recommends the appointment of Tim Hitchcock to the commission for a three year term effective until June 30, 2015 and to appoint Audra Montoya as an Alternate member of the HSC for a one year term effective until June 30, 2013.

Treva Edwards-Heiser resigned for personal reasons from the **Library Board** at the July 19, 2012 regular meeting. Louise Lucke was appointed as an Alternate member to the board on January 17, 2012. The board recommends appointing Ms. Lucke as a regular member for one of the partial terms effective until December 31, 2013.

Due to the sudden passing of Jimmie Johnson earlier this year, a vacancy occurred on the **Transportation Advisory Board**. After his interview, Bruce Croissant is recommended for appointment to the Transportation Advisory Board ("TAB") for a partial term effective until June 30, 2013. A former TAB member did not apply for reappointment. The remaining full term vacancy remains in the recruiting process.

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REVIEWED BY CITY MANAGER:




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LIST OF ATTACHMENTS:

None

## DEVELOPMENT SERVICES DEPARTMENT

Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**TITLE:**

**RECOMMENDED CITY COUNCIL ACTION:**

**OPTIONS:**

- DESCRIPTION:**

This item is consideration of a quasi-judicial action to adopt an ordinance, on second reading, to rezone the property described in said ordinance, from I- Developing Industrial District and DR- Developing Resource District to PP - Public Park District. The property is to be known as the River's Edge Natural Area. The applicant is the City of Loveland Parks and Recreation Department.

**BUDGET IMPACT:**

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible

---

**SUMMARY:**

The property is a portion of the former Agilent campus, but now owned by the City. It is generally located south of West 1st Street, west of South Railroad Avenue and east of South Taft Avenue. The proposed uses of the property are low impact/passive recreation and natural area, including enhancement of certain areas of the site and semi-passive recreational uses of the existing gravel ponds. Some limited uses of the historic farm house and site may be determined in the future, but are not known at this time.

Recent acquisition of the property by the City offered an opportunity for the City to retain and preserve the river corridor and other portions of the site that were more appropriate for public parks and open space, and convey the southern portion of the property to the new owner/developer of the Rocky Mountain Center for Innovation and Technology. In light of the intended uses of the retained property, it is appropriate to rezone it to the Public Park District. The land now owned by the developer of the Rocky Mountain Center for Innovation and Technology will remain zoned I-Developing Industrial.

Upon approval of the rezoning, the Parks and Recreation Department intends to submit a Site Development Plan for internal City review; and, upon approval, commence site improvements for the public park yet this year.

On July 17, 2012, the City Council conducted a public hearing for the application and considered the ordinance on first reading. City Council approved the ordinance on first reading, by unanimous vote, as part of the Consent Agenda. Since the public hearing, there have been no further revisions to the application, and no further inquiries or concerns have been received from the applicants, neighborhood or general public.

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**REVIEWED BY CITY MANAGER:**




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**LIST OF ATTACHMENTS:**

- A. Ordinance
- B. Vicinity/Context Map
- C. Draft/Conceptual Development Plan
- D. Rezoning Exhibit

**FIRST READING: July 17, 2012**

**SECOND READING: August 7, 2012**

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

**AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN THE AMENDED PLAT OF: THE AMENDED PLAT OF CMS ADDITION AND THE FOURTH SOUTH INDUSTRIAL ADDITION, TRACT 1 FOURTH SOUTH INDUSTRIAL ADDITION; THE AMENDED PLAT OF TRACTS 1 AND 2 BLOCK 1, LOVELAND TECHNOLOGICAL CENTER FIRST SUBDIVISION, TRACT 2, BLOCK 1; THE BIG THOMPSON INDUSTRIAL PARK SECOND SUBDIVISION, LOT 2, BLOCK 1; THE BIG THOMPSON INDUSTRIAL PARK, TRACT 3 AND TRACT 4; THE FAIRGROUNDS FIRST SUBDIVISION, OUTLOT A; THE HEWLETT - PACKARD ROOSEVELT ADDITION, TRACT A; THE HEWLETT-PACKARD BIG THOMPSON FIRST SUBDIVISION, TRACTS 1 AND 2; THE LOVELAND TECHNOLOGICAL CENTER FIRST SUBDIVISION, TRACT 3; THE SECOND SOUTH INDUSTRIAL ADDITION, TRACT 1; THE THIRD SOUTH INDUSTRIAL ADDITION, TRACT 2, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO**

**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 two parcels of real property located within the City of Loveland, Larimer County, Colorado, more particularly described as:

**LEGAL DESCRIPTION for OUTLOTS C and D**  
**Rezone from I to PP**

“Outlot C, and Outlot D, Block 2, of the Amended Plat of: the Amended Plat of CMS Addition and The Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the Amended Plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the

Hewlett - Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado; all located within Section 23, T 5N, R 69W, of the 6th principal meridian and consisting of approximately 9.08 acres"

LEGAL DESCRIPTION for LOT 4 and OUTLOT B  
Rezone from DR to PP

"Lot 4, and Outlot B, Block 2, of the Amended Plat of: the Amended Plat of CMS Addition and The Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the Amended Plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett - Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado; all located within Section 23, T 5N, R 69W, of the 6th principal meridian and consisting of approximately 112.32 acres"

are now included within the boundaries designated as I-Industrial for the parcel described as Outlots C & D, and DR-Developing Resource for the parcel described as Lot 4 and Outlot B, and both parcels shall hereafter be included within the boundaries of the district designated as follows:

**PP-PUBLIC PARK**

**Section 2.** That the development of the two described parcels of property shall be subject to all applicable provisions of the **PP – PUBLIC PARK DISTRICT.**

**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.

**Section 4.** That 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 this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Dated this 7<sup>th</sup> day of August, 2012.



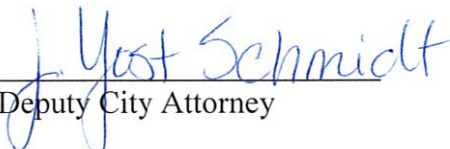
ATTEST:

CITY OF LOVELAND, COLORADO:

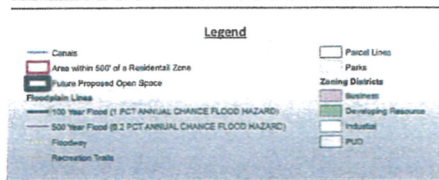
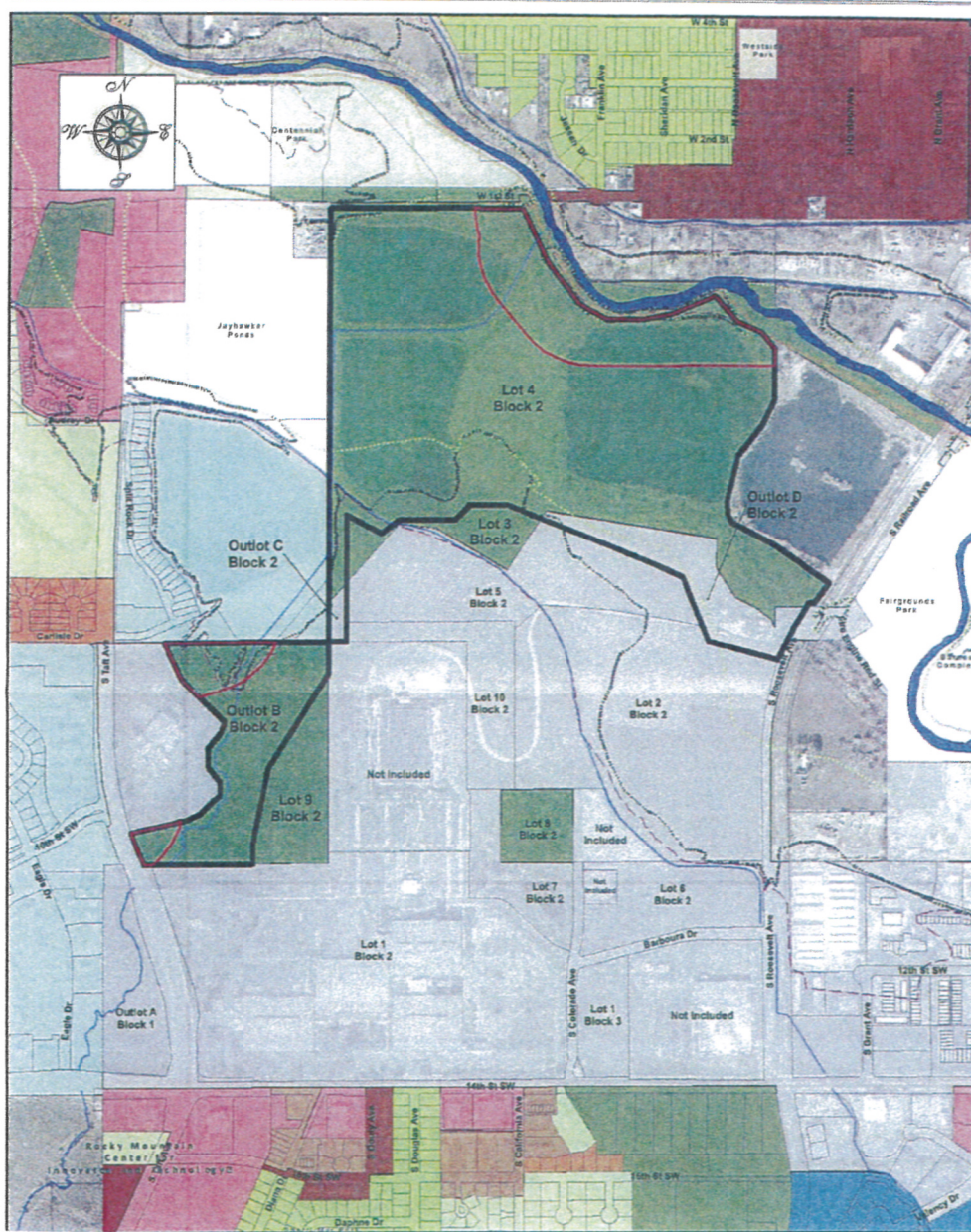
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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

# AGILENT OPEN SPACE



1 inch = 250 feet



Author: J. L. Lander  
Date: 11/20/2010

This map is designed for informational purposes only and is not intended for legal, engineering, or other professional use.

## Attachment B





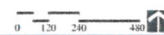
LEGEND

Existing Ponds	Soft Surface Trail	Fishing
Emergent Marsh	Accessible Path	Non-Motorized Boating
Riparian	Existing Two-Track	
Short-grass Prairie	Footpath	
Upland	Irrigation Ditch/Drainage	
Existing Vegetation	Proposed Tree	



AECOM

DRAFT PREFERRED ALTERNATIVE  
OPEN SPACE



4/26/2012

# Attachment C



**CITY OF LOVELAND****DEVELOPMENT SERVICES DEPARTMENT**

Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

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**AGENDA ITEM:** 4  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Greg George

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**TITLE:**

An ordinance of the City Council designating as a Historic Landmark the Ray House/Hauseman House located at 524 North Harrison Avenue in Loveland, Colorado

**RECOMMENDED CITY COUNCIL ACTION:**

Move to adopt on second reading an ordinance of the City Council designating as a Historic Landmark the Ray House/Hauseman House Located at 524 North Harrison Avenue in Loveland, Colorado

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adopt a motion continuing the item to a future Council meeting
- 

**DESCRIPTION:**

A legislative action to adopt an ordinance on second reading designating as a Historic Landmark the "Ray House/Hauseman House" at 524 North Harrison Avenue, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff reviewed the benefits and obligations of historic designation with the property owner.

**BUDGET IMPACT:**

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible
-

**SUMMARY:**

On June 18, 2012, the Historic Preservation Commission found the Ray House/Hauseman House to be eligible for designation as detailed in the attached staff report, and is forwarding this recommendation to City Council.

The Ray House/Hauseman House is architecturally significant for its English-Norman Cottage style of architecture, and for the fine craftsmanship shown in its brick masonry construction. The property is also historically significant for its association with Loveland's residential development, from the time of its construction through the mid-1950s.

To be considered eligible for designation as a historic landmark on the Loveland Historic Register, a property must be at least fifty (50) years old and must meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance as identified in Loveland Municipal Code 15.56.100. The Ray House/Hauseman House meets the age requirement and additional criteria required for designation. Specific criteria for nomination are contained in the staff report.

City Council adopted the ordinance on first reading as an item on the Consent Agenda on July 17, 2012.

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**REVIEWED BY CITY MANAGER:**



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**LIST OF ATTACHMENTS:**

- A. Ordinance
- B. Staff Report

**FIRST READING:** July 17, 2012

**SECOND READING:** August 7, 2012

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

**AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK THE RAY  
HOUSE/HAUSEMAN HOUSE LOCATED AT 524 NORTH HARRISON AVENUE IN  
LOVELAND, COLORADO**

**WHEREAS**, Chapter 15.56 of the Loveland Municipal Code (“Code”) provides that the City Council may 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

**WHEREAS**, Code Section 15.56.100 further provides that 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; and

**WHEREAS**, the owner of that real property described on **Exhibit A** attached hereto and incorporated herein by reference (“Property”), located at 524 North Harrison Avenue, Loveland, Colorado, filed an application for designation of the structures located thereon as historic landmarks under Code Chapter 15.56; and

**WHEREAS**, the structures to be designated hereunder include a house located on the Property and that portion of a shared garage situated on the Property, which structures are known historically, and are hereafter collectively referred to, as the “Ray House/Hauseman House”; and

**WHEREAS**, the remaining portion of the shared garage, which is located on adjacent property at 530 N Harrison Avenue and not on the Property, is not included in the application to designate the Ray House/Hauseman House as a historic landmark and is therefore not included in the designation under this Ordinance; and

**WHEREAS**, on June 18, 2012, the Historic Preservation Commission (“Commission”) held a duly noticed public hearing (“Commission Hearing”) at which it evaluated the application for designation of the Ray House/Hauseman House as a historic landmark, considered the criteria for designation required in Code Section 15.56.100, and received and duly considered any public comments and testimony; and

**WHEREAS**, at the conclusion of the Commission Hearing, the Commission recommended to the City Council approval of the designation of the Ray House/Hauseman House as a historic landmark; and

**WHEREAS**, as required by Code Section 15.56.030.D, the Commission has forwarded its written recommendation to City Council that the Ray House/Hauseman House be designated as a historic landmark; and

**WHEREAS,** City Council held a duly noticed public hearing on the designation application on July 3, 2012, at which it reviewed the application for conformance with the criteria for designation in and the with the purposes of Code Chapter 15.56, and considered the written view of owners of affected property, if any.

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

**Section 1.** That the preceding recitals contained in this Ordinance are hereby adopted and incorporated by reference as findings of fact of the City Council.

**Section 2.** That the City Council finds that the Ray House/Hauseman House, located at 524 North Harrison Street in Loveland, Colorado satisfies the age requirement and meets the following significant criteria for designation as a landmark to the Loveland Historic Register:

a.) Architectural

1. Exemplifies specific and significant elements of an English-Norman Cottage style of architecture significant for its association with Loveland's residential development, from the time of its construction through the mid-1950s.
2. Demonstrates superior craftsmanship in its brick masonry construction.

b.) Social/Cultural

1. Exemplifies the cultural, political, economic or social heritage of the community as it is historically significant for its association with Loveland's residential development, from the time of its construction through the mid-1950s.

c.) Geographic/Environmental

1. Enhances sense of identity of the community.

d.) Physical Integrity

1. Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
2. Retains original design features, materials, and/or character.
3. Retains its original location.

**Section 3.** The Ray House/Hauseman House is hereby designated as a historic landmark to the Loveland Historic Register.

**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.



Signed this 7<sup>th</sup> day of August, 2012

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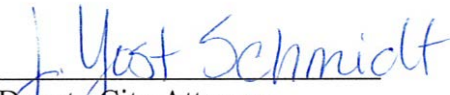
Cecil A. Gutierrez, Mayor

Attest:

---

City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney

**Exhibit A**

THE NORTH 50 FEET OF THE SOUTH 100 FEET OF LOT 1 AND THE NORTH 50 FEET OF THE  
SOUTH 100 FEET OF THE WEST 25 FEET OF LOT 2, BLOCK 3, KILBURN'S WEST SIDE  
ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



## COMMUNITY & STRATEGIC PLANNING

Civic Center • 500 East Third Street • Loveland, Colorado 80537  
 (970) 962-2577 FAX (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

### Loveland Historic Preservation Commission Staff Report

From: Community and Strategic Planning  
 Meeting Date: April 16, 2012  
 Re: Application for Historic Landmark Property Designation, 524 N Harrison Avenue

#### SITE DATA

**Address:** 524 N Harrison Avenue  
 Loveland, CO 80537

**Request:** Application for Historic Landmark Property Designation

**Historic Name:** Ray House; Hauseman House

**Architectural Style:** Late 19<sup>th</sup> and 20<sup>th</sup> Century Revivals / English-Norman Cottage

**Current Building Sq. Ft.:** 1,053 square feet  
 (Source: Larimer Co. Assessor Property Information)

**Construction Date:** 1932

**Legal Description:** The North 50 feet of the South 100 feet of Lot 1 and the North 50 feet of the South 100 feet of the West 25 feet of Lot 2, Block 3, Kilbrun's West Side Addition to the City of Loveland, County of Larimer, State of Colorado

**Owner(s):** Bruce W. and Elizabeth M. Willard

**Applicant(s):** Bruce W. Willard

### **Application Summary:**

On March 14, 2012 staff received a nomination application for the landmark designation of the property at 524 N Harrison Avenue. Staff has had several discussions with the owner of this home regarding the designation process and the obligations and benefits for designating a property on the Loveland Historic Register. The owner and applicant of 524 N Harrison Avenue is also the owner of a designated Loveland Historic Landmark and is familiar with the requirements for designation and the responsibilities as a Loveland Historic Landmark. Staff mailed a notification letter announcing the date of the public hearing to the property owner of 524 N Harrison Avenue as required by ordinance. The Community and Strategic Planning Division also published notice of the public hearing for designation of the landmark property in the *Loveland Reporter-Herald*.

Larimer County Assessor records identify the property by the following address: 524 N Harrison Avenue, Loveland, Colorado.

### **History:**

*Source: Colorado Cultural Resource Survey Architectural Inventory Form prepared by Carl McWilliams of Cultural Resource Historians. 2008.*

Built in 1932, this English-Norman Cottage style house was owned and occupied by several families through the early 1950s. William T. Ray (a meat cutter), and his wife Ida, were the home's first residents, according to Loveland city directories. The Rays, though, lived here for only a year or two, as by 1933 this was the residence of H. Dale and Willa V. Huston. Mr. Huston's occupation was listed as "clothier." The Hustons were followed as residents of this house by Clinton D. Alexander (1936), Albert M. Anderson (1938), and Phil R. and Helen Morgan (early 1940s). Phil Morgan worked as manager of the local J.C. Penney, Company store. The Morgan household also included Mrs. Effie Morgan (probably Phil Morgan's mother), who was retired. Harold C. and Beulah Ferguson, and their three daughters (Sandra Ann, Cynthia, and Beth), lived and owned here next, in the late 1940s and very early 1950s. Mr. Ferguson was employed as a teacher.

This dwelling's next residents were Reverend Francis K. Hauseman, and his wife Joyce, who lived and owned here from circa 1951 to 1963. Francis K. Hauseman was born on March 11, 1914, in Pottstown, Pennsylvania, the son of Tilghman and Fannie (Kulp) Hauseman. He successively graduated from Pottstown High School, Ursinus College in Collegeville, Pennsylvania, and from the Colgate-Rochester Divinity School, before moving to Spencerport, New York. Rev. and Mrs. Hauseman moved to Loveland in September of 1950, and moved into this house a short time later. In Loveland, Rev. Hauseman served as minister of the First Baptist Church for many years. Rev. Hauseman passed away suddenly, after suffering a heart attack, on May 15, 1978, at the age of 64. Joyce Hauseman, his widow, died in April 1999. They were survived by a son, D. Brent Hauseman, and a daughter, Barbara (Johnston).

More recent owners and residents of this house include: Horace C. Haight (mid-1960s); Jack and Sharon Wilson (late 1960s and early 1970s); and Vesta E. Dilts, a widow, who lived here during her retirement years, circa 1973-1994. Born in Shenandoah, Iowa, on December 19, 1903, Vesta was the daughter of Jasper Emery Holmes and Frances (Frankes) Holmes. Vesta came west after graduating high school to teach elementary classes in a one-room schoolhouse in Wheatland, Wyoming. She taught there for a number of years, while in the summer she attended the University of Wyoming to obtain her teaching certificate. Vesta moved to Loveland in 1930 where she subsequently worked as a substitute teacher at Washington, Lincoln, Garfield, and Truscott elementary schools. In May 1933, Vesta married Guy Dilts in Fort Collins, and they subsequently reared a family of two sons - Larry Eugene and Roger Winston. At the age of 55, after her boys were raised, Vesta enrolled at the University of Northern Colorado and earned a bachelor's degree in Elementary Education. She then continued to teach until her retirement in 1970. Vesta passed away in November 1994, at the age of 90. Her husband, Guy Dilts, had passed away many years earlier, in October 1964. Residents and owners of this property in the late 1990s and early

2000s include S.L. Fisher, E.L. Oney, and Alyson Kinkade.

### **Architectural Description:**

*Source: Colorado Cultural Resource Survey Architectural Inventory Form prepared by Carl McWilliams of Cultural Resource Historians, 2008.*

Built in the early 1930s, this single-story English-Norman Cottage style house measures 29' N-S (across) by 41' E-W (deep). It is supported by concrete foundation, hidden behind wire-cut red brick walls, laid in running bond, which extend to grade. Painted grey stucco, with false half-timbering, appears in the upper gable ends. The dwelling is covered by a steeply-pitched cross gable roof, covered with black asphalt shingles, and with closed eaves. The home's windows are primarily 1/1 double-hung sash, with painted white wood frames, and red brick rowlock sills. A stained natural brown 12-light glass-in-wood-frame door enters the façade (west elevation) from a 4-step concrete front porch, which is covered by the swept gable end of the house's intersecting front gable. The porch features a high brick wall and a short pillar which support the eave of the swept gable roof.

A garage, which measures 20' N-S by 20' E-W, is located northeast of the house. This garage straddles the north property line, and is shared with the house at 530 N. Harrison next door to the north. Supported by a concrete slab foundation, the garage has wire-cut red brick walls, laid in running bond, and a low-pitched front gable roof covered with asphalt composition shingles. Painted pale grey stucco appears in the upper gable ends. Two fiberglass roll-away garage doors open onto a concrete driveway on the west elevation. This driveway extends between the two houses to Harrison Avenue. A shed-roofed extension, built onto the north elevation, is accessed by a painted red wood-paneled door which enters the west elevation to the north of the garage doors.

### **Significance:**

This house is architecturally significant for its English-Norman Cottage style of architecture, and for the fine craftsmanship shown in its brick masonry construction. The property is also historically significant for its association with Loveland's residential development, from the time of its construction through the mid-1950s. The property is considered eligible for local landmark designation by the City of Loveland.

**Photographs:**



**Figure 1: Front (West) Elevation**



**Figure 2: Front Entry Detail**



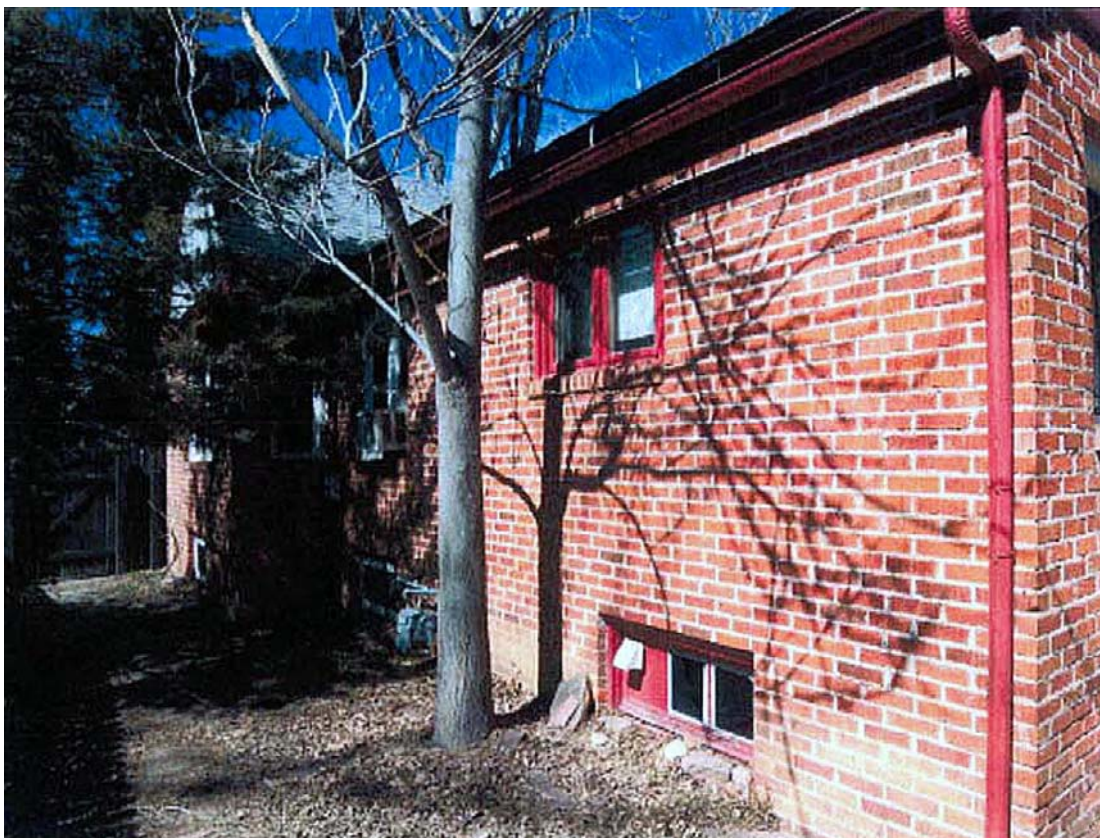


**Figure 3: Southwest Corner**



**Figure 4: Northwest Corner**





**Figure 5: Southeast Corner**



**Figure 6: Garage**



## Determination of Significance and Integrity

*Significance* should be used as the starting point in determining eligibility for placement on a historic register. Significance has two distinct attributes – the “area of significance” which answers the question of context, or **what** is significant about a resource in terms of its association to agriculture, architecture, commerce and industry, education, politics and government, and transportation. The Ray House/Hauseman House is significant for exemplifying the English-Norman Cottage style of architecture and for demonstrating superior craftsmanship in the brick masonry. In addition, the Ray House/Hauseman House exemplifies the cultural and social heritage of Loveland as well as enhancing Loveland’s sense of identity.

The second attribute of the *significance* of a structure is its “period of significance” which places the resource on a historic timeline and answers the question of **when** a resource was significant. As noted, the Ray House/Hauseman House was built in 1932, making it greater than 50 years old.

*Integrity* refers to the ability of a structure to convey its original design or some later period of significance through the intactness of its historic form, original or historic use of materials, setting and site. Integrity has seven (7) particular aspects: location, setting, feeling, design, materials, workmanship, and association with some attribute of historic significance.

A historic building, for example, that retains its original or historically significant setting with little or no visible modifications that diminish the ability to relate its historic association demonstrates greater integrity than a building that has lost many of physical historical elements. A building with high physical integrity retains the following original or historically significant elements: massing; architectural detail; surface treatment; and windows and doors.

According to the Cultural Resource Survey prepared by Carl McWilliams, and which is verified by current photographs, the Ray House/Hauseman House has maintained a good amount of its integrity. There have been no additions and no notable exterior alterations to either the house or garage. The house also retains its original location and the surrounding neighborhood has maintained its historic character.

## Staff Recommendation

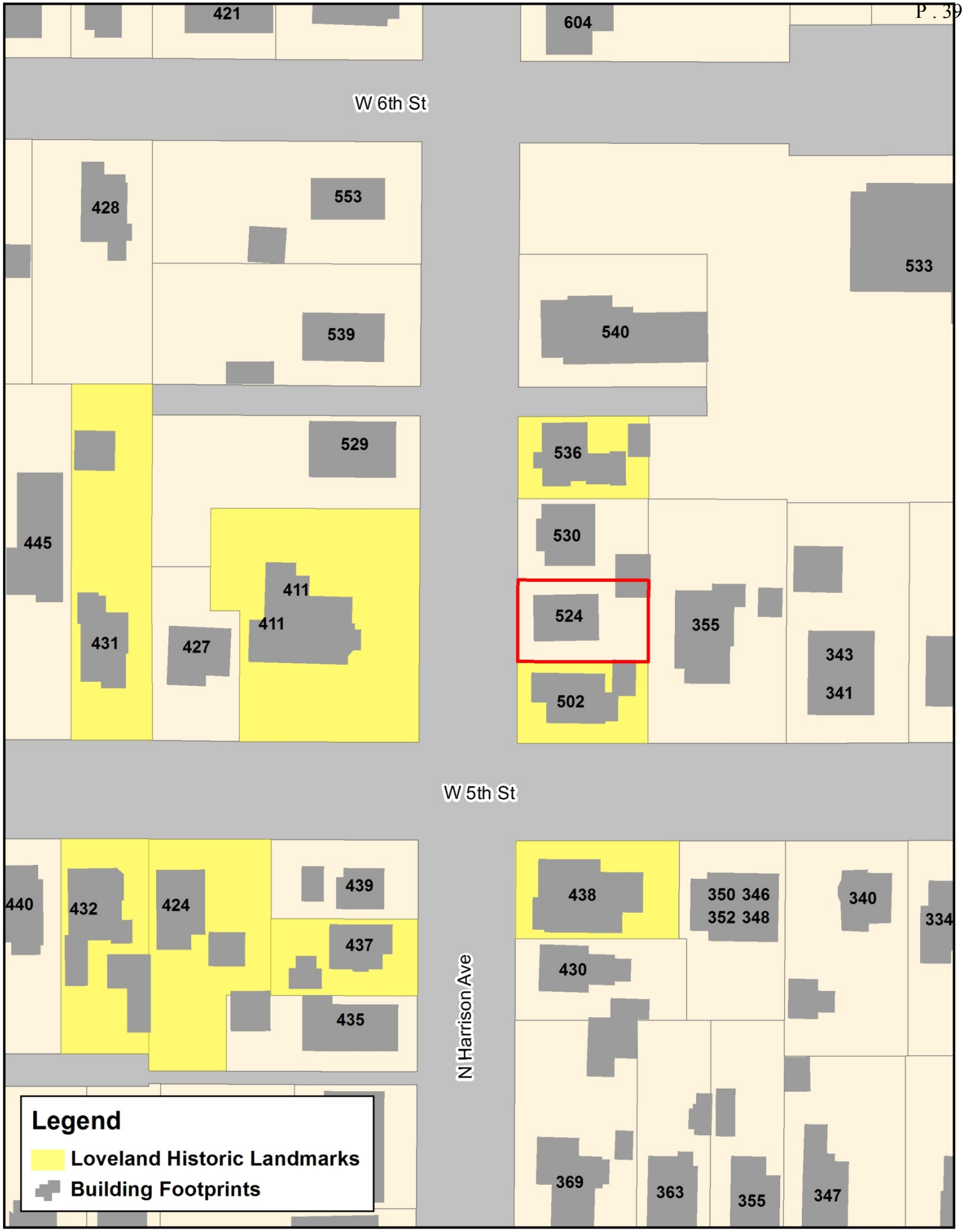
To be considered eligible for designation as a historic landmark on the Loveland Historic Register, a property must be at least fifty (50) years old and must meet one (1) or more of the criteria for architectural, social cultural, or geographic/environmental significance as identified in Loveland Municipal Code 15.56.090. The Ray House/Hauseman House satisfies the age requirement and meets the following criteria for designation as a Loveland Historic Register landmark of property:

- a.) Architectural
  - 1. Exemplifies specific elements of an architectural style or period.
  - 2. Demonstrates superior craftsmanship or high artistic value.
- b.) Social/Cultural
  - 1. Exemplifies the cultural, political, economic or social heritage of the community.
- c.) Geographic/Environmental
  - 1. Enhances sense of identity of the community.
- d.) Physical Integrity
  - 1. Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
  - 2. Retains original design features, materials, and/or character.
  - 3. Retains its original location.

Given available information for the property at 524 N Harrison Avenue, staff has determined that the Ray House/Hauseman House exhibits both adequate *integrity* and *significance* to support its eligibility for designation as a Loveland historic landmark. This determination is based on the Colorado Historical Society's recommended framework for determining landmark eligibility. Staff recommends the Historic Preservation Commission recommend approval of this request for designation of the Ray House/Hauseman House, located at 524 N Harrison Avenue, as a Loveland Historic Register landmark property.

**Attachments:**

- A. Location Map
- B. Nomination Application submitted by applicant



### Legend

- Loveland Historic Landmarks
- Building Footprints



Location Map - 524 N Harrison Avenue





City of Loveland

Page 1- Applicant and General Property Information

**FORM A****Application for Designation of a Historic Landmark**

Please Type or Print Legibly

*One property only per Application Form.**If more than one Applicant, please attach additional sheet.*

<b>APPLICANT(S) INFORMATION</b>	
<b>Owner of Proposed Landmark Property:</b>	Bruce W. & Elizabeth M. Willard
<b>Applicant:</b>	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> City Council (attach meeting minutes initiating action) <input type="checkbox"/> Commission Designees (pursuant to 15.56.169) <input type="checkbox"/> Historic Preservation Commission (attach meeting minutes initiating action) <i>Please check one.</i>
<b>Address:</b>	4008 Cheyenne Dr., Greeley, CO 80634
<b>Telephone:</b>	970-353-0790

<b>PROPOSED LANDMARK INFORMATION</b>	
<b>Property Name:</b>	TBD, Hauseman House. Dilts House
<b>Address:</b>	524 Harrison Ave., Loveland CO 80537
<b>Historic Use:</b>	Single-family residence
<b>Current and Proposed Use</b>	Single-family residence
<b>Legal Description</b>	<i>Please attach copy of officially recorded document containing a legal description.</i> N50' S100' L1, N50' S100' W25' L2, B3, Kilburns W Side
<b>Brief Description of Historical Qualities relating to Property</b>	<i>Please attach additional sheets if necessary.</i> 1930's English-Norman Cottage in the West 5th Street Historic District; see attached



City of Loveland

Page 2- Historic Property Inventory

**FORM A****Application for Designation of a Historic Landmark**

<b>DETAILED PROPERTY INFORMATION</b>	See attached Inventory Form
<b>Historic Property Name:</b>	
<b>Current Property Name:</b>	
<b>Address:</b>	524 Harrison Ave , Loveland CO 80537
<b>Legal Description</b>	<i>Please attach copy of officially recorded document containing a legal description.</i> See attached
<b>Owner Name &amp; Address:</b>	Bruce W & Elizabeth M Willard
<b>Style:</b>	1930's English-Norman
<b>Building Materials:</b>	Brick on frame
<b>Additions to main structure(s), and year(s) built.</b>	None
<b>Is the structure(s) on its original site?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, Date Moved _____
<b>What is the historic use of the property?</b>	Single-family residence
<b>What is the present use of the property?</b>	Single-family residence
<b>What is the date of construction?</b>	Estimated: <u>1932</u> Actual: _____ Original: _____ Source: Assessor



City of Loveland

Page 3- Historic Property Inventory

**FORM A****Application for Designation of a Historic Landmark**

<b>DETAILED PROPERTY INFORMATION</b> continued	See attached
<b>Describe the condition of the property.</b>	Average
<b>Who was the original architect?</b>	See attached <b>Source:</b>
<b>Who was the original Builder/Contractor?</b>	See attached <b>Source:</b>
<b>Who was the original Owner(s)?</b>	See attached <b>Source:</b>
<b>Are there structures associated with the subject property not under the ownership of this applicant? Please describe.</b>	No
<b>Detailed description of the architectural characteristics of the property.</b>	<i>Please attach additional sheets if necessary.</i>  See attached

**FORM A****Application for Designation of a Historic Landmark**

The Historic Preservation Commission and City Council will consider the following criteria when reviewing nominations of properties for designation.

Landmarks must be at least fifty (50) years old and meet one (1) or more of the following criteria for architectural, social/cultural, or geographic/environmental significance. A landmark may be less than fifty (50) years old if it is found to be exceptionally important in other criteria.

Age of Site is: 1883

**1. Proposed Historic Landmarks. Please check all that apply:**

*For prehistoric or historic archaeological sites, please go to Form A Section 2, pg. 5.*

**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, or locally.
- ☐ 3) Demonstrates superior craftsmanship, or high artistic value.
- ☐ 4) Represents innovation in construction, materials, or design.
- ☒ 5) Represents a built environment of a group of people in an era of
- ☐ 6) Exhibits a pattern or grouping of elements representing at least one of the above
- ☐ 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.
- ☐ 3) Is associated with a notable person(s) or the work of notable person(s).

**C) Geographical/Environmental**

- ☐ 1) Enhances sense of identity of the community.
- ☐ 2) Is an established and familiar natural setting or visual feature of the community.



City of Loveland

Page 5 – Historical Significance (cont.)

**FORM A****Application for Designation of a Historic Landmark**

**2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following. Please check all that apply.**

*\*\*Complete this section only if the subject property is a prehistoric or historic archaeological site.*

**A) Architectural**

- ☐ 1) Exhibits distinctive characteristics of a type, period, or manner of construction.
- ☐ 2) Is a unique example of a structure.

**B) Social/Cultural**

- ☐ 1) Has the potential to make an important contribution to the knowledge of the area's history or
- ☐ 2) Is associated with an important event in the area's development.
- ☐ 3) Is associated with a notable person(s) or the work of notable person(s).
- ☐ 4) Is a typical example/association with a particular ethnic or other community group.
- ☐ 5) Is a unique example of an event in local history.

**C) Geographical/Environmental**

- ☐ 1) Is geographically or regionally important.

**3. Each property or site 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 location or same historic context if it has been removed; or
- c) Has been accurately reconstructed or restored based on documentation.





City of Loveland

Page 6 – Historical Significance (cont.)

**FORM A****Application for Designation of a Historic Landmark**

<p><b>Statement of Significance</b></p> <p>Please provide a brief statement summarizing the applicable criteria checked on previous pages.</p>	<p><i>Please attach additional sheets if necessary.</i></p> <p>See attached</p>
<p><b>Photographs of property as it appears today</b></p>	<p><i>Include photos from all angles: front, rear, and side elevations.</i></p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"></div> <div style="width: 50%;"></div> <div style="width: 50%;"></div> <div style="width: 50%;"></div> </div>
<p>Please identify all references used during the research of the property. Include titles, author, publisher, publication date, ISBN# (when applicable), and location of source such as public library, etc.</p>	<p><i>Please attach additional sheets if necessary.</i></p> <p>See attached</p>



City of Loveland

Page 7 – Signature Sheet

**FORM A****Application for Designation of a Historic Landmark**

Please type or print legibly.

FORM A completed by: Bruce W Willard

Signature of Preparer:

Date:

Phone No.

Address: 4008 Cheyenne Dr . Greeley CO 80634

Signature of Property/Site Owner(s) if different than Preparer:

Date:



Elizabeth M. Willard  
4008 Cheyenne Drive  
Greeley, CO 80634

### WARRANTY DEED

THIS DEED, Made on February 28, 2012 between

Alyson Kinkade

of the County of Larimer, State of Colorado, grantor(s), and  
Elizabeth M. Willard and Bruce W. Willard  
whose legal address is 4008 Cheyenne Drive  
Greeley, CO 80634

of the County of Weld, State of Colorado, grantee(s):

WITNESS, That the grantor(s), for and in consideration of the sum of Two Hundred Nine Thousand Five Hundred and 00/100 DOLLARS (\$209,500.00), the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the grantee(s), AS JOINT TENANTS, their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Larimer and State of Colorado, described as follows:

The North 50 feet of the South 100 feet of Lot 1 and the North 50 feet of the South 100 feet of the West 25 feet of Lot 2, Block 3, Kilburn's West Side Addition to the City of Loveland, County of Larimer, State of Colorado


as known by street and numbers: 524 Harrison Avenue, Loveland, CO 80537

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the grantee(s), their heirs and assigns forever. And the grantor(s), for themselves, their heirs, and personal representatives, do covenant, grant, bargain, and agree to and with the grantee(s), their heirs and assigns, that at the time of the enrolling and delivery of the presents, they are well seized of the premises above conveyed, had good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for general taxes and assessments for the year 2012 and subsequent years; and subject to easements, covenants, reservations, restrictions and rights of way of record.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons lawfully claiming the whole of any part thereof. Wherever used herein, the plural references shall be construed to be singular references and singular references shall be construed to be plural references where the context requires and all references of gender and person shall be construed to refer to the grantor or grantors identified herein regardless of the context.

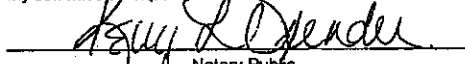
IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

  
Alyson Kinkade

STATE OF COLORADO )  
COUNTY OF LARIMER ) SS.

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of Feb  
2012 by Alyson Kinkade.

Witness my hand and official seal.  
My commission expires 03/04/2015

  
Notary Public

33400-11-08304 SLV



KELLY L. OXENDER  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 03/04/2015

# **PHOTOGRAPH ADDENDUM**

Borrower/Client	Bruce & Elizabeth Willard				
Property Address	524 Harrison Ave.				
City	Loveland	County	Larimer	State	CO Zip Code 80527
Lender	City of Loveland				



Front



Back



# **PHOTOGRAPH ADDENDUM**

Borrower/Client	Bruce & Elizabeth Willard				
Property Address	524 Harrison Ave.				
City	Loveland	County	Larimer	State	CO Zip Code 80527
Lender	City of Loveland				



North Side



South Side



**PHOTOGRAPH ADDENDUM**

Borrower/Client	Bruce & Elizabeth Willard				
Property Address	524 Harrison Ave.				
City	Loveland	County	Larimer	State	CO Zip Code 80527
Lender	City of Loveland				



Entry Detail



Garage

524 N Harrison Avenue

5LR.6395

## COLORADO CULTURAL RESOURCE SURVEY

**Architectural Inventory Form**

Page 1 of 8

**Official Eligibility Determination  
(OAHF use only)**

OAHF1403

Rev. 9/98

Date \_\_\_\_\_ Initials \_\_\_\_\_

- ☐ Determined Eligible – National Register  
☐ Determined Not Eligible – National Register  
☐ Determined Eligible – State Register  
☐ Determine Not Eligible – State Register  
☐ Need Data  
☐ Contributes to eligible National Register District  
☐ Noncontributing to eligible National Register District

**I. IDENTIFICATION**

- |                               |                                  |                   |                   |
|-------------------------------|----------------------------------|-------------------|-------------------|
| 1. Resource number:           | <b>5LR.6395</b>                  | Parcel number(s): | <b>9514431012</b> |
| 2. Temporary resource number: | <b>N/A</b>                       |                   |                   |
| 3. County:                    | <b>Larimer</b>                   |                   |                   |
| 4. City:                      | <b>Loveland</b>                  |                   |                   |
| 5. Historic Building Name:    | <b>Ray House; Hauseman House</b> |                   |                   |
| 6. Current Building Name:     | <b>Kinkade House</b>             |                   |                   |
| 7. Building Address:          | <b>524 N Harrison Avenue</b>     |                   |                   |
| 8. Owner Name:                | <b>Alyson Kinkade</b>            |                   |                   |
| Owner Organization:           |                                  |                   |                   |
| Owner Address:                | <b>524 Harrison Ave</b>          |                   |                   |
|                               | <b>Loveland, CO 80537</b>        |                   |                   |



- |   |                     |
|---|---------------------|
| 44. National Register eligibility field assessment: | <b>Not Eligible</b> |
| Local landmark eligibility field assessment:        | <b>Eligible</b>     |

## Architectural Inventory Form

Page 2 of 8

### II. GEOGRAPHIC INFORMATION

9. P.M.: **6th** Township: **5N** Range: **69W**  
**SE ¼ of SW ¼ of NE ¼ of SE ¼ of Section 14**
10. UTM reference (Datum: NAD27)  
 Zone: **13** **493182 mE** **4471587 mN**
11. USGS quad name: **Loveland, Colorado**  
 Year: **1962; Photorevised 1984** Map scale: **7.5'**
12. Lot(s): **North 50 FT. of South 100 FT. of Lot 1, and North 50 Ft. of South 100 FT. of West 25 FT. of Lot 2, Block 3**  
 Addition: **Kilburns West Side Addition** Year of addition: **1883**
13. Boundary description and justification:  
**This legally defined parcel encompasses, but does not exceed, the land historically associated with this property.**  
 Metes and bounds?: Describe:

### III. ARCHITECTURAL DESCRIPTION

14. Building plan (footprint, shape): **Rectangular Plan**
15. Dimensions in feet: **Length: 41 feet x Width: 29 feet**
16. Number of stories: **1**
17. Primary external wall material(s): **Brick**
18. Roof configuration: **Gabled Roof/Cross Gabled Roof**
19. Primary external roof material: **Asphalt Roof/Composition Roof**
20. Special features: **Porch**
21. General architectural description:  
**Built in the early 1930s, this single-story English-Norman Cottage style house measures 29' N-S (across) by 41' E-W (deep) It is supported by concrete foundation, hidden behind wire-cut red brick walls, laid inn running bond, which extend to grade. Painted grey stucco, with false half-timbering, appears in the upper gable ends. The dwelling is covered by a steeply-pitched cross gable roof, covered with black asphalt shingles, and with closed eaves. The home's windows are primarily 1/1 double-hung sash, with painted white wood frames, and red brick rowlock sills. A stained natural brown 12-light glass-in-wood-frame door enters the façade (west elevation) from a 4-step concrete front porch, which is covered by the swept gable end of the house's intersecting front gable. The porch features a high brick wall and a short pillar which support the eave of the swept gable roof.**
22. Architectural style: **Late 19th And 20th Century Revivals/English-Norman Cottage**  
 Building type:
23. Landscape or special setting features: **This well-maintained property is located on the east side of Harrison Avenue in the block between W. 5th and W. 6th Streets. The house is surrounded by a planted grass lawn, with well-cared for mature landscaping. A planted grass strip is located between the front sidewalk and the street.**



## Architectural Inventory Form

Page 3 of 8

24. Associated buildings, features or objects:

### Garage

A garage, which measures 20' N-S by 20' E-W, is located northeast of the house. This garage straddles the north property line, and is shared with the house at 530 N. Harrison next door to the north. Supported by a concrete slab foundation, the garage has wire-cut red brick walls, laid in running bond, and a low-pitched front gable roof covered with asphalt composition shingles. Painted pale grey stucco appears in the upper gable ends. Two fiberglass roll-away garage doors open onto a concrete driveway on the west elevation. This driveway extends between the two houses to Harrison Avenue. A shed-roofed extension, built onto the north elevation, is accessed by a painted red wood-paneled door which enters the west elevation to the north of the garage doors.

## IV. ARCHITECTURAL HISTORY

25. Date of construction:      Estimate:      Actual:      **1932**  
 Source of information:      **Loveland city directories; Larimer County Residential Property Record Card; Sanborn Insurance maps.**
26. Architect:      **Unknown**  
 Source of information:      **N/A**
27. Builder:      **Unknown**  
 Source of information:      **N/A**
28. Original owner:      **William T. and Ida Ray (possibly)**  
 Source of information:      **Loveland city directories**
29. Construction history:  
**Larimer County Assessor files, Sanborn Insurance maps, and Loveland city directories all provide corroborating evidence that this house, and accompanying garage, were built in 1932. William T. and Ida Ray are listed as the original owners, in the directories; however whether or not they actually owned the property has not been determined. There have been no additions to the original dwelling.**
30. Original location: ☒      Moved:      Date of move(s):

## V. HISTORICAL ASSOCIATIONS

31. Original use(s):      **Domestic/Single Dwelling**
32. Intermediate use(s):      **Domestic/Single Dwelling**
33. Current use(s):      **Domestic/Single Dwelling**
34. Site type(s):      **Single family residence**

## Architectural Inventory Form

Page 4 of 8

### 35. Historical background:

Built in 1932, this English-Norman Cottage style house was owned and occupied by several families through the early 1950s. William T. Ray (a meat cutter), and his wife Ida, were the home's first residents, according to Loveland city directories. The Rays, though, lived here for only a year or two, as by 1933 this was the residence of H. Dale and Willa V. Huston. Mr. Huston's occupation was listed as "clothier." The Hustons were followed as residents of this house by Clinton D. Alexander (1936), Albert M. Anderson (1938), and Phil R. and Helen Morgan (early 1940s). Phil Morgan worked as manager of the local J.C. Penney, Company store. The Morgan household also included Mrs. Effie Morgan (probably Phil Morgan's mother), who was retired. Harold C. and Beulah Ferguson, and their three daughters (Sandra Ann, Cynthia, and Beth), lived and owned here next, in the late 1940s and very early 1950s. Mr. Ferguson was employed as a teacher.

This dwelling's next residents were Reverend Francis K. Hauseman, and his wife Joyce, who lived and owned here from circa 1951 to 1963. Francis K. Hauseman was born on March 11, 1914, in Pottstown, Pennsylvania, the son of Tilghman and Fannie (Kulp) Hauseman. He successively graduated from Pottstown High School, Ursinus College in Collegeville, Pennsylvania, and from the Colgate-Rochester Divinity School, before moving to Spencerport, New York. Rev. and Mrs. Hauseman moved to Loveland in September of 1950, and moved into this house a short time later. In Loveland, Rev. Hauseman served as minister of the First Baptist Church for many years. Rev. Hauseman passed away suddenly, after suffering a heart attack, on May 15, 1978, at the age of 64. Joyce Hauseman, his widow, died in April 1999. They were survived by a son, D. Brent Hauseman, and a daughter, Barbara (Johnston).

More recent owners and residents of this house include: Horace C. Haight (mid-1960s); Jack and Sharon Wilson (late 1960s and early 1970s); and Vesta E. Dilts, a widow, who lived here during her retirement years, circa 1973-1994. Born in Shenandoah, Iowa, on December 19, 1903, Vesta was the daughter of Jasper Emery Holmes and Frances (Frankes) Holmes. Vesta came west after graduating high school to teach elementary classes in a one-room schoolhouse in Wheatland, Wyoming. She taught there for a number of years, while in the summer shed attended the University of Wyoming to obtain her teaching certificate. Vesta moved to Loveland in 1930 where she subsequently worked as a substitute teacher at Washington, Lincoln, Garfield, and Truscott elementary schools. In May 1933, Vesta married Guy Dilts in Fort Collins, and they subsequently reared a family of two sons - Larry Eugene and Roger Winston. At the age of 55, after her boys were raised, Vesta enrolled at the University of Northern Colorado and earned a bachelor's degree in Elementary Education. She then continued to teach until her retirement in 1970. Vesta passed away in November 1994, at the age of 90. Her husband, Guy Dilts, had passed away many years earlier, in October 1964. Residents and owners of this property in the late 1990s and early 2000s include S.L. Fisher, E.L. Oney, and Alyson Kinkade.

### 36. Sources of information:

Building permit files, on file with the City of Loveland Building Division.

Larimer County Assessor records.

Larimer County Assessor: Residential Property Appraisal Card.

Loveland city directories.

Sanborn Insurance Maps, August 1927, July 1937.

"Hauseman Dies at 64." (Francis K. Hauseman obituary) *Loveland Daily Reporter Herald*, May 16, 1978, p. 1.

"Hauseman." (Joyce Hauseman obituary) *Loveland Daily Reporter Herald*, April 7, 1999, p. A-8.

"Vesta E. Dilts." (obituary) *Loveland Daily Reporter Herald*, November 11, 1994, p. A-12.

## Architectural Inventory Form

Page 5 of 8

### VI. SIGNIFICANCE

37. Local landmark designation:      Yes      No ☒      Date of designation:

Designating authority:

38. Applicable National Register criteria:

- A. Associated with events that have made a significant contribution to the broad pattern of our history;
  - B. Associated with the lives of persons significant in our past;
  - C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possesses high artistic values, or represents a significant and distinguished entity whose components may lack individual distinction;
  - D. Has yielded, or may be likely to yield, information important in history or prehistory.
- Qualifies under Criteria Considerations A through G (see Manual).

☒ Does not meet any of the above National Register criteria.

Loveland Standards for Designation:

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | Architectural            | Exemplifies specific elements of an architectural style or period  |
|                                     | Architectural            | Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally |
| <input checked="" type="checkbox"/> | Architectural            | Demonstrates superior craftsmanship or high artistic value   |
|                                     | Architectural            | Represents an innovation in construction, materials, or design   |
|                                     | Architectural            | Represents a built environment of a group of people in an era of history   |
|                                     | Architectural            | Exhibits a pattern or grouping of elements representing at least one of the above criteria   |
|                                     | Architectural            | Is a significant historic remodel  |
|                                     | Social/cultural          | Is a site of an historic event that had an effect upon society   |
| <input checked="" type="checkbox"/> | Social/cultural          | Exemplifies the cultural, political, economic, or social heritage of the community   |
|                                     | Social/cultural          | Is associated with a notable person(s) or the work of a notable person(s)  |
| <input checked="" type="checkbox"/> | Geographic/environmental | Enhances sense of identity of the community  |
|                                     | Geographic/environmental | Is an established and familiar natural setting or visual feature of the community  |

39. Area(s) of significance:      **Not Applicable**

40. Period of significance:      **Not Applicable**

41. Level of significance:      National:      State:      Local: ☒

## Architectural Inventory Form

Page 6 of 8

42. Statement of significance:

**This house is architecturally significant for its English-Norman Cottage style of architecture, and for the fine craftsmanship shown in its brick masonry construction. The property is also historically significant for its association with Loveland's residential development, from the time of its construction through the mid-1950s. The property's level of significance in these regards is probably not to the extent that it would qualify for individual listing in the National Register of Historic Places or in the State Register of Historic Properties. The property, though, should be considered eligible for local landmark designation by the City of Loveland.**

43. Assessment of historic physical integrity related to significance:

**This property displays a high level of integrity relative to the seven aspects of integrity as identified by the National Park Service and Colorado Historical Society - location, setting, design, materials, workmanship, feeling and association. There have been no additions, and no notable exterior alterations, to either the house or garage.**

### VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT

44. National Register eligibility field assessment: **Not Eligible**

Local landmark eligibility field assessment: **Eligible**

45. Is there National Register district potential? Yes ☒ No

Discuss: **Historic residential properties in the neighborhood west of downtown Loveland may collectively possess the historical and/or architectural significance, and display sufficient physical integrity, to comprise one or more State or National Register historic districts.**

If there is National Register district potential, is this building: Contributing ☒ Noncontributing N/A:

46. If the building is in existing National Register district, is it: Contributing Noncontributing N/A: ☒

### VIII. RECORDING INFORMATION

47. Photograph number(s):	<b>CD #4, Images 62-65</b>	CDs filed at:	<b>City of Loveland</b>
48. Report title:	<b>City of Loveland Fifth Street Historic Survey</b>		<b>Community and Strategic Planning Department</b>
49. Date(s):	<b>01/14/08</b>		<b>500 E. Third Street</b>
50. Recorder(s):	<b>Carl McWilliams</b>		<b>Loveland, CO 80537</b>
	<b>Timothy Wilder</b>		
51. Organization:	<b>Cultural Resource Historians</b>		
52. Address:	<b>1607 Dogwood Court</b>		
	<b>Fort Collins, CO 80525</b>		
53. Phone number(s):	<b>(970) 493-5270</b>		

# Architectural Inventory Form

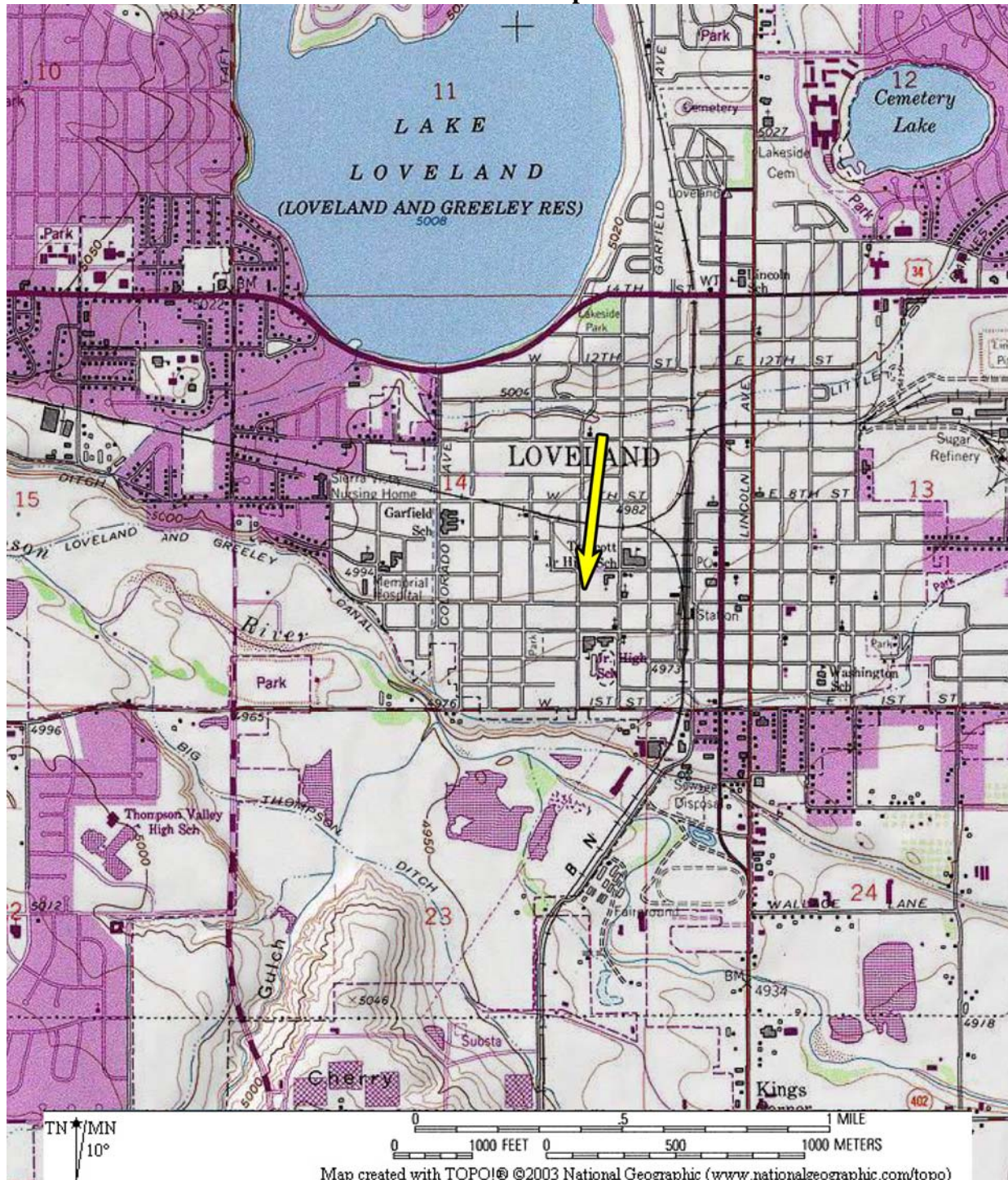
Page 7 of 8

## Sketch Map

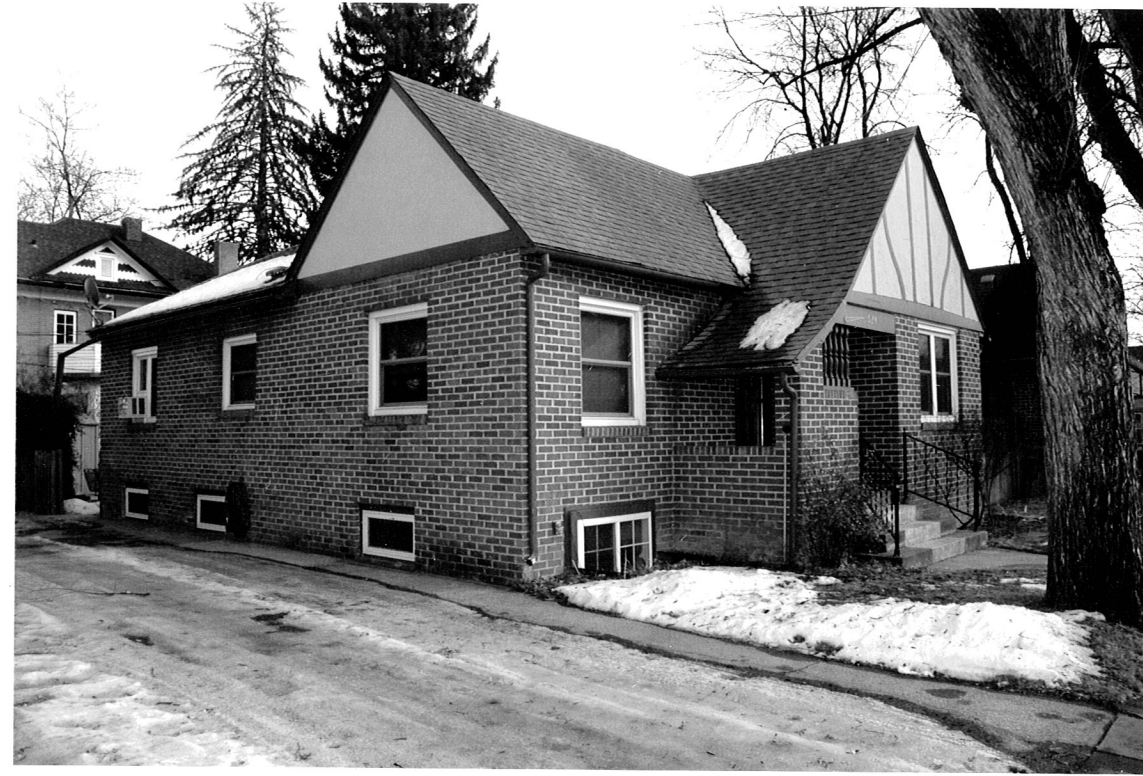


**Architectural Inventory Form**

Page 8 of 8

**Location Map**









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

---

**AGENDA ITEM:** 5  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Development Services  
**PRESENTER:** Noreen Smyth

---

**TITLE:**

An ordinance vacating a portion of a drainage and utility easement located on Lot 39, Block 1, of the Alford Lake First Subdivision, City of Loveland, Larimer County, Colorado

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a public hearing and move to adopt on first reading the ordinance vacating a portion of a drainage and utility easement

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adoption a motion continuing the item to a future Council meeting
- 

**DESCRIPTION:**

A public hearing on a legislative action to consider a request to vacate a 122.5 square foot portion of a drainage and utility easement in the Alford Lake First Subdivision, located at 5285 Crabapple Court.

**BUDGET IMPACT:**

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible
- 

**SUMMARY:**

A portion of an existing drainage and utility easement located on Lot 39, Block 1, of Alford Lake First Subdivision is proposed for vacation. Due to an error made in the placement of the foundation of a recently built single family house, the structure encroaches 3.5 feet into the 5-foot-wide side yard easement. The request would remedy this issue, vacating a portion of the easement that is 3.5 feet by 35 feet, for a total 122.5 square feet. The vacation of the easement

would not impact drainage on this lot. There are no utilities within the portion of the easement to be vacated.

Following a noticed public hearing on June 26<sup>th</sup>, an associated side yard setback variance was approved by the Zoning Board of Adjustment hearing officer, conditioned upon approval of this vacation by City Council. The setback variance of 3.5 feet was required to accommodate encroachment of the house into required 5-foot-wide setback. The easement vacation, if approved by Council, will complete this process and allow the house to remain in its existing location. Staff is in support of this application.

---

**REVIEWED BY CITY MANAGER:**



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**LIST OF ATTACHMENTS:**

1. Ordinance
2. Staff memo

**FIRST READING: August 7, 2012**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT ON LOT 39, BLOCK 1, ALFORD LAKES FIRST SUBDIVISION, CITY OF LOVELAND**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the drainage and utility easement described and depicted on **Exhibit A** attached hereto and incorporated herein by this reference, located in Lot 39, Block 1, Alford Lakes Subdivision, City of Loveland, County of Larimer, State of Colorado;

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

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

**WHEREAS**, the City Council further finds and determines that the application filed with the Current Planning Division was signed by the owners of more than 50% of property abutting the easement to be vacated.

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

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

**Section 2.** That based on the City Council's findings described above, the following portion of the drainage and utility easement be and the same is hereby vacated:

That portion of a drainage and utility easement located on **Lot 39, Block 1, A, Alford Lakes Subdivision, City of Loveland, County of Larimer, State of Colorado described on Exhibit A attached hereto and incorporated herein by this reference,**

containing 122.5 square feet more or less.

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

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

**Section 4.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2012.

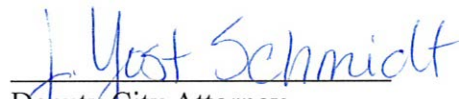
ATTEST:

CITY OF LOVELAND, COLORADO:

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

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

APPROVED AS TO FORM:

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

**EXHIBIT A****INTERMILL LAND SURVEYING, INC.**

1301 North Cleveland Avenue – Loveland, Colorado 80537

P: 970-669-0516 – F: 970-635-9775

E: intermill@qwestoffice.net

P-12-7131

April 9, 2012

**PROPERTY DESCRIPTION FOR A PROPOSED EASEMENT VACATION BEING A  
PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION  
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO**

That portion of Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION as bearing North 64°47'30" East and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION; thence along the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 64°47'30" East 42.00 feet; thence departing said Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 25°12'30" West 1.50 feet to the TRUE POINT OF BEGINNING; thence continuing North 25°12'30" West 3.50 feet, more or less, to a point on the Northwestern line of an existing Drainage and Utility Easement; thence along said Northwestern line of an existing Drainage and Utility Easement North 64°47'30" East 35.00 feet; thence departing said Northwestern line of an existing Drainage and Utility Easement South 25°12'30" East 3.50 feet; thence South 64°47'30" West 35.00 feet to the TRUE POINT OF BEGINNING.

Containing 122.5 Square Feet, more or less.

PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.

1301 North Cleveland Avenue

Loveland, Colorado 80537

P: 970-669-0516

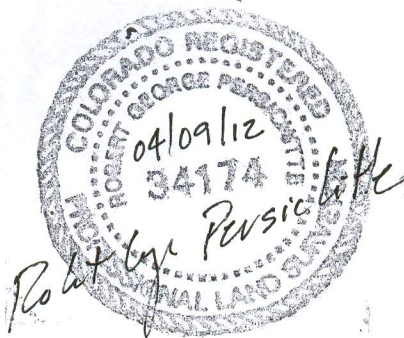
F: 970-635-9775

E: intermill@qwestoffice.net

Robert George Persichitte

Colorado PLS 34174

Date: 04/09/2012



\\HAL\prj\P-7131-Robbins\doc\EASEMENT VACATION INITIAL SUBMITTAL\VACATION LEGAL.doc

# EXISTING CONDITIONS MAP FOR A PROPOSED EASEMENT VACATION BEING A PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOT 1, BLOCK 1, CROSSROADS SECOND SUBDIVISION

LOT 39, BLOCK 1,  
ALFORD LAKE  
FIRST SUBDIVISION

LOT 46, BLOCK 1,  
ALFORD LAKE FIRST SUBDIVISION

LOT 45, BLOCK 1,  
ALFORD LAKE  
FIRST SUBDIVISION

LOT 40, BLOCK 1,  
ALFORD LAKE  
FIRST SUBDIVISION

**CRABAPPLE COURT**  
(Public Right-of-Way Width Varies)  
ASPHALT SURFACE

D=3207.40' R=58.00'  
L=32.53' C=32.10'  
CB=N41°16'09"W

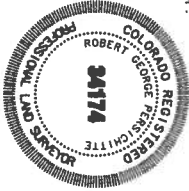
Date of Initial Preparation: April 4, 2012  
STATEMENT OF LINEAR UNITS USED:  
Linear Units Used for this survey - U.S. Survey Feet.



NOTE: CERTAIN UTILITY LOCATIONS (SANITARY SEWER LINES, WATER LINES, STORM SEWER LINES) ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. THE LOCATIONS FOR THESE UTILITY LINES SHOWN PER THE CITY OF LOVELAND DEPARTMENT OF WATER AND POWER UTILITY MAP BOOK. TRUE FIELD LOCATIONS FOR THESE UTILITY LINES SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION WITHIN THE GENERAL AREA OF THESE UTILITY LINES.

NOTE: Above ground and underground utility locates, as shown on this map, were obtained by the client and field located by InterMill Land Surveying, Inc. for the preparation of this survey. Field locates of utilities performed on April 6, 2012.

PREPARED BY AND ON BEHALF OF:  
INTERMILL LAND SURVEYING, INC.  
1301 North Cleveland Avenue  
Loveland, Colorado 80537  
P: (970) 689-0516  
F: (970) 635-9775  
E: intermill@westoffice.net  
Robert George Perschille  
Colorado P.L.S. 34174  
Project No.: P-12-7131



**Development Services  
Current Planning**

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

**M E M O R A N D U M**

**TO:** City Council

**FROM:** Noreen Smyth, Current Planning Division

**DATE:** August 7, 2012

**SUBJECT:** Vacation of a drainage and utility easement at 5285 Crabapple Court  
PZ#12-00066

---

**I. ATTACHMENTS**

1. Vicinity Map and Aerial
2. Vacation Exhibit Map
3. Application for Easement Vacation
4. Letter from Applicant
5. Engineer's drainage statement

**II. KEY ISSUES**

Staff believes that there are no outstanding issues regarding the requested easement vacation except for the associated variance request.

**III. PROJECT DESCRIPTION**

This applicant proposes to vacate an approximate 3.5 foot by 35 foot portion of a side yard drainage and utility easement at 5285 Crabapple Court (as shown on **Attachment 2**). The vacation request is accompanied by and contingent upon a side yard variance request (PZ# 12-00067). The easement vacation and associated side yard variance are being requested to accommodate a recently constructed single family residence that was situated in a manner that encroaches into the easement and side yard.

### Background

As illustrated in the attached Vacation Exhibit, the subject property is Lot 39 of Block 1 of Alford Lake First Subdivision. The property to the south is Lot 40. The lots behind (to the east of) these lots are Lot 46 and Lot 45. The dividing line between Lots 45 and 46 does not line up with the dividing line between the subject property and Lot 40; the side lot line of the properties to the rear is located approximately 10 feet farther south. When situating the foundation of the house, the builder measured the subject property's south side lot line from the pin demarcating the rear corner (side lot line) of Lots 45 and 46 rather than the pin demarcating that of Lots 39 (the subject property) and 40. Thus, the builder believed the side lot line to be located farther to the south than it actually is. City staff discovered the encroachment into the side yard and easement when conducting the building permit inspection.

On staff's recommendation, the applicant spoke with the owner of the vacant lot to the south about potentially purchasing a portion of his property or otherwise altering the intervening lot line in a manner that would provide additional side yard to the subject property and eliminate the need to seek relief of the side yard requirement. The neighbors were not able to come to an agreement on this, and the lot line was not changed. It should be noted, however, that pursuing the easement vacation would be necessary regardless of whether the need for a side yard variance had been eliminated through a lot line adjustment.

### Staff Review of Easement Vacation

As indicated in the Findings and Analysis below, the drainage and utility easement to be vacated is no longer used to convey stormwater and does not impact the existing water and wastewater utility configuration within the subdivision. It is not needed for public use. The adjacent lot to the south should not be affected by the proposed easement vacation. City development review staff support the vacation request.

### Variance

The Zoning Board of Adjustment conducting a hearing on the requested 3.5 foot variance to the side yard setback on June 26, 2012. Staff received a letter of opposition to the request in advance of the hearing from the neighbor to the south. The neighbor expressed concern that his property value may be diminished by having a neighboring house situated closer to his property line than would normally be allowed. The neighbor was not able to attend the ZBA hearing in person, and no other objectors spoke at the hearing or sent letters to the City. The hearing officer was informed of the letter of objection from the neighbor to the south. On considering the evidence presented at the hearing, the hearing officer ruled to approve the variance on July 6, 2012. No appeal of the ruling was filed.

## **IV. FINDINGS and ANALYSIS**

The following two findings must be met in order for the City Council to vacate the drainage and utility easement. These findings are included in section 16.36.010.B of the Loveland City Code.



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

**Current Planning:** Staff believes this finding can be met because the drainage and utility easement vacation is internal to the property and does not affect any access to/from the property or adjacent properties. The proposed vacation of the drainage and utility easement does not involve the vacation of any existing public street or alley rights-of-way. No land will be left without an established public or private right-of-way or easement connection as a result of this easement vacation.

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

**Transportation:** Since this vacation is for a drainage and utility easement only, and does not include any existing alley or street rights of way, the vacation of the easement has no bearing on the existing public use and convenience in regards to access.

**Fire:** Staff believes the proposed easement is not needed for fire protection and can support the vacation.

**Power:** No concerns.

**Water/Wastewater:** The subject area to be vacated is within the City's current service area for both water and wastewater. Staff finds that the existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development. The existing easement to be vacated is no longer necessary for public use and convenience.

**Stormwater:** The easement to be vacated is not used to convey stormwater and thus is not necessary for the public use and conveyance of stormwater.

## **V. RECOMMENDATION**

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

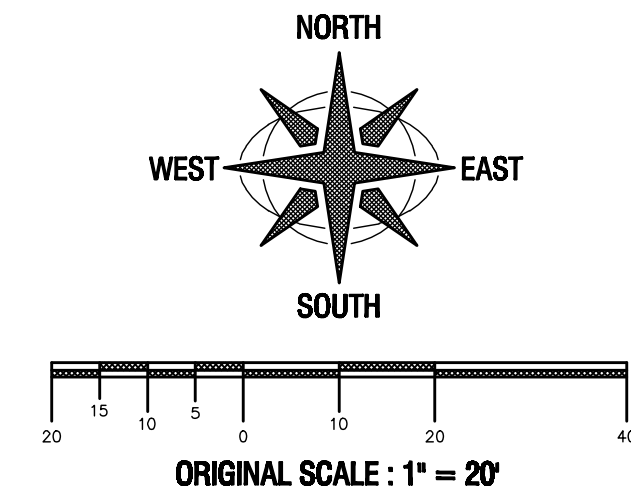
## VICINITY MAP AND AERIAL

### 5285 Crabapple Court

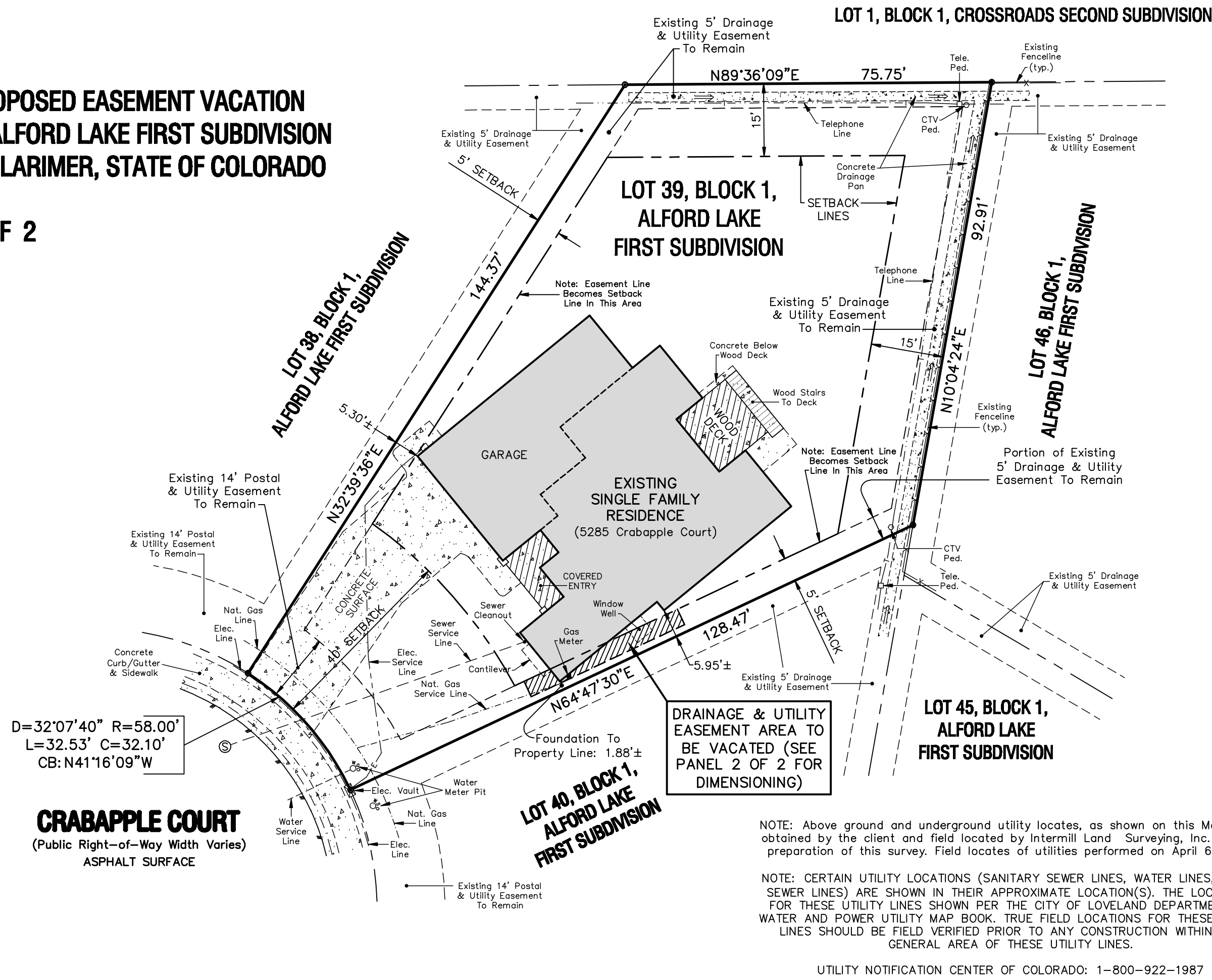


EXISTING CONDITIONS MAP FOR A PROPOSED EASEMENT VACATION  
BEING A PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION  
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

PANEL 1 OF 2



ORIGINAL SCALE : 1" = 20'  
Date of Initial Preparation: April 4, 2012  
STATEMENT OF LINEAR UNITS USED:  
Linear Units Used for this survey - U.S. Survey Feet.



EASEMENT VACATION MAP

BEING A PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION  
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

PREPARED BY AND ON BEHALF OF:  
INTERMILL LAND SURVEYING, INC.  
1301 North Cleveland Avenue  
Loveland, Colorado 80537  
P: (970) 669-0516  
F: (970) 635-9775  
E: intermill@qwestoffice.net



Robert George Persichitte  
Colorado P.L.S. 34174  
Project No.: P-12-7131

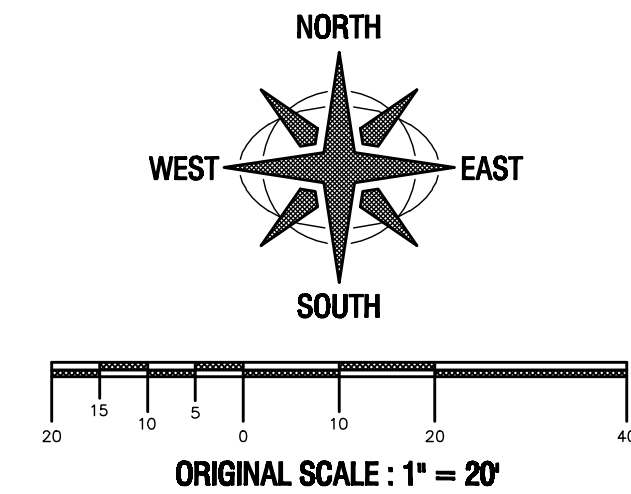
PREPARED FOR:  
DENNIS ROBBINS CARPENTRY, INC.  
Attn: Denny Robbins  
28942 Weld County Road 15  
Windsor, Colorado 80550  
P: (970) 566-4111

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

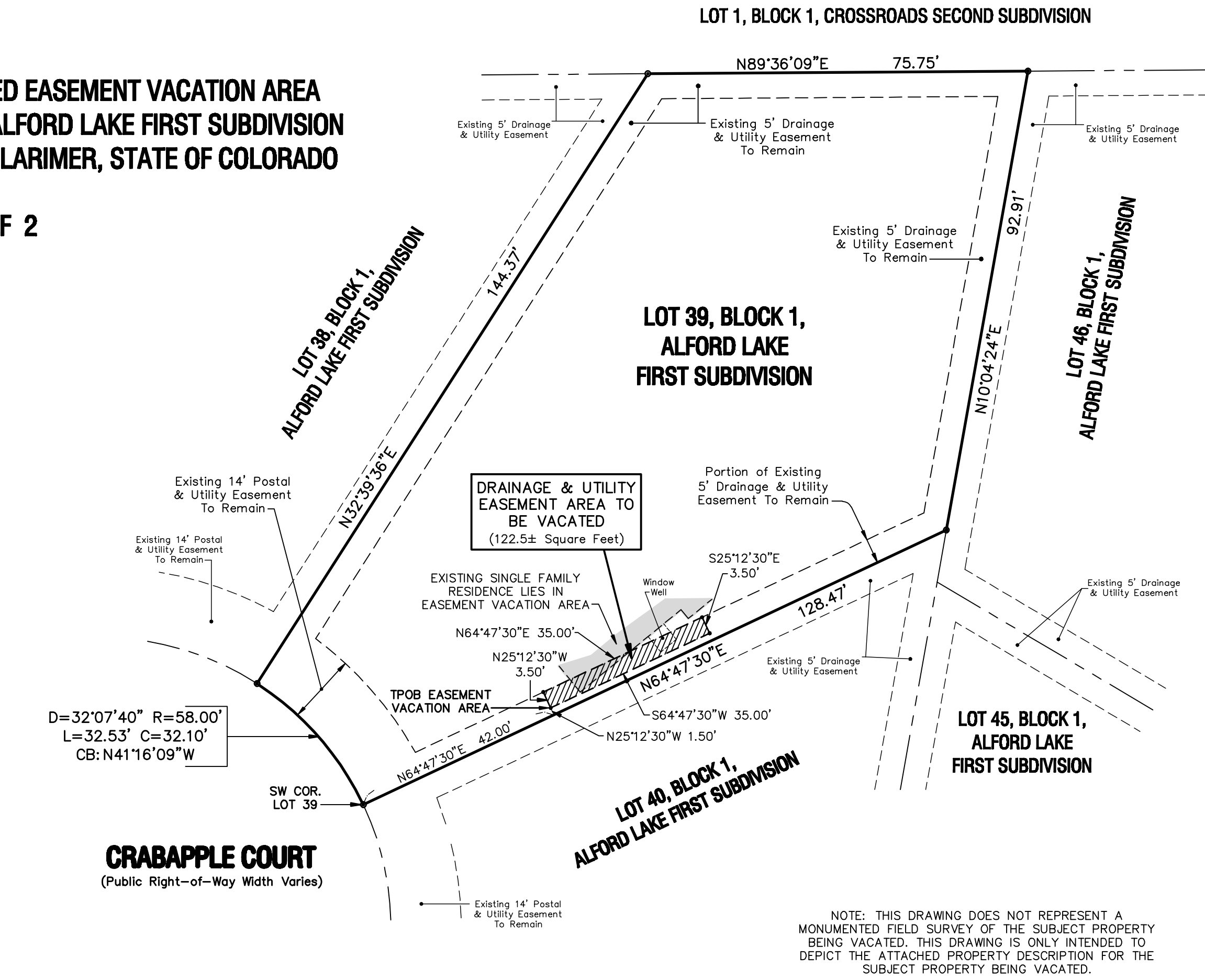
UTILITY NOTIFICATION CENTER OF COLORADO: 1-800-922-1987

EXHIBIT MAP DEPICTING THE PROPOSED EASEMENT VACATION AREA  
BEING A PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION  
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

PANEL 2 OF 2



ORIGINAL SCALE : 1" = 20'  
Date of Initial Preparation: April 4, 2012  
STATEMENT OF LINEAR UNITS USED:  
Linear Units Used for this survey - U.S. Survey Feet.



PROPERTY DESCRIPTION FOR A PROPOSED EASEMENT VACATION BEING A PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

That portion of Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION as bearing North 64°47'30" East and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION; thence along the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 64°47'30" East 42.00 feet; thence departing said Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 25°12'30" West 1.50 feet to the TRUE POINT OF BEGINNING; thence continuing North 25°12'30" West 3.50 feet, more or less, to a point on the Northwesternly line of an existing Drainage and Utility Easement; thence along said Northwesternly line of an existing Drainage and Utility Easement North 64°47'30" East 35.00 feet; thence departing said Northwesternly line of an existing Drainage and Utility Easement South 25°12'30" East 3.50 feet; thence South 64°47'30" West 35.00 feet to the TRUE POINT OF BEGINNING.

Containing 122.5 Square Feet, more or less.

INTERMILL LAND SURVEYING, INC.

1301 NORTH CLEVELAND AVENUE LOVELAND, COLORADO 80537 BUS. (970)-669-0516 / FAX (970)-635-9775

CLIENT: DENNIS ROBBINS CARPENTRY, INC.

TITLE: EASEMENT VACATION EXHIBIT MAP

LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION, LOVELAND, COLORADO

DRAWN BY: RGP

CHECKED BY:

APPROVED BY:

DATE: 04-04-2012

SCALE: 1"=20'

PROJECT NO.  
P-12-7131

SHEET	OF
1	1



## City of Loveland Planning Process Application

\*All information must be completed and collated before submittal will be accepted\*  
If you have questions or need additional information, please call 962-2523 (FAX 962-2945)

<b>Project Name:</b> LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION EASEMENT VACATION		
<b>Narrative Description of Project:</b> VACATION OF A PORTION OF A DRAINAGE & UTILITY EASEMENT		
Application Type (Please check):		
<input type="checkbox"/> <b>Annexation and PUD zoning:</b> \$800 + \$35 per acre up to 400 acres \$3 per acre above 400 acres. \$1500 Publication & Recordation fee	<input type="checkbox"/> <b>PUD preliminary development plan:</b> \$800 + \$2 per dwelling unit for residential and \$2 per acre for other.	<input type="checkbox"/> <b>Major subdivision preliminary plat:</b> \$600 + \$5 per lot for residential and \$5 per acre for other.
<input type="checkbox"/> <b>Annexation and zoning other than PUD:</b> \$800 + \$25 per acre up to 400 acres + \$2 per acre above 400 acres. \$1500 Publication & Recordation fee	<input type="checkbox"/> <b>PUD final development plan:</b> \$800 + \$2 per dwelling unit for residential and \$2 per acre for other than residential.	<input type="checkbox"/> <b>Minor subdivision:</b> \$300 <input type="checkbox"/> <b>Special review:</b> \$500
<input type="checkbox"/> <b>PUD general development Plan:</b> \$800 + \$10 per acre up to 1,200 acres \$3 per acre above 1,200 acres.	<input type="checkbox"/> <b>Major subdivision final plat:</b> \$700 + \$5 per lot for residential and \$5 per acre for other than residential.	<input type="checkbox"/> <b>Special review minor mod:</b> \$150 <input type="checkbox"/> <b>Rezoning</b> \$500
<input type="checkbox"/> <b>Amended Plat-BLA/Lot merger:</b> \$200		<input checked="" type="checkbox"/> <b>Vacation:</b> \$200
Legal Description of Property Boundary (Lots, Blocks, Tracts and Subdivision Name, or Metes & Bounds): See Attached Legal Description For Easement Area To Be Vacated Name of PUD (if applicable): <u>ALFORD LAKE ADDITION</u> Addresses of Existing Buildings or Property: <u>5285 CRABAPPLE CT., LOVELAND, CO. 80538</u> County Assessor parcel Number(s) (Phone (970) 498-7050): <u>96352-05-039</u>		
<b>Applicant:</b> (Company Name) <u>DENNIS ROBBINS CARPENTRY, INC.</u>		
Company Person: <u>DENNIS ROBBINS</u> Phone: <u>970-566-4111</u> FAX: <u>N/A</u>		
Address: <u>28942 WELD CTY. RD. 15</u> City: <u>WINDSOR</u> State: <u>CO</u> Zip Code: <u>80550</u>		
<b>Consultant:</b> (Engineer, Surveyor, Architect) Company Name: <u>INTERMILL LAND SURVEYING, INC.</u>		
Contact Person: <u>ROB PERSICATTE</u> Phone: <u>970-669-0516</u> FAX: <u>970-635-9775</u>		
Address: <u>1301 N. CLEVELAND AVE.</u> City: <u>LOVELAND</u> State: <u>CO</u> Zip Code: <u>80537</u>		
<b>Owner:</b> (Company Name): <u>DENNIS ROBBINS CARPENTRY, INC.</u>		
Contact Person: <u>DENNIS ROBBINS</u> Phone: <u>970-566-4111</u> FAX: <u>N/A</u>		
Address: <u>28942 WELD CTY. RD 15</u> City: <u>WINDSOR</u> State: <u>CO</u> Zip Code: <u>80550</u>		
FOR OFFICE USE ONLY		
Received By: _____ Planner Assigned: _____ P & Z Number: _____ Pre-Application Conference Date: _____		
STAFF NOTES:		
Note: A pre-application conference is required prior to acceptance of any application for development or redevelopment, including applications for a building permit other than for a single or two-family dwelling unless there are no exterior alterations proposed to an existing building or to the property which require a permit from the City.		

EMAIL: DENNIS ROBBINS [denny@robbinscontracting.com](mailto:denny@robbinscontracting.com)  
 ROB PERSICATTE [rob.ils@questoffice.net](mailto:rob.ils@questoffice.net)

Attachment A

## Site Data

### Land Use & Zoning

Existing Use: SF ResidenceProposed Use: SF ResidenceExisting Zoning & Area (Acres): PUD/122.5 S.F.Proposed Zoning & Area (Acres): PUD/122.5 S.F.

Is any portion located in a floodplain? \_\_\_\_\_

If yes, please attach legal description.

Master Land Use Plan Designation:

Existing Adjacent Zoning and Use:

East Side: PUD/SF South Side: PUD/SF (Vacant)West Side: PUD/SF (Vacant) North Side: PUD/CHURCHYes: \_\_\_\_\_ No: X

### Utility Service Provided by:

Water: LovelandSewer: LovelandElectric: Loveland

### General

Number of Units Existing: 1Number of Units Proposed: N/ANumber of Phases: N/ANumber of Units per Phase: N/ANumber of Lots Proposed: N/ALot/Tract Size Minimum: N/ALot/Tract Size Maximum: N/ALot/Tract Size Average: N/AGross Density (DU/A): N/ANet Density (DU/A): N/APercent (%) of Open Space Proposed: N/ANon-Residential Bldg. Area (Sq. Ft.) Proposed: N/ANon-Residential Construction Floor Area Ratio: N/AAvg. Residential Bldg. Area (Sq. Ft.) Proposed: N/ATotal Number of Parking Spaces: N/A

Acreage of Site:

a. Gross: 122.5 s.f.b. Right-of-Way: 0c. Net (a-b): 122.5 s.f.Estimated Price Range of Dwellings Proposed: N/AType of Housing Proposed (please check): N/A☐ Single Family☐ Townhouse☐ Duplex☐ Condominium☐ Multi-family (# of units) \_\_\_\_\_

Water Rights Paid – Dates &amp; Amounts: Yes

(For information, call the Water &amp; Power Department at (970) 962-3717)

### DESIGNATION OF REPRESENTATIVE:

The Undersigned owner(s) and lienholder(s) agree that Intermill Land Surveying, Inc. (Robert G. Persichitte) represents the undersigned in all matters pertaining to this project, including subsequent modifications to the application.

Owner: Dennis J. PtkinDate: 4/16/2012

Lienholder: \_\_\_\_\_

Date: \_\_\_\_\_

### ACKNOWLEDGMENTS:

I, as the applicant or representatives of the applicant, hereby acknowledge that the application is correct and complete as per the specifications of the attached information sheet and checklist.

Dennis J. Ptkin  
Signature of applicant or Representative

Date: 4/16/2012

Robert G. Persichitte  
for Intermill Land Surveying, Inc.

Date: 04/10/2012

Attachment A



**INTERMILL LAND SURVEYING, INC.**

1301 North Cleveland Avenue – Loveland, Colorado 80537

P: 970-669-0516 – F: 970-635-9775

E: intermill@qwestoffice.net

P-12-7131

April 9, 2012

**PROPERTY DESCRIPTION FOR A PROPOSED EASEMENT VACATION BEING A  
PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION  
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO**

That portion of Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION as bearing North 64°47'30" East and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION; thence along the Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 64°47'30" East 42.00 feet; thence departing said Southeasterly line of said Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION North 25°12'30" West 1.50 feet to the TRUE POINT OF BEGINNING; thence continuing North 25°12'30" West 3.50 feet, more or less, to a point on the Northwestern line of an existing Drainage and Utility Easement; thence along said Northwestern line of an existing Drainage and Utility Easement North 64°47'30" East 35.00 feet; thence departing said Northwestern line of an existing Drainage and Utility Easement South 25°12'30" East 3.50 feet; thence South 64°47'30" West 35.00 feet to the TRUE POINT OF BEGINNING.

Containing 122.5 Square Feet, more or less.

PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.

1301 North Cleveland Avenue

Loveland, Colorado 80537

P: 970-669-0516

F: 970-635-9775

E: intermill@qwestoffice.net

Robert George Persichitte

Colorado PLS 34174

Date: 04/09/2012



\\HAL\prj\P-7131-Robbins\doc\EASEMENT VACATION INITIAL SUBMITTAL\VACATION LEGAL.doc

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

P-12-7131  
April 9, 2012

City of Loveland, Colorado  
Development Services – Current Planning  
500 East 3<sup>rd</sup> Street  
Loveland, Colorado 80537

RE: PROPOSED EASEMENT VACATION - PORTION OF LOT 39, BLOCK 1, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, COLORADO

To Whom It May Concern:

This letter is being prepared on behalf of Dennis Robbins Carpentry, Inc. (Attn: Dennis Robbins), the applicant, and shall act as a letter of request and explanation for a proposed Drainage and Utility Easement Vacation Request. Dennis Robbins Carpentry, Inc. is the owner of that certain property legally known as Lot 39, Block 1, ALFORD LAKE FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado. The property is commonly known as 5285 Crabapple Court, Loveland, Colorado 80538.

Dennis Robbins Carpentry, Inc. is requesting the vacation of a portion of an existing Five (5) Foot wide Drainage and Utility Easement dedicated with the Final Plat of said Alford Lake First Subdivision. This easement was dedicated with the Final Plat of said Alford Lake First Subdivision to allow area for utility line installation and to create an easement corridor to carry drainage runoff water(s) away from residential structures along the platted lot lines.

The site currently contains an existing single-family residence. The owner and applicant for this vacation request; Dennis Robbins Carpentry, Inc. being represented by Dennis Robbins, constructed the existing single-family residence on the lot. An error in the initial layout of the foundation for the existing single-family residence inadvertently placed the structure within the platted Drainage and Utility Easement along the Southeasterly property line of the subject lot. Subsequently, this also led to the structure being erroneously constructed within the required setback along this property line. A separate Setback Variance Request is being submitted and reviewed concurrently with this easement vacation request.

Due to the construction error for the existing single-family residence, Mr. Robbins is now applying for this easement vacation request to correct the error of the structure being placed in the existing Drainage and Utility Easement, for himself and the future property owners. To the best of our knowledge, and as evidenced by utility locates being performed on the property, no utility main lines serving this property or adjacent properties are installed within the portion of the Drainage and Utility Easement area to be vacated. The side lot drainage corridor to carry drainage runoff water(s) away from residential structures along the platted lot lines should not be

\\HAL\prj\P-7131-Robbins\doc\VACATION REQUEST LETTER.doc 1



affected due to the minor amount of drainage runoff water(s) being conveyed through this portion of the existing Drainage and Utility Easement.

Please review this letter and the accompanying documents for this Drainage and Utility Easement Vacation request during regularly scheduled staff review schedules. As always, if any City of Loveland staff members have any questions, concerns or desire additional information on this request, please feel free to call myself at (970) 669-0516 or Mr. Robbins at (970) 566-4111.

Respectfully Submitted,

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



Robert G. Persichitte  
For and On Behalf Of  
Dennis Robbins Carpentry, Inc.





700 Automation Drive, Unit I  
Windsor, CO 80550  
Phone: 970-686-6939  
Fax: 970-686-1188

Stormwater Engineering  
City of Loveland  
410 East 5<sup>th</sup> Street  
Loveland, CO 80537

May 14, 2012

To Whom It May Concern:

This letter is in reference to the Lot Grading Certification for Lot 39, Block 1 of Alford Lake First Subdivision (5285 Crabapple Court).

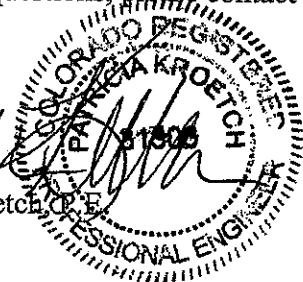
The foundation for this lot was incorrectly located by the contractor and encroaches on the existing drainage and utility easement on the south lot line. The corner that intrudes on the easement creates the high point on the south lot line (elevation 76.2) causing the lot runoff to flow southwest to Crabapple Court (elevation 75.2) and northeast to the existing concrete pan (elevation 68.0). Because of this, the encroachment will not impact the drainage for this lot.

This letter does not address potential utility issues created by vacating a portion of the easement or setback considerations for the adjacent lot.

If there are questions, please contact me at 970-686-6939.

Sincerely,

Patricia Kroetch, C.E.





## CITY OF LOVELAND

### DEVELOPMENT SERVICES DEPARTMENT

Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 6  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Karl Barton, Strategic Planning Division

#### TITLE:

A resolution authorizing the City Manager to sign an application nominating the Milner-Schwarz House to the National Register of Historic Places

**RECOMMENDED CITY COUNCIL ACTION:** Move to adopt a resolution supporting the nomination application for the National Register of Historic Places of the Milner-Schwarz House located at 700 S. Railroad Avenue, Loveland, Colorado.

#### OPTIONS:

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

**DESCRIPTION:** An administrative action to consider authorizing the City Manager to sign an application to nominate the Milner-Schwarz House, located at 700 South Railroad Avenue, to the National Register of Historic Places. The Historic Preservation Commission recommends Council approval of the resolution. If national designation is attained, state designation is recognized automatically.

#### BUDGET IMPACT:

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible

**SUMMARY:** The National Register of Historic Places is the nation's list of buildings, sites, and districts that are considered worthy of recognition and preservation because of their architectural merit or importance in local, regional, or national history.

The Historic Preservation Commission has determined that the City owned Milner-Schwarz House is eligible for national and state designation as detailed in the attached staff report. Listing on the National Register will provide for an exemption from floodplain regulations that currently do not allow for the house to be entered or occupied. The Loveland Historical Society does not propose to have the building occupied on a permanent basis. The Society does plan to

make improvements to the interior of the building to prepare it for use as a house museum, either viewed through the windows or by having visitors walk through the building, only on the first floor.

The Milner-Schwarz House is thought to be the oldest remaining brick farmhouse in Larimer County. It was built in 1873 by Joseph Milner whose daughter, Sarah Milner, became the first school teacher in Larimer County at the St. Louis School and whose son, James Milner, became Loveland's first Police Marshall. Because the house pre-dates the founding of Loveland, it provides an important example of the early settlement and agricultural history of the area. Samuel Milner owned approximately 80 acres and provided meat to railroad workers building the Denver-Cheyenne line in 1876. In 1906, the 45-acre farm was purchased by the Schwarz family, part of the movement of Germans from Russia to Loveland. They ran a dairy farm and raised numerous crops, including sugar beets.

The Milner-Schwarz House was designated to Loveland's Historic Landmark Register in February 2009. In 2010, the City of Loveland partnered with the Loveland Historical Society to complete an exterior stabilization and restoration of the Milner-Schwarz house which was completed in 2012.

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**REVIEWED BY CITY MANAGER:**



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**LIST OF ATTACHMENTS:**

- Resolution
- Staff Report
- Vicinity Map

**RESOLUTION #R-52-2012****A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION NOMINATING THE MILNER-SCHWARZ HOUSE TO THE NATIONAL REGISTER OF HISTORIC PLACES**

**WHEREAS**, the City of Loveland owns the Milner-Schwarz House located at 700 S. Railroad Avenue, Loveland, CO 80537; and

**WHEREAS**, in 2009, the Milner-Schwarz House was designated as a historic landmark and included in Loveland Historic Landmark Register, pursuant to Chapter 15.56 of the Loveland Municipal Code; and

**WHEREAS**, the City has partnered with the Loveland Historic Society to complete stabilization and exterior renovation of the House and the City and Society would like to have the option to allow people to enter and use the interior of the House in the future; and

**WHEREAS**, the Milner-Schwarz House is located in the Big Thompson flood plain and federal floodplain regulations do not allow it to be entered or occupied. If the property is listed on the National Register of Historic Places, it could be exempted from these regulations and its interior spaces could be opened up to the public, if desired; and

**WHEREAS**, at its regularly scheduled meeting on July 16, 2012, the Historic Preservation Commission adopted a motion recommending that the City Council authorize preparation and signature of an application nominating the Milner-Schwarz House to the National Register of Historic Places.

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

**Section 1.** That preparation of an application nominating the Milner-Schwarz House to the National Register of Historic Places (the "Nomination Application") is hereby authorized.

**Section 2.** That the City Manager is hereby authorized to approve and execute, on behalf of the City as the owner of the Milner-Schwarz House, the Nomination Application.

**Section 3.** That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7<sup>th</sup> day of August, 2012.

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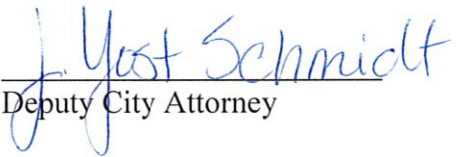
Cecil A. Gutierrez, Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney



## COMMUNITY & STRATEGIC PLANNING

Civic Center • 500 East Third Street • Loveland, Colorado 80537  
 (970) 962-2577 FAX (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

To: Loveland City Council  
 From: Community and Strategic Planning, Development Services Department  
 Meeting Date: August 7, 2012  
 Re: Resolution supporting the application for the National Register of Historic Places of the Milner-Schwarz House

### Overview

It is a great honor for a property to be listed on the prestigious National Register of Historic Places. There are 85,014 listings on the National Register with 1,400 of those properties and historic districts in Colorado, 95 are in Larimer County, 11 are in Loveland. In addition to qualifying for federal grants and other monetary benefits, the designation can enhance marketing efforts to cultural and heritage travelers.

The Historic Preservation Commission (HPC) would like to nominate the City owned Milner-Schwarz House to the National Register and would like City Council authorization to do so. This Resolution will grant to the HPC and City staff authorization to commence work on the nomination and authorize City Manager Bill Cahill to sign the application as the property owner, if necessary.

The Milner-Schwarz House was designated to Loveland's Historic Landmark Register in February 2009. In 2010, the City of Loveland partnered with the Loveland Historical Society to complete an exterior stabilization and restoration of the Milner-Schwarz house which was completed in 2012.

A key reason the Historic Preservation Commission would like to have the Milner-Schwarz House added to the National Register is to provide for the option of allowing people to enter the building. Because the house is located in the floodway of the Big Thompson River federal floodplain regulations do not allow it to be entered or occupied. If the property were to be placed on the National Register, it would be exempted from these regulations and its interior spaces could be opened up to the public, if desired.

Concerns have been expressed over national and state designation status coming with the baggage of burdensome obligations and restrictions. When a property is on the National Register, an owner can alter or demolish their property as long as there are no federal monies attached to the project. Similarly, there are no restrictions imposed by the State of Colorado on properties on its register. Because the Milner-Schwarz house is on Loveland's local register, it is currently subject to regulations and permitting procedures regarding demolition and alteration. National Register designation will not add or remove any restrictions to this property.

### The National Register of Historic Places

The National Register of Historic Places is the official list of the nation's properties worthy of preservation. Authorized under the National Historic Preservation Act of 1966 and maintained by the National Park Service, the National Register is part of the national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American



history, architecture, archeology, engineering, and culture. The National Register encompasses significant properties nominated by state and federal agencies as well as all historic areas in the National Park system and all National Historic Landmarks. National Register status qualifies historic properties for federal grants, tax incentives, and special loans.

To be considered eligible for designation as an historic landmark on the National Register of Historic Places, a property must meet the criteria as identified in the *Code of Federal Regulations, Title 36, Part 65*, of the National Historic Landmarks Program. Properties listed on the National Register of Historic Places are automatically placed on the Colorado State Register.

***Criteria for Evaluation:***

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons now or in the past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That has yielded or may be likely to yield, information important in history or prehistory.

The Historic Preservation Commission and the Loveland Historical Society concur that the Milner-Schwarz House meets the required criteria, particularly in the areas of Criteria B and C. How these criteria are met is described further below.

Some of the required research for the National Register of Historic Places application has been completed as part of the application for the Loveland Historical Landmark Register.

**The Colorado State Register of Historic Properties**

The Colorado State Register of Historic Properties is a listing of the state's significant cultural resources worthy of preservation for the future education and enjoyment of Colorado's residents and visitors. Properties listed in the Colorado State Register include individual buildings, structures, objects, districts and historic and archaeological sites. The Colorado State Register program is administered by the Office of Archaeology and Historic Preservation within History Colorado. History Colorado maintains an official list of all properties included in the Colorado State Register

**History of Milner-Schwarz-House**

The history of the Milner-Schwarz House demonstrates that it meets Criteria B, being associated with the lives of significant persons in the past.

The house was built in 1873 by Joseph Milner, who had relocated to Loveland with his family in 1866 from the St. Vrain river area (present day Longmont), where the family had operated a stage station. The family followed their daughter, Sarah, who was hired as the first public school teacher in Larimer County at the St. Louis school. In 1869 the family purchased 80 acres which they kept until 1880. They furnished meat to the railroad crews when the railroad was being built from Cheyenne to Denver in 1876. Sarah Milner said, "Father, with his expert knowledge of building materials, had, on coming to the valley, hauled white sandstone from the bottoms to erect quite a commodious house on the bottoms just south of where the

town of Loveland was afterwards built.” The foundation of the Milner-Schwarz House is white sandstone.

The Milner family has important connections to the development of the area. Sarah Milner taught school from 1866-1869 in St. Louis, an early Loveland area settlement. In 1870 she married Edward Smith, Larimer County’s first County Clerk. After Edward passed away, Sarah operated a boarding house on 4<sup>th</sup> Street and taught school again for a year in 1881, before homesteading in the Buckhorn Valley with her children and becoming the first teacher at the Buckhorn school. Son Samuel Milner was a stonemason who laid the foundation for many homes including the Osborn homes at 5<sup>th</sup> and Lincoln and Timberlane farm. He was Loveland’s Police Marshall from June 1881-August 1881. Son Joseph Milner, Jr. was also a stone mason, while son James Milner was briefly Loveland’s first Police Marshall from May 1881-June 1881.

In 1906 the farm, about 45 acres at the time, was purchased by William and Elizabeth Schwarz. William was likely born in Russia’s Volga River Valley and was part of the migration of Germans-from-Russia. William met and married Elizabeth Schleiger in Oklahoma, and moved to Loveland in 1904, first leasing a farm. The Schwarz’s raised four sons and one daughter. They ran a small dairy farm, also raising sugar beets, grain crops and feed corn in the fertile soil along the banks of the river, and occasionally keeping chickens, beef cattle, or raising vegetables.

William and Elizabeth sold the farm in 1945, retiring to a house on Lincoln Avenue. Their son, Lee Schwarz, enlisted in the Air Force during World War II, and along the way met and married Imogene Adams of Texas in 1943. They eventually made their home in Loveland and established a family. Lee worked variously as a construction foreman on large-scale projects, including the St. Vrain Power Plant, and still resides in Loveland.

In the 1960s, the Schwarz farm was acquired by Larimer County and incorporated into the fairgrounds site. For several years it served as the Fair Manager’s residence.

*Sources: Larimer County Fairground Historic Overview and Survey Report, prepared by Carl McWilliams, Cultural resource Historians, June/November 2004. Research by Ed Fisher, President, Loveland Historical Society, citing Pioneer Epic, Loveland-Big Thompson Valley Centennial, Larimer County land records, census data, and the “Police Chief” plaque at the police station.*

### **Architectural Description of Milner-Schwarz-House**

The architecture of the Milner-Schwarz House meets designation Criteria C in that it embodies distinctive characteristics of a type, period, or method of construction

Featuring a gabled-T plan, the old farmhouse is a tall, angular, 1 ½-story building of brick masonry construction. It is composed of a 29’ by 16’ block to the SW, and a 19’ by 16’ block to the NE. The two blocks are covered by steeply-pitched intersecting gabled roof forms, with asphalt shingle, with boxed eaves and painted trim. There are two red brick chimneys – one at the north and one at the east end. The house is supported by a painted red concrete foundation (over stone), while its brick walls are laid in running bond and have been painted white. A bulkhead cellar entry is located on the SE elevation. The porch feature an open wood railing with turned balusters, turned columns, and a hipped porch roof with a spindle frieze. The entry door is topped with a transom light, beneath a segmented brick arch header, and is flanked by two 4/4 double-hung sash windows with painted white wood frames and surrounds and with segmental brick arch headers. A 6’ by 15’ rear porch is located at the NE end of the SE elevation.

This porch has a concrete floor, and is covered by a shed roof supported by wood posts. Windows on the house's secondary elevations are primarily 4/4 double-hung sash, with painted white wood frames and surrounds, and with segmental brick arch headers. (See attached pictures.)

The site once contained several outbuildings that are no longer present.

*Source: Larimer County Fairground Historic Overview and Survey Report, prepared by Carl McWilliams, Cultural resource Historians, June/November 2004.*

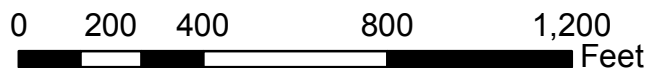
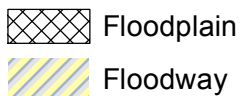
**Next Steps**

The next step will be to complete the application for listing on the National Register of Historic Places. The application will be completed by Historic Preservation Commission members with assistance from City staff.





# Milner - Schwarz House Vicinity Map





**CITY OF LOVELAND****POLICE DEPARTMENT**

810 East 10<sup>th</sup> Street • Loveland, Colorado 80537  
(970) 667-2151 • FAX (970) 962-2917 • TDD (970) 962-2620

---

**AGENDA ITEM:** 7  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Luke Hecker, Police Chief  
**PRESENTER:** Luke Hecker

---

**TITLE:**

Contract award to Motorola Solutions, Inc. for communication equipment for the Loveland Police Department

**RECOMMENDED CITY COUNCIL ACTION:**

Approve a motion awarding a contract to Motorola Solutions, Inc. in the amount of \$889,517 for the purchase of a Motorola MCC7500 dispatch console system and authorizing the City Manager to execute the contract

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adopt a motion continuing the item to a future Council meeting
- 

**DESCRIPTION:**

This is an administrative action awarding a contract for replacement of communication console software and equipment. The new equipment will be comprised of one dispatch center and ten (10) operator positions located at the Loveland Police Department. This is a sole source procurement to retain compatibility with other emergency service providers in the area.

**BUDGET IMPACT:**

- ☐ Positive  
☐ Negative  
☒ Neutral or negligible

Funds were appropriated in the 2011 budget and when project details were not finalized, the funds were included in the supplemental appropriation by the Budget Division approved by Council in April 2012.

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**SUMMARY:**

In 1998 the City of Loveland along with the Poudre Fire Protection District, and the Poudre School District signed a contract with Motorola to create an interoperable Digital Trunked Radio System (DTRS). These agencies became the first members of the Northern Colorado Radio Communications Network (NCRCN). This agreement was the first DTRS in the State of Colorado. The Consolidated Communications Network of Colorado (CCNC), the statewide DTRS, incorporated in 2002. NCRCN became partners with CCNC while maintaining their autonomy allowing for direct management of the system and sites affecting their members.

In 2006 we recognized that the communication console system the City owns, Centracom Gold Elite, would no longer be manufactured after 2010 and there will be no support after 2018. Any support between 2011 and 2018 would be with used parts. We began preparations to upgrade to Motorola IP based console radios: MCC7500. Monies previously used for maintenance from Motorola were rolled over year to year in anticipation of the upgrade. In the fall of 2010 planning began for the expansion and remodel of the Communications Center from six stations to eight. The upgrade to MCC7500 was also begun to coincide with the remodeling and expansion.

An opportunity arose to further expand the Communications Center to 10 stations, by placing two additional stations in the Communications Conference Room creating a small Emergency Operations Center (EOC). The stations in that room would use two of the replaced Gold Elite consoles.

In July of 2011 we received a proposal from Motorola to install eight MCC7500 consoles (later updated to ten consoles). Afterwards, the Larimer Emergency Telephone Authority (LETA) informed us that in the 1<sup>st</sup> quarter of 2012 they would be installing a new IP phone system for all five Public Safety Answering Point (PSAP's) in Larimer County. LETA advised that the Logger (digital recorder) for the new phone system may not be compatible with the MCC7500 we were prepared to purchase. Since it was our desire to have one Logger, as we do now, to record phone calls, radio transmissions and key strokes, the process to upgrade to the MCC7500 was put on hold until LETA had determined which Logger vendor they would use and what affect it would have on the radio upgrade. LETA issued a Request for Proposal (RFP) and the RFP said the Logger must work with an IP radio system. Early in the 1st quarter of 2012 LETA completed evaluations of a RFP for a Logger that would work with the new phone IP system and with an IP radio system. The company selected by LETA was tested and approved by Motorola in May to be compatible with the MCC7500 consoles, thus allowing the City to move forward with this project.

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**REVIEWED BY CITY MANAGER:**




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**LIST OF ATTACHMENTS: None**

**CITY OF LOVELAND**  
**MUNICIPAL AIRPORT**

4900 Earhart Road • Loveland, Colorado 80538  
(970) 962-2852 • FAX (970) 962-2855 • TDD (970) 962-2620

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**AGENDA ITEM:** 8  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Jason Licon, Airport  
**PRESENTER:** Larry Mack

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**TITLE:**

A resolution authorizing the City Manager to execute the 2012 grant agreements (Project No. 3-08-0023-30 and Project No. 3-08-0023-31) with the Federal Aviation Administration for improvements and equipment acquisitions at the Fort Collins-Loveland Municipal Airport

**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the action as recommended

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adopt a motion continuing the item to a future Council meeting
- 

**DESCRIPTION:**

This is an administrative action. The resolution authorizes the City Manager to execute two grant agreements with the Federal Aviation Administration for funds in the amounts of \$295,592 and \$234,685. The first FAA grant in the amount of \$295,592 will be used for the phase one engineering design of an aircraft apron rehabilitation project. The second FAA grant in the estimated amount of \$234,685 will be used to pay for the acquisition of snow removal equipment.

**BUDGET IMPACT:**

- ☒ Positive  
☐ Negative  
☐ Neutral or negligible

The airport's approved 2012 budget includes the expenditure of up to \$1,000,000 in Federal Aviation Administration Entitlement Grants. The remaining \$469,723 in Federal Funding available for 2012 will be rolled over into 2013 to cover costs of the actual construction of the phase two of the aircraft apron rehabilitation project.

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**SUMMARY:**

The Airport's approved 2012 budget includes the expenditure of up to \$1 Million in FAA Entitlement Grant funds and the Airport's matching share. The Airport's matching share is a 10% match and is covered by the State of Colorado 2012 Aviation Grant and PFC collections. The total local contribution for the total \$530,277 is 5% or \$29,460. Maintaining this asset in a safe, useful condition is critical if the Airport is to continue performing its transportation mission and support of economic growth to the area as an employment center, generating revenues to the City, and provision of regional transportation services.

The snow removal equipment grant will provide the Airport with important piece of equipment to maintain the Airport's safe winter operations. This equipment addition is a regulatory requirement based upon the total square footage of Airport paved areas.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:**

Resolution

## **RESOLUTION # R-53-2012**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2012 GRANT AGREEMENTS (PROJECT NO. 3-08-0023-30 AND PROJECT NO. 3-08-0023-31) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AND EQUIPMENT ACQUISITIONS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT**

**WHEREAS**, the Cities of Fort Collins and Loveland jointly own and operate the Fort Collins-Loveland Municipal Airport (the “Airport”); and

**WHEREAS**, the Cities, by resolution, have adopted the Fort Collins-Loveland Municipal Airport Master Plan; and

**WHEREAS**, the Federal Aviation Administration (“FAA”) provides grant funding to eligible airports to enable those airports to pursue, in a timely manner, capital improvements included within an adopted Airport Master Plan; and

**WHEREAS**, the Cities have applied for and have been offered two FAA capital funding grants that include a \$295,592.00 grant for the purpose of funding the design services for rehabilitating the aircraft parking apron as identified in the proposed Grant Agreement (Project No. 3-08-0023-30), attached hereto as Exhibit A and incorporated herein by this reference, and a \$234,685.00 grant for the purpose of funding the acquisition of snow removal equipment as identified in the proposed Grant Agreement (Project No. 3-08-0023-31), attached here to as Exhibit B and incorporated by this reference (collectively referred to as the “2012 Grant Agreements”); and

**WHEREAS**, the projects identified in the 2012 Grant Agreement are identified in the Fort Collins-Loveland Municipal Airport Master Plan as a first priority projects; and

**WHEREAS**, the matching local funds of ten percent (10%) necessary to accept this grant from the Federal Aviation Administration have been previously appropriated as part of the Airport’s 2012 budget.

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

**Section 1.** That the 2012 Grant Agreements are hereby approved.

**Section 2.** That the City Manager is authorized, following consultation with the City Attorney, to modify the 2012 Grant Agreements in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

**Section 3.** That the City Manager and the City Clerk are hereby authorized and directed to execute the 2012 Grant Agreements on behalf of the City of Loveland.

**Section 4.** That this Resolution shall take effect as of the date and time of its

ADOPTED this \_\_\_\_\_ day of August, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2012 GRANT AGREEMENTS (PROJECT NO. 3-08-0023-30 AND PROJECT NO. 3-08-0023-31) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AND EQUIPMENT ACQUISITIONS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT

U.S. Department  
of Transportation

## GRANT AGREEMENT

Federal Aviation  
Administration

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### Part I - Offer

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**Date of Offer:**

**Airport:** Ft. Collins- Loveland Municipal  
Airport

**Project Number:** 3-08-0023-30

**Contract Number:** DOT-FA12NM-10XX

**DUNS #:** 07-648-1407

**To:** City of Ft. Collins, Colorado City of Loveland, Colorado  
(herein called the "Sponsor")

**From:** The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

**Whereas**, the Sponsor has submitted to the FAA a Project Application dated June 20, 2012 for a grant of Federal funds for a project at or associated with the Ft. Collins-Loveland Municipal Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

**Whereas**, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Rehabilitate Apron (design),**

all as more particularly described in the Project Application.



**NOW THEREFORE**, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

#### Conditions

1. The maximum obligation of the United States payable under this offer shall be \$\_\_\_\_\_. For the purpose of any future grant amendments, which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:  
     \$-0- for planning  
     \$\_\_\_\_\_ for airport development.
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the sponsor on or before August \_\_, 2012, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.
8. The United States shall not be responsible or liable for damage to property or injury to persons, who may arise from, or be incident to, compliance with this grant agreement.

### Special Conditions

9. The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars Required for use in AIP Funded and PFC Approved Projects," dated January 25, 2012, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, a letter from the FAA will unilaterally amend the change in grant description. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
11. For a project to replace or reconstruct pavement at the airport, the Sponsor shall implement an effective airport pavement maintenance management program as is required by Airport Sponsor Assurance Number C-11. The Sponsor shall use such program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. As a minimum, the program must conform with the provisions outlined below:

#### PAVEMENT MAINTENANCE MANAGEMENT PROGRAM

An effective pavement maintenance management program is one that details the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed. An airport sponsor may use any form of inspection program it deems appropriate. The program must, as a minimum, include the following:

**a. Pavement Inventory.** The following must be depicted in an appropriate form and level of detail:

- (1) location of all runways, taxiways, and aprons;
- (2) dimensions;
- (3) type of pavement, and;
- (4) year of construction or most recent major rehabilitation.

For compliance with the Airport Improvement Program (AIP) assurances, pavements that have been constructed, reconstructed, or repaired with federal financial assistance shall be so depicted.

**b. Inspection Schedule.**

- (1) **Detailed Inspection.** A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," the frequency of inspections may be extended to three years.
- (2) **Drive-By Inspection.** A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition.

- c. Record Keeping.** Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The types of distress, their locations, and remedial action, scheduled or performed, must be documented. The minimum information to be recorded is listed below:

- (1) inspection date,
- (2) location,
- (3) distress types, and
- (4) maintenance scheduled or performed.

For drive-by inspections, the date of inspection and any maintenance performed must be recorded.

- d. Information Retrieval.** An airport sponsor may use any form of record keeping it deems appropriate, so long as the information and records produced by the pavement survey can be retrieved to provide a report to the FAA as may be required.

- e. Reference.** Refer to Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements and establishing an effective maintenance program. Specific types of distress, their probable causes, inspection guidelines, and recommended methods of repair are presented.

12. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- a.** may not be increased for a planning project;
- b.** may be increased by not more than 15 percent for development projects;
- c.** may be increased by not more than 15 percent for land projects.

13. The Sponsor agrees to comply with the Assurances attached to this offer, which replaces the assurances that accompanied the Application for Federal Assistance.

14. **TRAFFICKING IN PERSONS**

**a. Provisions applicable to a recipient that is a private entity.**

- 1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
- 2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
    - A. Associated with performance under this award; or
    - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.

**b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity--**

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either--
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.

**c. Provisions applicable to any recipient.**

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

**d. Definitions. For purposes of this award term:**

1. "Employee" means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity":
  - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
  - ii. Includes:
    - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
    - B. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

15. The Sponsor agrees to perform the following:

- a. Furnish a construction management program to FAA prior to the start of construction which shall detail the measures and procedures to be used to comply with the quality control provisions of the construction contract,

including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program shall include as a minimum:

- (1) The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
- (2) Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
- (3) Procedures for determining that testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation, referenced in the contract specifications (D 3666, C 1077).
- (4) Qualifications of engineering supervision and construction inspection personnel.
- (5) A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
- (6) Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.

b. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or did not meet the applicable test standard. The report shall include the pay reductions applied and the reasons for accepting any out-of-tolerance material. An interim test and quality control report shall be submitted, if requested by the FAA.

c. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, shall, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction shall be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.

d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate

16. The sponsor agrees to monitor progress on the work to be accomplished by this grant. For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of final project documentation is ten percent (10%) of the total value of the engineering services contract, and that amount will not be paid to the Engineer until acceptable final project documentation is provided.
17. The Sponsor shall provide for a Single Audit in accordance with Office of Management and Budget Circular A-133. The Sponsor shall submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/fac/collect/ddeindex.html>. The Sponsor shall also provide one copy of the completed A-133 Audit to the Denver Airports District



The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by Title 49, U.S.C., Subtitle VII, Part B, as amended constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

\_\_\_\_\_  
John P. Bauer  
Manager, Denver Airports District Office

## Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and do hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

### CITY OF FT. COLLINS, COLORADO

(SEAL)

\_\_\_\_\_  
(Signature Sponsor's Designated Official Representative)

By: \_\_\_\_\_  
Darin Atteberry

\_\_\_\_\_  
(Typed Name of Sponsor's Designated Representative)

Attest: \_\_\_\_\_

City Manager

\_\_\_\_\_  
(Typed Title of Sponsor's Designated Official Representative)

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of COLORADO. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Sponsor's Attorney

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and do hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**CITY OF LOVELAND, COLORADO**

(SEAL)

\_\_\_\_\_  
(Signature Sponsor's Designated Official Representative)

By: William D. Cahill

\_\_\_\_\_  
(Typed Name of Sponsor's Designated Representative)

City Manager

\_\_\_\_\_  
(Typed Title of Sponsor's Designated Official Representative)

Attest: \_\_\_\_\_

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of COLORADO. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Sponsor's Attorney





## FAA Airports

### CURRENT FAA ADVISORY CIRCULARS REQUIRED FOR USE IN AIP FUNDED AND PFC APPROVED PROJECTS

Updated: 1/25/2012

View the most current versions of these ACs and any associated changes at:  
[http://www.faa.gov/airports/resources/advisory\\_circulars](http://www.faa.gov/airports/resources/advisory_circulars)

NUMBER	TITLE
70/7460-1K	Obstruction Marking and Lighting
150/5000-13A	Announcement of Availability—RTCA Inc., Document RTCA-221, Guidance and Recommended Requirements for Airports Surface Movement Sensors
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Change 1	Airport Master Plans
150/5070-7	The Airport System Planning Process
150/5100-13B	Development of State Standards for Non Primary Airports
150/5200-28D	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C	Airport Winter Safety and Operations
150/5200-33B	Hazardous Wildlife Attractants On or Near Airports
150/5210-5D	Painting, Marking and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Fire and Rescue Communications
150/5210-13C	Airport Water Rescue and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools, and Clothing
150/5210-15A	Airport Rescue & Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Firefighting Vehicles
150/5220-16D	Automated Weather Observing Systems for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Firefighting (ARFF) Training Facility
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20 and Change 1	Airport Snow and Ice Control Equipment
150/5220-21B	Guide Specification for Lifts Used to Board Airline Passengers With Mobility Impairments
150/5220-22A	Engineered Materials Arresting System (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes
150/5300-13 and Changes 1 –18	Airport Design
150/5300-14B	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	General Guidance and Specifications for Aeronautical Survey Airport Imagery Acquisition
150/5300-18B	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5C and Change 1	Surface Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation
150/5320-12C and Changes 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5B	Standardized Method of Reporting Airport Pavement Strength PCN
150/5340-1K	Standards for Airport Markings

150/5340-5C	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-30F	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L821 Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7E	Specification for L824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10G	Specification for Constant Current Regulators Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacon
150/5345-13B	Specification for L841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	Specification for L823 Plug and Receptacle, Cable Connectors
150/5345-27D	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	FAA Specification L853, Runway and Taxiway Retroreflective Markers
150/5345-42F	Specification for Airport Light Bases, Transformer Housings, Junction Boxes and Accessories
150/5345-43F	Specification for Obstruction Lighting Equipment
150/5345-44J	Specification for Taxiway and Runway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46D	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specifications for Series to Series Isolation Transformers for Airport Lighting System
150/5345-49C	Specification L854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flasher Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53C	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-1884, Power and Control Unit for Land and Hold Short
150/5345-55A	Specification for L893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-9	Planning and Design of Airport Terminal Facilities at NonHub Locations
150/5360-12E	Airport Signing and Graphics
150/5360-13 and Change 1	Planning and Design Guidance for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10F	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing Devices in the Evaluation of Airport Pavement
150/5380-6B	Guidelines and Procedures for Maintenance of Airport Pavements
150/5390-2B	Heliport Design
150/5395-1	Seaplane Bases

**THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY**

DATED: 1/25/2012	NUMBER	TITLE
150/5100-14D		Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-15A		Civil Rights Requirements for the Airport Improvement Program
150/5100-17 and Changes 1 - 6		Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5200-37		Introduction to Safety Management Systems (SMS) for Airport Operators
150/5300-15A		Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17		Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-6D Change 1-4		Construction Progress and Inspection Report – Airport Grant Program
150/5370-12A		Quality Control of Construction for Airport Grant Projects
150/5370-13A		Offpeak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5380-7A		Airport Pavement Management Program

**THE FOLLOWING ADDITIONAL APPLY TO PFC PROJECTS ONLY**

DATED: 1/25/2012	NUMBER	TITLE
150/5000-12		Announcement of Availability – Passenger Facility Charge (PFC) Application (FAA Form 5500-1)



FAA  
Airports

## Grant Assurances Airport Sponsors

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### A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

### B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project.

C. **Sponsor Certification.** The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

#### **Federal Legislation**

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.<sup>1</sup>
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.<sup>1,2</sup>
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).<sup>1</sup>
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.<sup>1</sup>
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.<sup>1</sup>
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.<sup>1</sup>
- r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.<sup>1</sup>
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.<sup>1</sup>
- t. Copeland Anti kickback Act - 18 U.S.C. 874.1
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.<sup>1</sup>
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.<sup>2</sup>
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

#### **Executive Orders**

Executive Order 11246 - Equal Employment Opportunity<sup>1</sup>  
 Executive Order 11990 - Protection of Wetlands  
 Executive Order 11998 – Flood Plain Management  
 Executive Order 12372 - Intergovernmental Review of Federal Programs  
 Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New  
     Building Construction<sup>1</sup>  
 Executive Order 12898 - Environmental Justice

### **Federal Regulations**

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates.<sup>1</sup>
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.<sup>1,2</sup>
- m. 49 CFR Part 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
- n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.<sup>1</sup>
- o. 49 CFR Part 29 – Government wide debarment and suspension (nonprocurement) and government wide requirements for drug-free workplace (grants).
- p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.



- q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.<sup>1</sup>

#### Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations
  - <sup>1</sup> These laws do not apply to airport planning sponsors.
  - <sup>2</sup> These laws do not apply to private sponsors.
  - <sup>3</sup> 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

#### 2. Responsibility and Authority of the Sponsor.

- a. **Public Agency Sponsor:** It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

#### 3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

#### 4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

**5. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure



that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.

- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.
6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
  7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.
  8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
  9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
  10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
  11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport,

it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.
13. **Accounting System, Audit, and Record Keeping Requirements.**
  - a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
  - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
14. **Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
15. **Veteran's Preference.** It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam

era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.
17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
18. **Planning Projects.** In carrying out planning projects:
  - a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
  - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
  - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
  - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
  - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
  - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
  - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
  - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of

this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

**19. Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
  - 1) Operating the airport's aeronautical facilities whenever required;
  - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
  - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

**20. Hazard Removal and Mitigation.** It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

**21. Compatible Land Use.** It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

**22. Economic Nondiscrimination.**

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
  - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
  - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.



- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

**23. Exclusive Rights.** It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

**24. Fee and Rental Structure.** It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

**25. Airport Revenues.**

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the



airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:

- 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
  - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
  - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
  - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

**26. Reports and Inspections.** It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports

available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

**27. Use by Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

**28. Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such

purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

**29. Airport Layout Plan.**

- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and (4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

- 30. Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or

(b) the period during which the sponsor retains ownership or possession of the property.

**31. Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue

from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.
- 32. **Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement **prescribed** for or by the sponsor of the airport.
- 33. **Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.
- 34. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated JAN 25 2012 (the latest approved version as of this grant offer) and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
- 35. **Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.
- 36. **Access By Intercity Buses.** The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to

have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. **Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).
38. **Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
39. **Competitive Access.**
  - a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
    - 1) Describes the requests;
    - 2) Provides an explanation as to why the requests could not be accommodated; and
    - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
  - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



U.S. Department  
of Transportation

# GRANT AGREEMENT

Federal Aviation  
Administration

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## Part I - Offer

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**Date of Offer:**

**Airport:**

**Fort Collins-Loveland  
Municipal**

**Project Number:**

**3-08-00023-31**

**Contract Number:**

**DOT-FA12NM-10XX**

**DUNS #:**

**07-468-1407**

**To:** City of Fort Collins, Colorado and City of Loveland, Colorado  
(herein called the "Sponsor")

**From:** The United States of America (acting through the Federal Aviation Administration, herein  
called the "FAA")

**Whereas**, the Sponsor has submitted to the FAA a Project Application dated June 20, 2012 for a grant of Federal funds for a project at or associated with the Fort Collins-Loveland Municipal Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

**Whereas**, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Acquire Snow Removal Equipment,**

as more particularly described in the Project Application.

**NOW THEREFORE**, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

#### Conditions

1. The maximum obligation of the United States payable under this offer shall be \$ \_\_\_\_\_. For the purpose of any future grant amendments, which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:  
     \$-0- for planning  
     \$ \_\_\_\_\_ for airport development.
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the sponsor on or before August \_\_, 2012, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any

settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons, who may arise from, or be incident to, compliance with this grant agreement.

### **Special Conditions**

9. The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for Use in AIP Funded and PFC Approved Projects," dated January 25, 2012, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, a letter from the FAA will unilaterally amend the change in grant description. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
11. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - a. may not be increased for a planning project;
  - b. may be increased by not more than 15 percent for development projects;
  - c. may be increased by not more than 15 percent for land projects.
12. Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
13. The Sponsor agrees to comply with the Assurances attached to this offer, which replaces the assurances that accompanied the Application for Federal Assistance.
14. The sponsor agrees to monitor progress on the work to be accomplished by this grant. For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of final project documentation is ten percent (10%) of the total value of the engineering services contract, and that amount will not be paid to the Engineer until acceptable final project documentation is provided.

## 15. TRAFFICKING IN PERSONS

**a. Provisions applicable to a recipient that is a private entity.**

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
    - A. Associated with performance under this award; or
    - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.

**b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity--**

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either--
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.

**c. Provisions applicable to any recipient.**

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

**d. Definitions. For purposes of this award term:**

1. "Employee" means either:
    - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
    - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
  2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  3. "Private entity":
    - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
    - ii. Includes:
      - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
      - B. A for-profit organization.
  4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).
16. The Sponsor shall provide for a Single Audit in accordance with Office of Management and Budget Circular A-133. The Sponsor shall submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/fac/collect/ddeindex.html>. The Sponsor shall also provide one copy of the completed A-133 Audit to the Denver Airports District Office.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by Title 49, U.S.C., Subtitle VII, Part B, as amended constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF  
AMERICA  
FEDERAL AVIATION ADMINISTRATION**

\_\_\_\_\_  
John P. Bauer  
Manager, Denver Airports District Office

## Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and do hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF FORT COLLINS, COLORADO**

(SEAL)

\_\_\_\_\_  
(Signature Sponsor's Designated Official Representative)

By Darin Atteberry  
(Typed Name of Sponsor's Designated Representative)  
City Manager  
(Typed Title of Sponsor's Designated Official Representative)

Attest: \_\_\_\_\_

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of COLORADO. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2012



Signature of Sponsor's Attorney

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and do hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF LOVELAND, COLORADO**

(SEAL)

\_\_\_\_\_  
(Signature Sponsor's Designated Official Representative)

By: William D. Cahill

\_\_\_\_\_  
(Typed Name of Sponsor's Designated Representative)

City Manager

\_\_\_\_\_  
(Typed Title of Sponsor's Designated Official Representative)

Attest: \_\_\_\_\_

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of COLORADO. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature of Sponsor's Attorney



## FAA Airports

### CURRENT FAA ADVISORY CIRCULARS REQUIRED FOR USE IN AIP FUNDED AND PFC APPROVED PROJECTS

Updated: 1/25/2012

View the most current versions of these ACs and any associated changes at:  
[http://www.faa.gov/airports/resources/advisory\\_circulars](http://www.faa.gov/airports/resources/advisory_circulars)

NUMBER	TITLE
70/7460-1K	Obstruction Marking and Lighting
150/5000-13A	Announcement of Availability—RTCA Inc., Document RTCA-221, Guidance and Recommended Requirements for Airports Surface Movement Sensors
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Change 1	Airport Master Plans
150/5070-7	The Airport System Planning Process
150/5100-13B	Development of State Standards for Non Primary Airports
150/5200-28D	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C	Airport Winter Safety and Operations
150/5200-33B	Hazardous Wildlife Attractants On or Near Airports
150/5210-5D	Painting, Marking and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Fire and Rescue Communications
150/5210-13C	Airport Water Rescue and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools, and Clothing
150/5210-15A	Airport Rescue & Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Firefighting Vehicles
150/5220-16D	Automated Weather Observing Systems for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Firefighting (ARFF) Training Facility
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20 and Change 1	Airport Snow and Ice Control Equipment
150/5220-21B	Guide Specification for Lifts Used to Board Airline Passengers With Mobility Impairments
150/5220-22A	Engineered Materials Arresting System (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes
150/5300-13 and Changes 1 –18	Airport Design
150/5300-14B	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	General Guidance and Specifications for Aeronautical Survey Airport Imagery Acquisition
150/5300-18B	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5C and Change 1	Surface Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation
150/5320-12C and Changes 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5B	Standardized Method of Reporting Airport Pavement Strength PCN
150/5340-1K	Standards for Airport Markings

150/5340-5C	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-30F	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L821 Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7E	Specification for L824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10G	Specification for Constant Current Regulators Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacon
150/5345-13B	Specification for L841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	Specification for L823 Plug and Receptacle, Cable Connectors
150/5345-27D	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	FAA Specification L853, Runway and Taxiway Retroreflective Markers
150/5345-42F	Specification for Airport Light Bases, Transformer Housings, Junction Boxes and Accessories
150/5345-43F	Specification for Obstruction Lighting Equipment
150/5345-44J	Specification for Taxiway and Runway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46D	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specifications for Series to Series Isolation Transformers for Airport Lighting System
150/5345-49C	Specification L854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flasher Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53C	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-1884, Power and Control Unit for Land and Hold Short
150/5345-55A	Specification for L893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-9	Planning and Design of Airport Terminal Facilities at NonHub Locations
150/5360-12E	Airport Signing and Graphics
150/5360-13 and Change 1	Planning and Design Guidance for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10F	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing Devices in the Evaluation of Airport Pavement
150/5380-6B	Guidelines and Procedures for Maintenance of Airport Pavements
150/5390-2B	Heliport Design
150/5395-1	Seaplane Bases

**THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY**

<b>DATED: 1/25/2012</b>	<b>NUMBER</b>	<b>TITLE</b>
150/5100-14D		Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-15A		Civil Rights Requirements for the Airport Improvement Program
150/5100-17 and Changes 1 - 6		Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5200-37		Introduction to Safety Management Systems (SMS) for Airport Operators
150/5300-15A		Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17		Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-6D Change 1-4		Construction Progress and Inspection Report – Airport Grant Program
150/5370-12A		Quality Control of Construction for Airport Grant Projects
150/5370-13A		Offpeak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5380-7A		Airport Pavement Management Program

**THE FOLLOWING ADDITIONAL APPLY TO PFC PROJECTS ONLY**

<b>DATED: 1/25/2012</b>	<b>NUMBER</b>	<b>TITLE</b>
150/5000-12		Announcement of Availability – Passenger Facility Charge (PFC) Application (FAA Form 5500-1)



**FAA  
Airports**

## **Grant Assurances Airport Sponsors**

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### **A. General.**

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

### **B. Duration and Applicability.**

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project.
- C. **Sponsor Certification.** The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

#### **Federal Legislation**

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.<sup>1</sup>
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.<sup>1 2</sup>
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).<sup>1</sup>
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.<sup>1</sup>
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.<sup>1</sup>
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.<sup>1</sup>
- r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.<sup>1</sup>
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.<sup>1</sup>
- t. Copeland Anti kickback Act - 18 U.S.C. 874.1
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.<sup>1</sup>
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.<sup>2</sup>
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

#### **Executive Orders**

Executive Order 11246 - Equal Employment Opportunity<sup>1</sup>  
 Executive Order 11990 - Protection of Wetlands  
 Executive Order 11998 – Flood Plain Management  
 Executive Order 12372 - Intergovernmental Review of Federal Programs  
 Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New  
 Building Construction<sup>1</sup>  
 Executive Order 12898 - Environmental Justice

### **Federal Regulations**

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates.<sup>1</sup>
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.<sup>1 2</sup>
- m. 49 CFR Part 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
- n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.<sup>1</sup>
- o. 49 CFR Part 29 – Government wide debarment and suspension (nonprocurement) and government wide requirements for drug-free workplace (grants).
- p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.



- q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.<sup>1</sup>

#### **Office of Management and Budget Circulars**

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations

<sup>1</sup> These laws do not apply to airport planning sponsors.

<sup>2</sup> These laws do not apply to private sponsors.

<sup>3</sup> 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

#### **2. Responsibility and Authority of the Sponsor.**

- a. **Public Agency Sponsor:** It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

#### **3. Sponsor Fund Availability.** It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

#### **4. Good Title.**

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

**5. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure

that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.

- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.
6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
  7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.
  8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
  9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
  10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
  11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport,

it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.
13. **Accounting System, Audit, and Record Keeping Requirements.**
  - a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
  - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
14. **Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
15. **Veteran's Preference.** It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam

era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.
17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
18. **Planning Projects.** In carrying out planning projects:
  - a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
  - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
  - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
  - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
  - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
  - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
  - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
  - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of



this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

**19. Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
  - 1) Operating the airport's aeronautical facilities whenever required;
  - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
  - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

**20. Hazard Removal and Mitigation.** It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

**21. Compatible Land Use.** It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.



## 22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
  - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
  - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
  - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.
23. **Exclusive Rights.** It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:
- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
  - b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.
24. **Fee and Rental Structure.** It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.
25. **Airport Revenues.**
- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the

airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:

- 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
  - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
  - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
  - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

**26. Reports and Inspections. It will:**

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports

available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
  - c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
  - d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
    - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
    - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.
27. **Use by Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –
- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
  - b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.
28. **Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such

purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

**29. Airport Layout Plan.**

- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and (4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

- 30. Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or



(b) the period during which the sponsor retains ownership or possession of the property.

**31. Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue



from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.
32. **Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.
33. **Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.
34. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated JAN 25 2012 (the latest approved version as of this grant offer) and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
35. **Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.
36. **Access By Intercity Buses.** The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to

have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. **Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).
38. **Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
39. **Competitive Access.**
  - a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
    - 1) Describes the requests;
    - 2) Provides an explanation as to why the requests could not be accommodated; and
    - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
  - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

**CITY OF LOVELAND****FINANCE DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

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**AGENDA ITEM:** 9  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Brent Worthington, Finance  
**PRESENTER:** Brent Worthington

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**TITLE:**

June 2012 Financial Report

**RECOMMENDED CITY COUNCIL ACTION:**

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

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**DESCRIPTION:**

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 June 30, 2012.

**BUDGET IMPACT:**

- ☐ Positive
  - ☐ Negative
  - ☒ Neutral or negligible
- 

**SUMMARY:**

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the month ending June 30, 2012. Citywide Revenue (excluding internal transfers) of \$105,640,524 is 103.3% of year to date (YTD) budget or \$3,341,827 over the budget. Sales Tax collections are 102.6% of the YTD budget or \$419,501 over budget. Building Material Use Tax is 133.2% of YTD budget, or \$166,167 over budget. Sales and Use Tax collections combined were 104.8% of YTD budget or \$847,232 over budget. When the combined sales and use tax for the current year are compared to 2011 for the same period last year, they are higher by 7.2% or \$1,249,592.

Citywide total expenditures of \$93,236,004 (excluding internal transfers) are 78.1% of the YTD budget or \$26,113,675 under the budget, in large part due to the accrual of salaries back to 2011; lower than expected health, unemployment, and workers compensation claims; and the timing of capital project expenditures.

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REVIEWED BY CITY MANAGER:

A handwritten signature in black ink, reading "William D. Cahill", is enclosed in a thin black rectangular border.

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**LIST OF ATTACHMENTS:**

Snapshot report for June 2012



# SnapShot

Monthly Financial Report  
June 2012

## A Snapshot In Time

### Financial Sustainability Strategies Can Be Found At:

[CityofLoveland.org](http://CityofLoveland.org)

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

### Inside This Edition

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Sales Tax SIC & Geo Codes	10-11
Health Care Claims	12
Activity Measures	13
Cash & Reserves	14
Capital Projects	15

- Citywide Revenue, excluding transfers between funds, \$105.6 million (3.3% above budget projections, primarily due to increased sales and use tax and greater than expected property tax and capital revenues in the Capital Projects Fund and Water & Power Enterprises)
- Sales & Use Tax Collection, \$18.6 million (4.8% above budget projections)
- Citywide Expenditures, excluding transfers between funds, \$93.2 million (21.9% below budget projections)
- Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$12.4 million
- General Fund Revenue, excluding transfers between funds, \$35.9 million (9.2% above budget projections)
- General Fund Expenditures, excluding transfers between funds, \$28.8 million, (10.7% below budget projections)
- General Fund Revenues exceed Expenditures by \$7.4 million
- Cash & Reserves Year-To-Date Balance, \$205.2 million, \$145.5 million or 70.9% of these funds are restricted or reserved primarily for future capital projects

### The Sales Tax Basics

June 2012	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2012	\$ 16,339,560	\$ 937,470	\$ 500,180	\$ 17,777,210
Actual 2012	\$ 16,759,061	\$ 1,199,034	\$ 666,347	\$ 8,624,442
% of Budget	102.6%	127.9%	133.2%	104.8%
Actual 2011	\$ 15,863,645	\$ 1,006,191	\$ 505,013	\$ 17,374,849
Change from prior year	5.6%	19.2%	31.9%	7.2%

## Financial Sustainability

The City remains in a strong financial position because of a tradition of conservative fiscal management. To uphold this tradition, the City ensures that operations are paid for by current-year revenues, fund balances are positive and reserves are sufficient to overcome financial challenges, and debt is considered extraordinary and avoided in favor of a pay-as-we-go system. This sound fiscal policy allows the City to achieve Council goals and priorities and to meet challenges as they arise.

In 2011, the City embarked upon a community-wide financial sustainability effort to ensure that shortfalls projected in its General Fund 10-year financial plan were addressed using a balanced plan consisting of 81% expenditure cuts and 19% revenue increases. The Financial Sustainability Strategy, adopted by the City Council on June 7, 2011, includes both immediate actions reflected in the 2012 budget and ongoing processes designed to ensure that the City retains a healthy financial outlook.

While 2012 sales & use tax revenue is higher than in 2007 through March, when inflation over the time frame is taken into account, 2012 collections are still significantly below the 2007 level, emphasizing the importance of continuing the strategy implementation.

# Citywide Revenues & Expenditures

June 2012

Combined Statement of Revenues and Expenditures June 2012				
REVENUE	Current Month	YTD Actual	YTD Revised Budget	% of Budget
<b>General Governmental</b>				
1 General Fund	\$ 6,695,739	\$ 35,930,002	\$ 32,900,075	109.2%
2 Special Revenue	39,485	450,220	482,786	93.3%
3 Other Entities	2,203,295	14,299,464	16,094,130	88.8%
4 Internal Service	1,429,134	8,120,024	8,081,582	100.5%
5 <i>Subtotal General Govt Operations</i>	\$ 10,367,653	\$ 58,799,710	\$ 57,558,573	102.2%
6 Capital Projects	928,515	5,529,162	5,154,068	107.3%
<b>Enterprise Fund</b>				
7 Water & Power	6,564,142	34,288,586	32,491,000	105.5%
8 Stormwater	364,607	2,131,026	2,213,778	96.3%
9 Golf	513,944	1,928,898	1,843,090	104.7%
10 Solid Waste	551,047	2,963,143	3,038,188	97.5%
11 <i>Subtotal Enterprise</i>	\$ 7,993,741	\$ 41,311,652	\$ 39,586,056	104.4%
12 <b>Total Revenue</b>	<b>\$ 19,289,909</b>	<b>\$105,640,524</b>	<b>\$ 102,298,697</b>	<b>103.3%</b>
<i>Prior Year External Revenue</i>		96,882,161		
<i>Increase From Prior Year</i>		9.0%		
13 Internal Transfers	1,060,686	4,215,707	10,485,320	40.2%
14 <b>Grand Total Revenues</b>	<b>\$ 20,350,594</b>	<b>\$109,856,231</b>	<b>\$ 112,784,017</b>	<b>97.4%</b>
<b>EXPENDITURES</b>				
<b>General Governmental</b>				
15 General Fund	\$ 4,457,435	\$ 28,381,193	\$ 31,716,956	89.5%
16 Special Revenue	51,811	246,889	468,335	52.7%
17 Other Entities	2,914,189	13,808,787	14,367,556	96.1%
18 Internal Services	562,623	5,977,230	8,493,750	70.4%
19 <i>Subtotal General Gov't Operations</i>	\$ 7,986,058	\$ 48,414,099	\$ 55,046,597	88.0%
20 Capital	2,338,205	13,802,549	31,818,372	43.4%
<b>Enterprise Fund</b>				
21 Water & Power	5,663,776	26,900,095	27,837,750	96.6%
22 Stormwater	160,613	868,996	1,157,615	75.1%
23 Golf	243,968	1,203,030	1,250,426	96.2%
24 Solid Waste	482,434	2,047,235	2,238,919	91.4%
25 <i>Subtotal Enterprise</i>	\$ 6,550,792	\$ 31,019,356	\$ 32,484,710	95.5%
26 <b>Total Expenditures</b>	<b>\$ 16,875,055</b>	<b>\$ 93,236,004</b>	<b>\$ 119,349,679</b>	<b>78.1%</b>
<i>Prior Year External Expenditures</i>		97,736,718		
<i>Increase (-Decrease) From Prior Year</i>		-4.6%		
27 Internal Transfers	1,060,686	4,215,707	10,485,320	40.2%
28 <b>Grand Total Expenditures</b>	<b>\$ 17,935,740</b>	<b>\$ 97,451,710</b>	<b>\$ 129,834,999</b>	<b>75.1%</b>
<b>** Based on seasonality of receipts and expenditures since 1995.</b>				

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

**General Government Capital Projects Fund:** Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

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

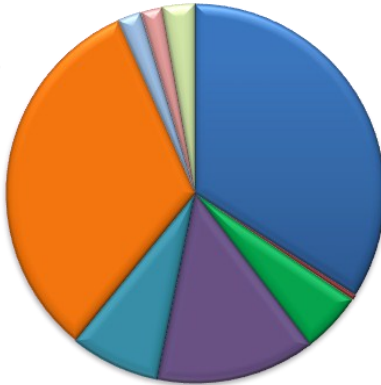
**Internal Service Funds:** Risk/Insurance, Fleet, Employee Benefits.



June 2012

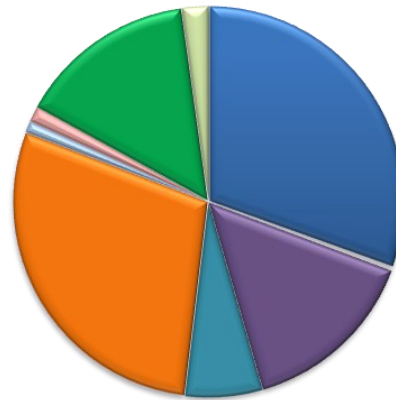
### YTD Operating Revenues of \$105.6 Million

■ General Fund  
 ■ Special Revenue  
 ■ Capital Projects  
 ■ Other Entities  
 ■ Internal Service  
 ■ Utilities  
 ■ Stormwater  
 ■ Golf  
 ■ Solid Waste



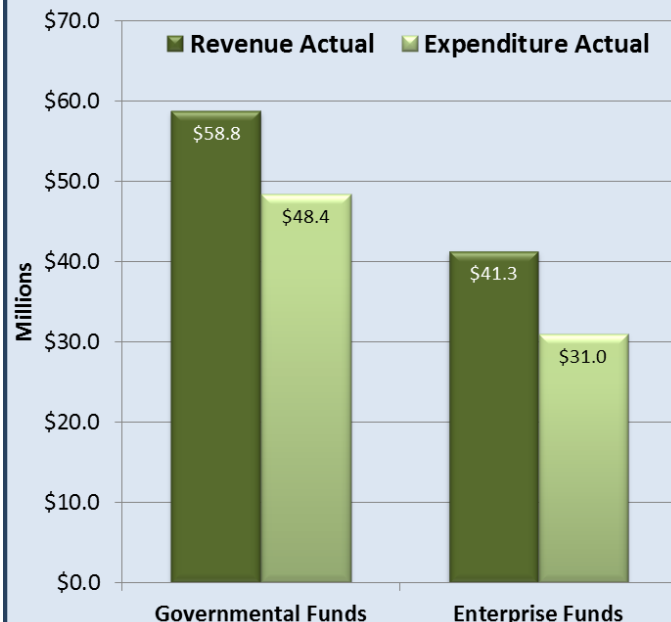
### YTD Operating Expenditures of \$93.2 Million

■ General Fund  
 ■ Special Revenue  
 ■ Other Entities  
 ■ Internal Service  
 ■ Utilities  
 ■ Stormwater  
 ■ Golf  
 ■ Capital Projects  
 ■ Solid Waste



- ⇒ Revenues exceed expenditures YTD by \$12,404,520 (line 14 less line 28)
- ⇒ General Fund revenue is above budget due to higher than projected sales, auto use, and building permit revenue (line 1)
- ⇒ The Special Revenue fund is below budget due to the timing of Federal Community Development Block Grant (CDBG) expenditures (line 2)
- ⇒ Other Entities (line 3) revenue is below budget due to the timing of Federal grant expenditures at the Airport and Loveland Fire Rescue Authority
- ⇒ Capital Projects revenue is above projections due to higher than expected close-out activity on residential units earlier this year (line 6)
- ⇒ Water & Power revenues are above budget (line 7) due to higher than expected water and commercial power sales
- ⇒ Internal transfers (line 13 & 27) are under budget due to the timing of related expenditures
- ⇒ Generally, most fund expenditures are below budget, in part, due to the accrual of personnel service costs to 2011 not reflected in the budget
- ⇒ The General Fund (line 15) is under budget due to timing of payments to Fort Collins for the Flex route, human services grantees, and for chemicals for snow/ice removal
- ⇒ Special Revenue funds (line 16) are below budget due to the timing of grant payments from the CDBG Fund
- ⇒ Internal services (line 18) is under budget due to lower than anticipated health claims and payments for workers compensation and unemployment events
- ⇒ Capital expenditures (line 20) are under budget due to the timing of capital projects throughout the City
- ⇒ Stormwater (line 22) is under budget due to lower than expected repair and maintenance costs
- ⇒ Solid Waste (line 24) is below budget, in part, due to lower than expected disposal charges and carts and bins

### By Comparison, Excluding Transfers



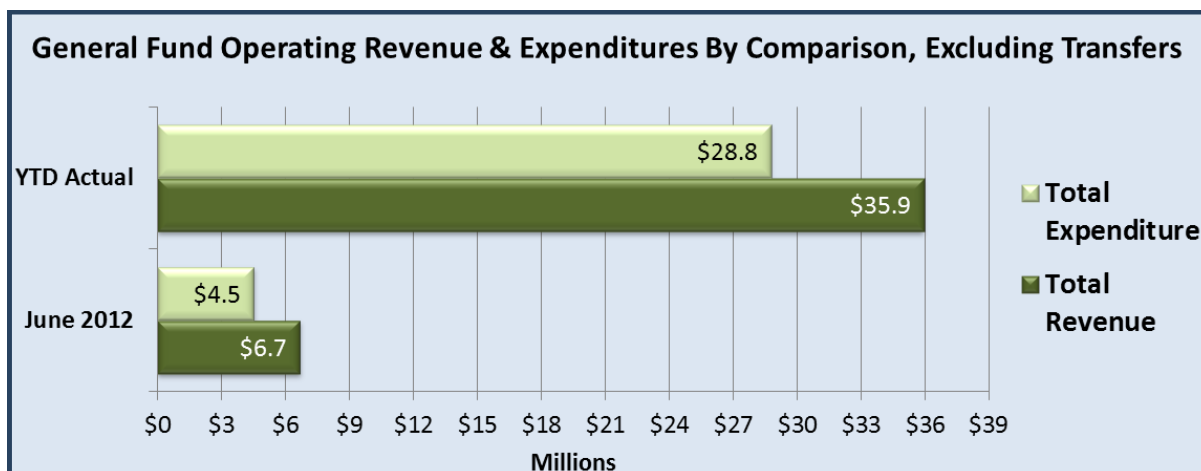
# General Fund Revenues & Expenditures

June 2012

General Fund Revenue & Expenditures June 2012				
REVENUES	June 2012	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 1,142,993	\$ 5,476,721	\$ 5,029,940	108.9%
3 Sales tax	2,711,906	16,759,061	16,339,560	102.6%
4 Building use tax	207,024	666,347	500,180	133.2%
5 Auto use tax	217,084	1,199,034	937,470	127.9%
6 Other taxes	190,799	1,834,565	1,329,390	138.0%
7 Intergovernmental	954,305	3,056,869	2,787,921	109.6%
8 License & permits	-	-	-	
9 Building permits	165,160	779,554	396,660	196.5%
10 Other permits	32,927	193,238	140,660	137.4%
11 Charges for services	327,166	2,046,416	1,937,977	105.6%
12 Fines & forfeitures	73,798	538,021	502,638	107.0%
13 Interest income	61,419	273,955	202,550	135.3%
14 Miscellaneous	611,158	3,106,221	2,795,129	111.1%
15 Subtotal	\$ 6,695,739	\$ 35,930,002	\$ 32,900,075	109.2%
16 Interfund transfers	145,737	1,020,505	2,042,230	50.0%
17 Total Revenue	\$ 6,841,476	\$ 36,950,507	\$ 34,942,305	105.7%
<b>EXPENDITURES</b>				
Operating Expenditures				
18 Legislative	\$ 7,668	\$ 49,436	\$ 62,809	78.7%
19 Executive & Legal	164,461	1,076,414	1,253,660	85.9%
20 Economic Development	75,958	781,221	1,010,945	77.3%
21 Cultural Services	87,975	653,483	762,683	85.7%
22 Development Services	226,623	1,089,832	1,424,881	76.5%
23 Finance	273,216	1,635,477	1,987,894	82.3%
24 Fire & Rescue	9,545	549,971	587,450	0.0%
25 Human Resources	59,373	427,102	455,685	93.7%
26 Information Technology	187,534	1,701,022	2,000,881	85.0%
27 Library	169,016	1,159,847	1,203,563	96.4%
28 Parks & Recreation	638,110	3,391,546	3,634,103	93.3%
29 Police	1,236,546	7,450,809	8,073,137	92.3%
30 Public Works	867,495	5,365,271	6,010,275	89.3%
31 Non-Departmental	519,642	3,426,757	3,737,120	91.7%
32 Subtotal Operating	\$ 4,523,162	\$ 28,758,188	\$ 32,205,086	89.3%
33 Internal Transfers	201,615	791,740	3,206,550	24.7%
34 Total Expenditures	\$ 4,724,776	\$ 29,549,927	\$ 35,411,636	83.4%

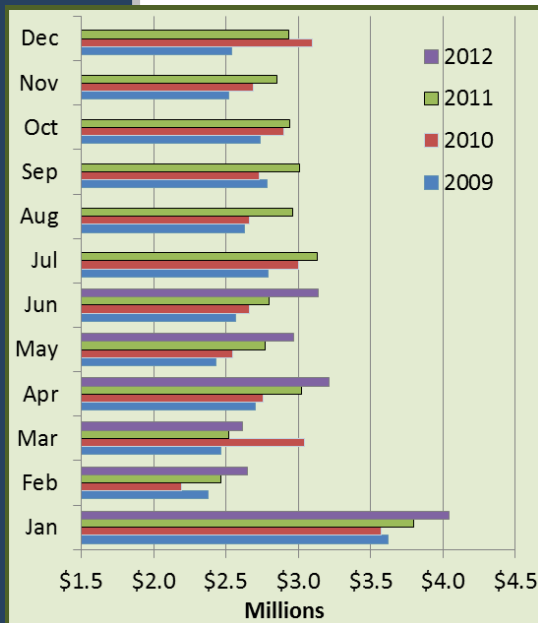
June 2012

- ⇒ Sales Tax revenue is above budgeted levels by 2.6%
- ⇒ Property Tax (line 2) revenue is above budget due to the timing of tax payments
- ⇒ Building use tax and permit revenue (lines 5, 9) exceed budget due to higher than expected building activity
- ⇒ Other taxes are over budget due to higher than planned sales tax audit revenue, franchise fees and occupational taxes, and proceeds from leased fiber optic lines
- ⇒ Intergovernmental revenue (line 7) is above budget due to the timing of grant revenues
- ⇒ Other permit revenue (line 10) is above budget due to receipts for street cuts, special events and contractor licenses
- ⇒ Charges for service (line 11) is above budget due to greater than planned recreation revenue
- ⇒ Fines & Forfeitures (line 12) are over budget due to higher than projected traffic citation and court fine revenue
- ⇒ Interest Income revenues (line 13) are higher than expected due to differences between budgeted and actual 2012 beginning fund balance and higher than expected returns
- ⇒ Miscellaneous revenue is higher than expected due to donations to the library and higher than planned rental and sales tax application revenue
- ⇒ Internal transfers (lines 16 & 33) are under budget due to the timing of related expenditures
- ⇒ Generally, almost all departments are below budget, at least in part, due to the accrual of salaries to 2011 not reflected in the budget and the timing of actual expenditures versus budgeted plans
- ⇒ Council expenditures (line 18) are under budget due to lower than planned travel and meeting and food costs
- ⇒ Executive expenditures (line 19) are lower than projected due to lower printing costs with the transition to electronic Council packet delivery
- ⇒ Economic Development (line 20) is under budget due to the timing of incentive payments
- ⇒ Cultural Services (line 21) is under budget due to the timing of expenditures from a Theater Guild donation for equipment
- ⇒ Development Services expenditures (line 22) are under budget due to the timing of human services grants
- ⇒ Finance is under budget due to lower than planned bank charges and lower than planned audit charges (line 23)
- ⇒ Information Technology (line 26) is under budget due to the timing of computer and service maintenance expenses
- ⇒ Public Works (line 30) is under budget due to the timing of chemical purchases for snow and ice removal
- ⇒ Revenues exceed expenditures by \$7,400,580 (line 17 less line 34)



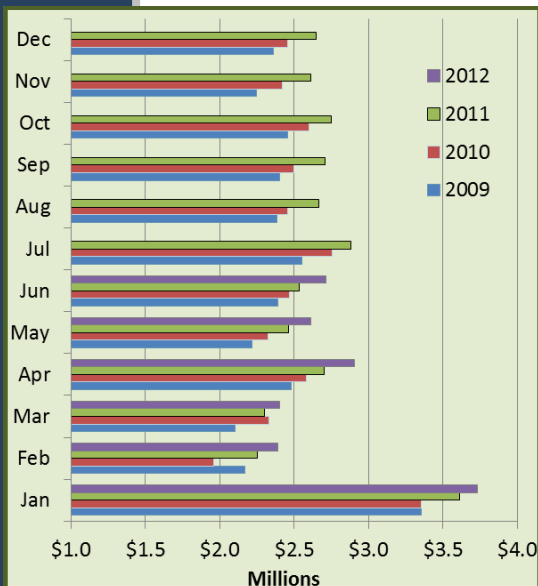
# Tax Totals & Comparisons

## Sales & Use Tax



	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$ 3,622,251	\$ 3,573,972	\$ 3,799,760	\$ 4,039,678	\$ 3,863,500	4.6%
Feb	2,374,608	2,191,609	2,465,447	2,649,229	2,353,490	12.6%
Mar	2,468,095	3,041,068	2,517,162	2,618,053	2,834,880	-7.6%
Apr	2,701,737	2,759,556	3,022,770	3,215,437	3,043,630	5.6%
May	2,428,860	2,550,227	2,769,526	2,966,032	2,777,110	6.8%
Jun	2,569,125	2,665,632	2,800,184	3,136,013	2,904,600	8.0%
Jul	2,794,222	3,004,324	3,129,254		3,254,770	
Aug	2,628,842	2,662,932	2,961,686		2,930,740	
Sep	2,782,768	2,732,087	3,008,637		2,992,510	
Oct	2,733,964	2,897,370	2,944,433		3,116,480	
Nov	2,522,092	2,690,549	2,853,507		2,881,350	
Dec	2,537,802	3,096,111	2,933,523		2,914,960	
	\$32,164,365	\$33,865,435	\$35,205,889	\$18,624,442	\$35,868,020	
YTD	\$16,164,676	\$16,782,063	\$17,374,849	\$18,624,442	\$17,777,210	4.8%

## Retail Sales Tax

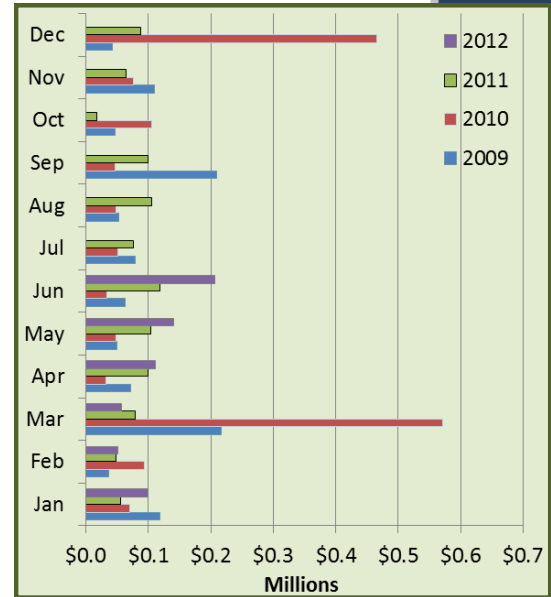


	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$ 3,354,704	\$ 3,352,821	\$ 3,613,881	\$ 3,733,309	\$ 3,648,890	2.3%
Feb	2,170,562	1,959,729	2,249,749	2,390,409	2,132,780	12.1%
Mar	2,100,216	2,328,701	2,299,237	2,403,380	2,534,340	-5.2%
Apr	2,482,752	2,579,918	2,702,024	2,905,558	2,807,740	3.5%
May	2,218,482	2,324,395	2,462,213	2,614,500	2,529,650	3.4%
Jun	2,390,535	2,468,207	2,536,541	2,711,906	2,686,160	1.0%
Jul	2,552,195	2,752,870	2,882,075		2,995,960	
Aug	2,383,119	2,458,382	2,667,674		2,675,470	
Sep	2,401,596	2,495,338	2,710,738		2,715,690	
Oct	2,457,158	2,602,599	2,746,866		2,832,420	
Nov	2,245,659	2,422,352	2,611,127		2,636,260	
Dec	2,358,273	2,455,821	2,647,014		2,672,660	
	\$29,115,253	\$ 30,201,133	\$ 32,129,139	\$16,759,061	\$32,868,020	
YTD	\$14,717,252	\$ 15,013,771	\$ 15,863,645	\$16,759,061	\$16,339,560	2.6%

## SnapShot

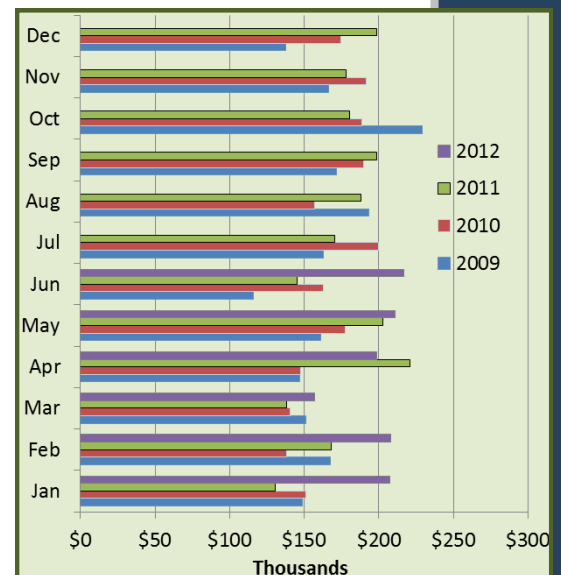
## Building Materials Use Tax

	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$ 118,719	\$ 70,117	\$ 55,542	\$ 99,108	\$ 67,230	47.4%
Feb	36,254	93,928	47,621	50,703	64,310	-21.2%
Mar	216,500	571,599	79,590	57,845	144,060	-59.8%
Apr	72,251	32,260	99,569	111,197	82,360	35.0%
May	49,434	48,145	104,373	140,470	75,760	85.4%
Jun	62,723	34,349	118,318	207,024	66,460	211.5%
Jul	79,061	51,657	76,488		76,580	
Aug	52,578	47,716	105,871		70,510	
Sep	209,338	46,646	99,544		93,610	
Oct	47,437	105,818	17,021		80,030	
Nov	110,207	76,444	64,211		78,900	
Dec	41,844	465,626	88,033		100,190	
	\$1,096,346	\$1,644,305	\$956,181	\$666,347	\$1,000,000	
YTD	\$ 555,881	\$ 850,398	\$505,013	\$666,347	\$ 500,180	33.2%



## Motor Vehicle Use Tax

	2009	2010	2011	2012	2012 Budget	+ / - Budget
Jan	\$ 148,828	\$ 151,034	\$ 130,337	\$ 207,261	\$ 147,380	40.6%
Feb	167,793	137,951	168,077	208,117	156,400	33.1%
Mar	151,378	140,768	138,335	156,828	156,480	0.2%
Apr	146,734	147,378	221,177	198,682	153,530	29.4%
May	160,943	177,687	202,940	211,062	171,700	22.9%
Jun	115,867	163,076	145,325	217,084	151,980	42.8%
Jul	162,966	199,797	170,691		182,230	
Aug	193,144	156,834	188,141		184,760	
Sep	171,833	190,102	198,355		183,210	
Oct	229,369	188,953	180,546		204,030	
Nov	166,225	191,753	178,169		166,190	
Dec	137,685	174,664	198,476		142,110	
	\$1,952,766	\$2,019,997	\$2,120,569	\$1,199,034	\$2,000,000	
YTD	\$ 891,543	\$ 917,894	\$1,006,191	\$1,199,034	\$ 937,470	27.9%



# 2007 vs 2012 Tax Comparisons

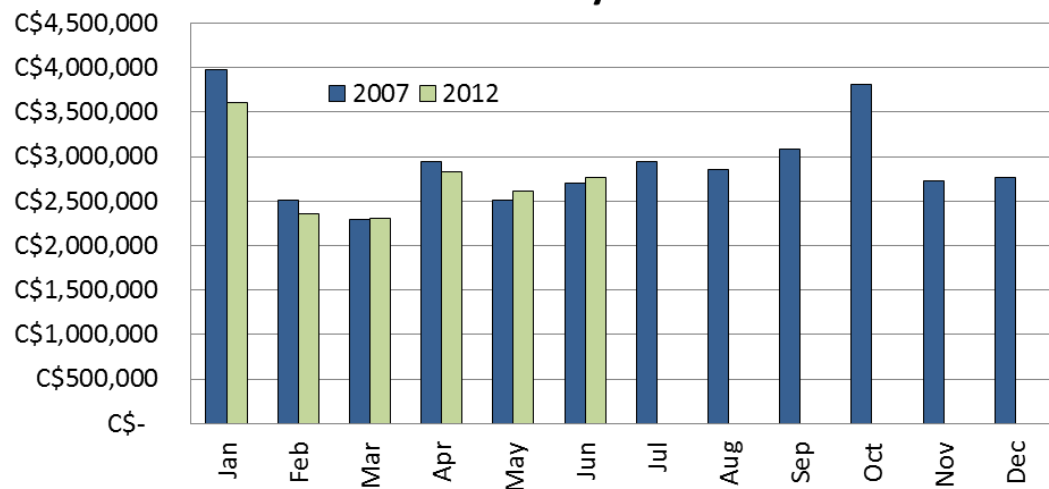
	2007	2012
Jan	\$3,972,513	\$4,039,678
Feb	2,520,486	2,649,229
Mar	2,319,579	2,618,053
Apr	3,003,780	3,215,437
May	2,581,830	2,966,032
Jun	2,781,786	3,136,014
Jul	3,022,815	
Aug	2,931,667	
Sep	3,176,883	
Oct	3,936,330	
Nov	2,835,420	
Dec	2,869,916	
	\$35,953,006	\$18,624,443

## Sales & Use Tax 2007 v. 2012



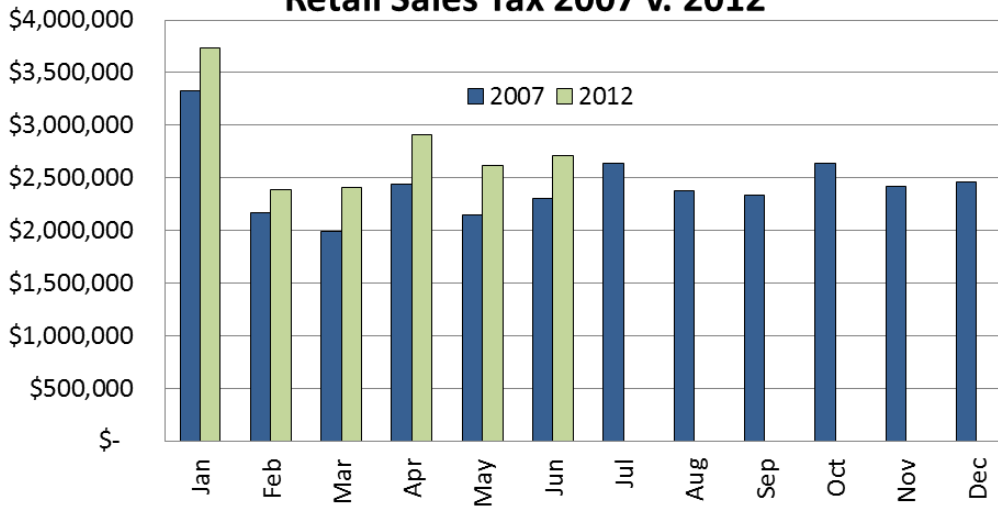
	2007	2012
Jan	\$3,972,513	\$3,607,507
Feb	2,507,072	2,355,439
Mar	2,286,415	2,310,176
Apr	2,941,724	2,828,763
May	2,513,134	2,612,416
Jun	2,702,532	3,136,014
Jul	2,937,441	
Aug	2,854,102	
Sep	3,084,330	
Oct	3,813,494	
Nov	2,730,719	
Dec	2,765,797	
	\$35,109,275	\$8,273,121

## Sales & Use Tax 2007 v. 2012 in Constant January 2007 Dollars

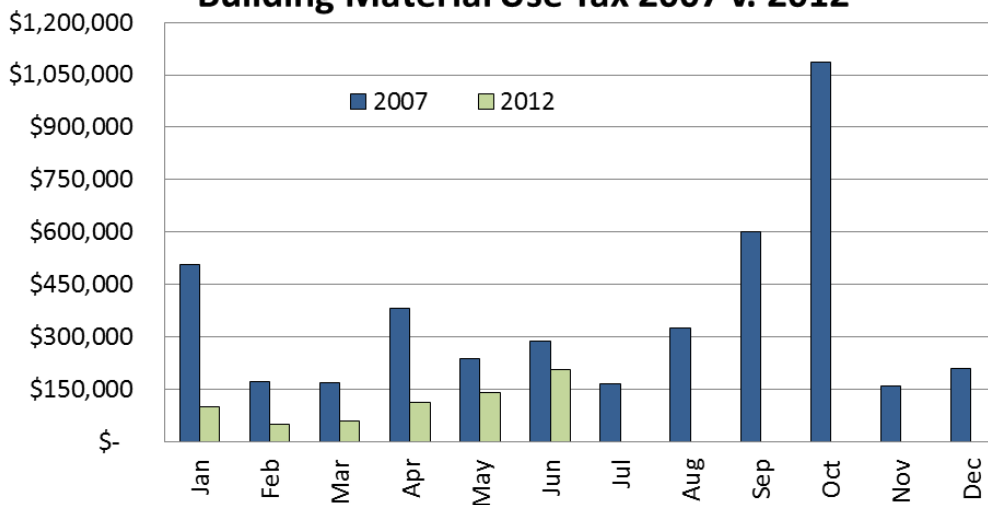




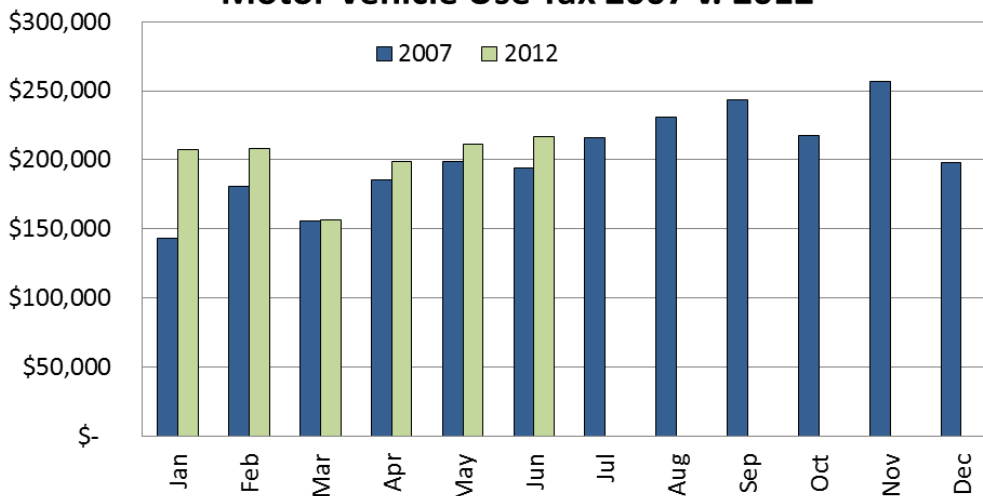
## SnapShot

**Retail Sales Tax 2007 v. 2012**

	2007	2012
Jan	\$3,324,067	\$3,733,309
Feb	2,167,873	2,390,409
Mar	1,994,635	2,403,380
Apr	2,437,958	2,905,558
May	2,146,685	2,614,500
Jun	2,300,533	2,711,906
Jul	2,640,223	
Aug	2,376,534	
Sep	2,332,844	
Oct	2,632,667	
Nov	2,419,051	
Dec	2,464,559	
	\$29,237,629	\$16,759,062

**Building Material Use Tax 2007 v. 2012**

	2007	2012
Jan	\$505,441	\$99,108
Feb	171,835	50,703
Mar	169,579	57,845
Apr	380,285	111,197
May	236,140	140,470
Jun	287,300	207,024
Jul	166,446	
Aug	324,125	
Sep	600,704	
Oct	1,086,325	
Nov	159,382	
Dec	207,723	
	\$4,295,285	\$666,347

**Motor Vehicle Use Tax 2007 v. 2012**

	2007	2012
Jan	\$143,005	\$207,261
Feb	180,778	208,117
Mar	155,365	156,828
Apr	185,537	198,682
May	199,005	211,062
Jun	193,953	217,084
Jul	216,146	
Aug	231,008	
Sep	243,336	
Oct	217,338	
Nov	256,987	
Dec	197,634	
	\$2,420,092	\$1,199,034

# Sales Tax Collections

June 2012

Description	YTD 2012	YTD 2011	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 3,833,367	\$ 3,679,526	\$ 153,840	4.2%	22.9%	22.9%
Restaurants & Bars	2,093,520	1,856,160	237,360	12.8%	12.5%	35.4%
Grocery Stores & Specialty Foods	1,726,701	1,653,249	73,452	4.4%	10.3%	45.7%
Clothing & Clothing Accessories Stores	1,207,545	1,146,840	60,705	5.3%	7.2%	52.9%
Building Material & Lawn & Garden Supplies	1,076,771	983,503	93,268	9.5%	6.4%	59.3%
Motor Vehicle Dealers, Auto Parts & Leasing	1,026,436	930,763	95,673	10.3%	6.1%	65.4%
Utilities	947,670	953,331	(5,661)	-0.6%	5.7%	71.1%
Sporting Goods, Hobby, Book & Music Stores	834,607	779,639	54,968	7.1%	5.0%	76.1%
Broadcasting & Telecommunications	664,591	672,457	(7,866)	-1.2%	4.0%	80.0%
Used Merchandise Stores	513,643	430,007	83,636	19.4%	3.1%	83.1%
Beer, Wine & Liquor Stores	385,671	344,239	41,432	12.0%	2.3%	85.4%
Hotels, Motels & Other Accommodations	320,138	299,919	20,219	6.7%	1.9%	87.3%
Consumer Goods & Commercial Equipment Rental	301,041	244,906	56,134	22.9%	1.8%	89.1%
Health & Personal Care Stores	291,651	279,311	12,341	4.4%	1.7%	90.8%
Electronics & Appliance Stores	265,505	362,586	(97,081)	-26.8%	1.6%	92.4%
Electronic Shopping & Mail-Order Houses	245,044	222,374	22,670	10.2%	1.5%	93.9%
Furniture & Home Furnishing Stores	219,479	209,992	9,487	4.5%	1.3%	95.2%
Office Supplies, Stationery & Gift Stores	161,600	179,848	(18,248)	-10.1%	1.0%	96.2%
Gasoline Stations with Convenience Stores	121,040	112,558	8,481	7.5%	0.7%	96.9%
All Other Categories	523,042	522,437	605	0.1%	3.1%	100.0%
<b>Total</b>	<b>\$16,759,061</b>	<b>\$15,863,645</b>	<b>\$ 895,417</b>	<b>5.6%</b>	<b>100.0%</b>	<b>100.0%</b>

⇒ By business category, Consumer Goods & Commercial Equipment Rentals reported the highest percentage over last year at 22.9%. Used Merchandise Stores continue to show strong sales over 2011 with 19.4%, but dropped from the top spot in June. Restaurants & Bars continue their consistently strong growth with a 12.8% increase and continue to lead all categories for total dollar increases from the same period last year. The "Beer, Wine & Liquor Stores" category, posted a 12% increase through June.

⇒ 2012 sales tax revenue is 5.6% above the 2011 level. The North East Loveland area is showing signs that its strong improvement over last year is beginning to slow down with a 19.9% increase over this time last year. North East Loveland's performance through May is due to strong performances by the new and existing restaurants in the area. Currently, three areas continue to trail their 2011 pace. In the last half of 2011, several stores closed in the Downtown area, which had a negative impact on Downtown sales reporting. However, 2012

Geographical Area	YTD 2012	YTD 2011	Change
North West Loveland	\$1,898,399	\$1,829,480	3.8%
South West Loveland	\$520,337	\$ 507,590	2.5%
North East Loveland	\$1,191,836	\$ 994,300	19.9%
South East Loveland	\$4,134,172	\$3,818,109	8.3%
Orchards Shopping Center	\$1,080,627	\$1,033,351	4.6%
Columbine Shopping Center	\$319,296	\$ 290,589	9.9%
Downtown	\$484,008	\$ 513,586	-5.8%
Centerra	\$1,607,161	\$1,473,056	9.1%
Promenade Shops	\$1,167,522	\$1,213,683	-3.8%
Outlet Mall	\$650,969	\$ 615,642	5.7%
Thompson Valley Shopping Center	\$853,643	\$ 798,486	6.9%
The Ranch	\$307,062	\$ 327,571	-6.3%
Airport	\$179,265	\$ 171,977	4.2%
All Other Areas	\$2,364,765	\$2,276,225	3.9%
<b>Total</b>	<b>\$16,759,061</b>	<b>\$15,863,645</b>	<b>5.6%</b>

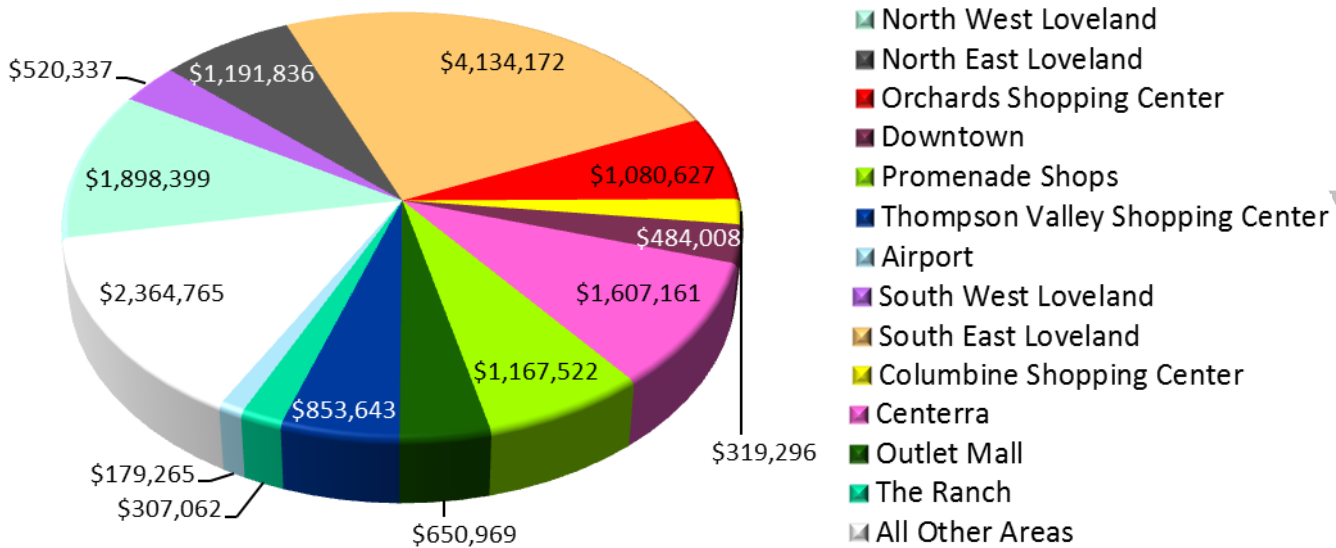
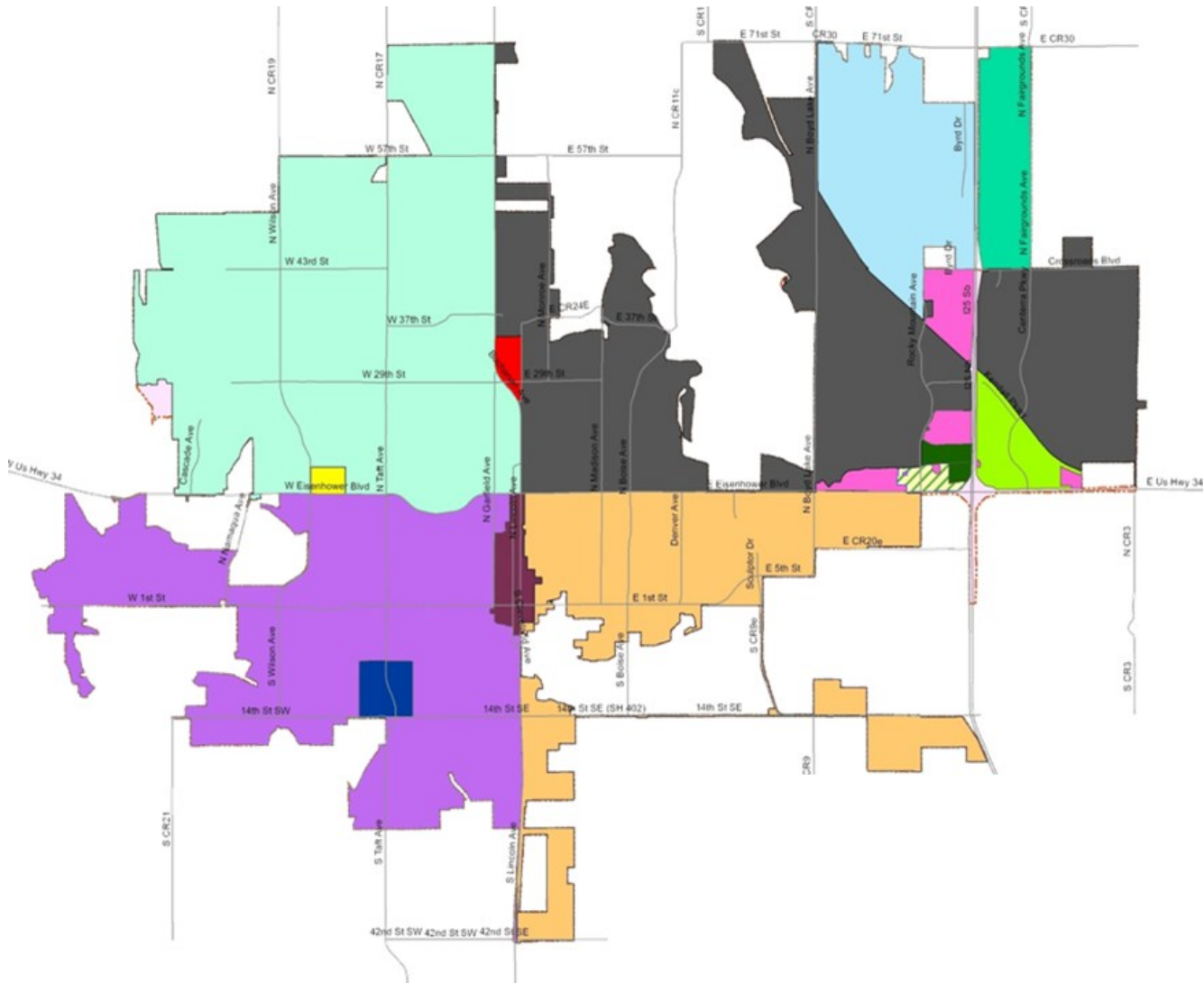
has seen a number of new Downtown businesses opening their doors, therefore sales performance in the area is steadily improving. Through audit, it was discovered that a major retailer in the Promenade Shops had been over-reporting sales. This error has been corrected; as a result, sales show a 3.8% negative trend. However, after adjusting for this reporting issue, the remaining Promenade Shops show an 8% positive trend so far in 2012. We will continue to track the adjusted sales trend throughout the year for the Promenade Shops.

Audit Revenue received in 2012 is \$394,601 and \$262,059 has been collected in Lodging Tax.

# Geographical Codes

June 2012

## Monthly Financial Report

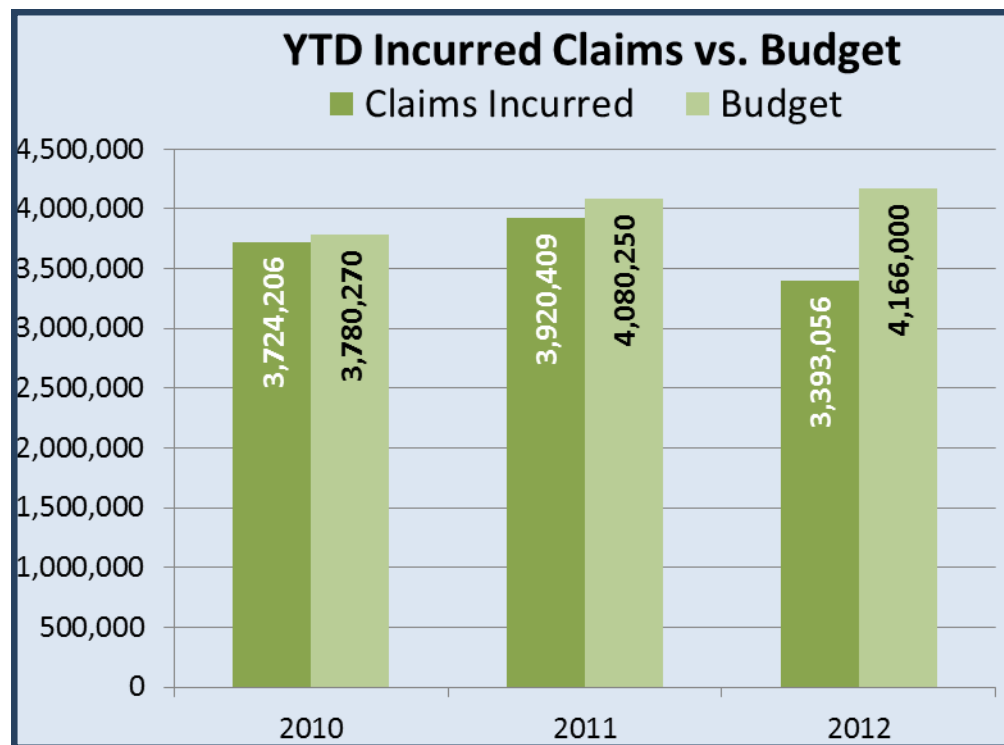


# Health Care Claims

June 2012

Cash Basis of Claims Paid					\$ Over / (Under) Budget	% Over / (Under) Budget
		OAP	HRA	Total	Budget	
2012	June	383,874	192,431	576,305	694,333	(118,028) -17.0%
	YTD	2,767,718	625,338	3,393,056	4,166,000	(772,944) -18.6%
2011	June	463,708	182,497	646,205	680,042	(33,837) -5.0%
	YTD	3,261,214	659,195	3,920,409	4,080,250	(159,841) -3.9%
Change	June	(79,834)	9,934	(69,900)		
	% June	-17.2%	5.4%	-10.8%		
	YTD	(493,496)	(33,857)	(527,353)		
	% YTD	-15.1%	-5.1%	-13.5%		

This chart represents claims paid by Cigna in the current month, but due to the timing of when Accounting receives the information, the claims do not get recorded as an expenditure until the following month. ⇒ OAP—Open Access Plan ⇒ HRA—Health Reimbursement Arrangement



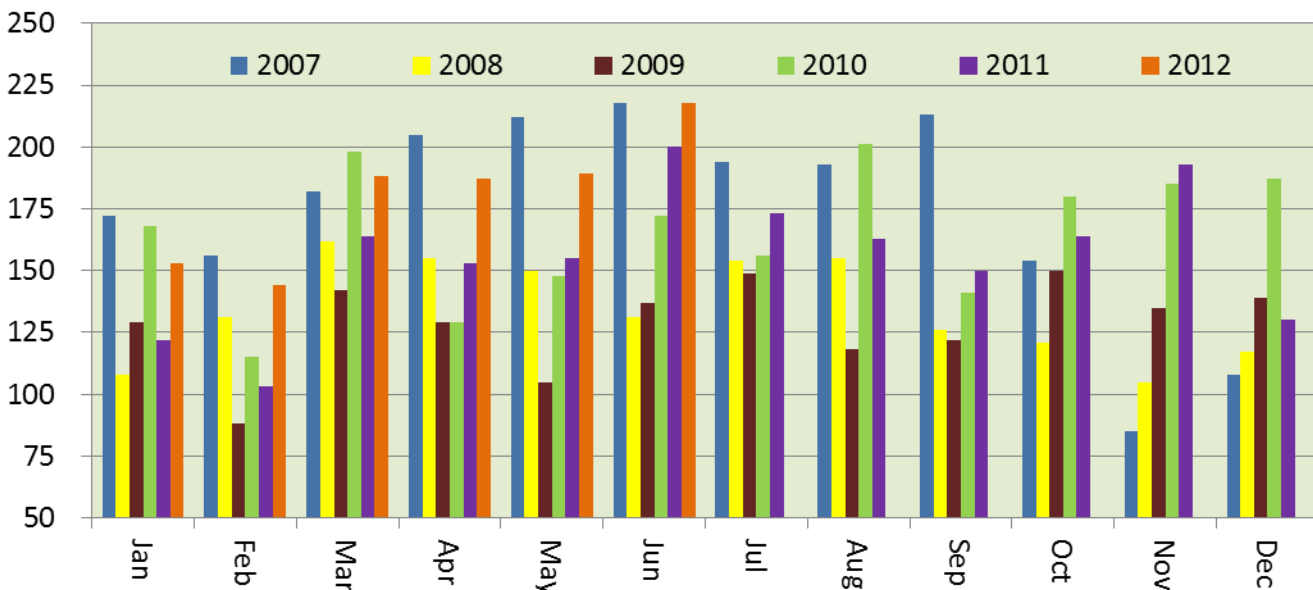
YTD Claims Over \$25k				
Comparison (2009-2012)				
	2009	2010	2011	2012
June				
# of claims	21	22	25	28
Cost of claims	\$1,266,544	\$2,180,197	\$1,413,548	\$1,302,666
2012 # of stoploss claims:	0			

## Activity Measures

June 2012

Measures	June '10	June '11	June '12	2010 YTD	2011 YTD	2012 YTD
# of Building Permits	172	200	218	930	897	1,079
Building Permit Valuations	\$ 3,622,685	\$ 10,124,647	\$ 14,333,103	\$ 75,731,580	\$ 47,162,168	\$ 63,852,213
# of Certified Occupancies	24	17	27	94	107	148
Net # of Sales Tax Licenses	14	42	10	79	101	(132)
New Residential Electric Meter Sets	22	11	29	94	181	98
# of Utility Bills Sent	35,026	35,560	36,079	209,711	212,836	216,036
Rounds of Golf	19,091	19,553	18,012	48,065	52,507	54,836
Health Claim Costs/Emp.	\$ 983.40	\$ 1,037.25	\$ 904.72	\$ 6,039.23	\$ 6,263.32	\$ 5,356.52
# of Vacant Positions	10	15	35	51	65	203
# of Frozen Vacant Positions	11	14	9	75	81	54
# of Eliminated Positions	38	45	47	230	261	279
KWH Demand (kH)	122,283	126,402	148,086	577,966	582,969	609,473
KWH Purchased (kwh)	61,358,175	59,616,059	70,054,508	334,709,122	342,933,527	358,880,527
Gallons of Water Sold	350,944,170	363,968,226	535,849,380	1,121,633,954	1,193,606,224	1,546,010,613
# of Workers' Comp Claims	12	8	5	77	53	52
\$ of Workers' Comp Claims Paid	\$ 54,683.00	\$ 45,056.00	\$ 21,076.00	\$ 115,118.00	\$ 70,337.00	\$ 284,051.85
# of Open Claims Current Year	11	11	2	45	62	52
# of Total Open Claims	13	13	14	83	83	97
\$ of Total Open Claims	\$ 276,673.00	\$ 45,467.00	\$ 81,708.00	\$ 1,193,685.00	\$ 489,251.00	\$ 1,533,246.31
\$ of Lodging Tax Collected	\$ 45,645.14	\$ 52,196.00	\$ 52,645.28	\$ 166,408.56	\$ 197,509.43	\$ 262,058.83

## Building Permit Comparison History



Monthly Financial Report

# Cash & Reserves

**Total Cash & Reserves** = \$205.2 million, of which \$145.5 million is restricted or reserved, or 70.9%, leaving \$59.7 million unrestricted.

June 2012

Statement of Cash: June 2012			
	Beginning	YTD Activity	Ending
<b>Restricted</b>			
1 Capital Expansion Fees	\$ 33,634,541	\$ 774,720	\$ 34,409,260
2 Other Special Revenue Funds	22,151,685	494,113	22,645,797
3 Capital Projects	2,971,970	(892,943)	2,079,027
4 Water System Impact Fees	7,351,374	766,357	8,117,731
5 Windy Gap	4,289,590	(41,910)	4,247,680
6 Raw Water	18,073,160	(2,018,637)	16,054,523
7 Wastewater System Impact Fees	4,509,816	311,718	4,821,534
8 Stormwater System Impact Fees	1,344,721	104,892	1,449,613
9 Power Plant Investment Fees	6,866,635	982,156	7,848,790
10 Cemetery	2,531,442	57,403	2,588,845
11 Other Entities	4,088,292	1,441,220	5,529,512
<b>12 Total Restricted</b>	<b>\$ 107,813,225</b>	<b>\$ 1,979,088</b>	<b>\$ 109,792,314</b>
<b>Committed/Assigned Balance Amounts</b>			
13 General Fund			
14 Operating/Emergency	1,908,240	-	1,908,240
15 Council Capital Reserve	4,674,060	-	4,674,060
16 Council Contingency Reserve	100,000	-	100,000
17 Liability	200,000	-	200,000
18 Fire Reserve for SAFER Grant 3rd Year	138,300	-	138,300
19 Fire Reserve for SCBA Replacement	434,690	(330,890)	103,800
20 Library Building Reserve	16,750	-	16,750
21 Library Reserve	125,031	1,227	126,258
22 Equipment Replacement	70,000	-	70,000
23 TABOR Excess	3,955,444	(242,937)	3,712,507
24 Water	664,824	(213,178)	451,646
25 Wastewater	813,697	(81,813)	731,884
26 Stormwater	327,015	79,136	406,151
27 Power	3,044,578	226,340	3,270,918
28 Golf	248,245	2,185	250,430
29 Insurance Reserves	5,008,647	(52,201)	4,956,447
30 Employee Benefits	6,260,863	1,180,478	7,441,341
31 Fleet Replacement	6,701,071	404,310	7,105,381
<b>32 Total Committed/Assigned</b>	<b>\$ 34,691,455</b>	<b>\$ 972,658</b>	<b>\$ 35,664,113</b>
<b>33 Total Restricted/Committed/Assigned</b>	<b>\$ 142,504,681</b>	<b>\$ 2,951,746</b>	<b>\$ 145,456,427</b>
<b>Unassigned Balance Amounts</b>			
34 Unassigned Balance Amounts			
35 General	17,142,212	5,406,194	22,548,407
36 Airport	897,343	(254,604)	642,740
37 Internal Service - Vehicle Maintenance	142,091	105,557	247,648
38 Golf	1,526,727	114,186	1,640,913
39 Water	3,767,336	(1,208,007)	2,559,329
40 Wastewater	7,323,273	(736,317)	6,586,956
41 Power	17,252,608	1,282,595	18,535,203
42 Stormwater	1,853,083	448,437	2,301,520
43 Solid Waste	4,704,941	(47,717)	4,657,224
<b>44 Total Unassigned</b>	<b>\$ 54,609,615</b>	<b>\$ 5,110,325</b>	<b>\$ 59,719,940</b>
<b>Total Cash</b>	<b>\$ 197,114,296</b>	<b>\$ 8,062,071</b>	<b>\$ 205,176,367</b>



## Statement of Cash Line Detail

**(Line 15) Council Capital Reserve Identified Activities**

- ⇒1,100,000 Downtown infrastructure improvements
- ⇒187,000 Leslie the Cleaner Demolition and Remediation
- ⇒237,500 ArtSpace Pre-Construction
- ⇒11,910 IHN Fee Waiver
- ⇒97,000 Intra-Fund Loan Repayment

**(Line 20)** The market value of the Proctor & Gamble Stock as of December 31, 2011 is \$213,472. This value represents the original value of the stock when it was first donated.

**(Line 24)** Projects include I-25 Variable Msg Signage, Centerra area ITS, Taft & 14th St. SW, 37th St. from Monroe to Madison 14th St. SW Slope Stability, Garfield & US 34

## Capital Projects \$500,000+

Project Title	2012 Budget	2012 Expenditures	Remaining 2012 Budget	% of 2012 Budget (Exp/Bud)
<b>Water Capital</b>				
Morning Dr Alt Waterline 30"	\$ 1,874,700	\$ 92,326	\$ 1,782,374	4.92%
Filter Plant 2 Improvements	533,860	\$ 575,790	\$ (41,930)	107.85%
29th St Waterline Replacement	581,370	\$ 50,110	\$ 531,261	8.62%
<b>Raw Water Capital</b>				
Windy Gap Firming Project	1,205,060	\$ 81,682	\$ 1,123,378	6.78%
Purchase of Colorado-Big Thompson Project (CBT) Water	2,606,600	\$ 2,118,030	\$ 488,570	81.26%
<b>Wastewater Utility Capital</b>				
Carlisle Phase IV from Taft to Railroad	738,320	\$ 527,514	\$ 210,806	71.45%
Waste Activated Sludge Thickening	548,920	\$ 89,332	\$ 459,588	16.27%
South Horseshoe Lift Station	1,216,210	\$ 27,367	\$ 1,188,843	2.25%
Fairgrounds/Namaqua Interceptor	733,600	\$ 646,073	\$ 87,527	88.07%
<b>Power Capital</b>				
East Sub to Crossroads Sub on Railroad	1,894,640	\$ 36,144	\$ 1,858,496	1.91%
Horseshoe Sub along Hwy 287 to 29th St.	1,338,910	\$ 274	\$ 1,338,636	0.02%
<b>Stormwater Capital</b>				
Washington Ave Outfall Phase 4	1,564,545	\$ 43,477	\$ 1,521,068	2.78%
MeHaffey Park Regional Detention Pond	580,074	\$ 6,285	\$ 573,789	1.08%
<b>Streets Transportation Program</b>				
2012 Street Rehabilitation	3,644,900	\$ 355,561	\$ 3,289,339	9.76%
US 287 - Garfield Traffic Signal	668,420	\$ 9,421	\$ 658,999	1.41%
<b>All Other</b>				
Fire Station 6 Remodel and Expansion	929,970	\$ 71,641	\$ 858,329	7.70%
Rialto Theater Center	1,114,000	\$ 925,735	\$ 188,265	83.10%
Library Expansion	857,520	\$ 666,356	\$ 191,164	77.71%
Police Dispatch Console Replacement	916,000	\$ 60,697	\$ 855,303	6.63%
Facilities Maintenance Capital Projects	655,440	\$ 181,513	\$ 473,927	27.69%
Mehaffey Park Development	8,550,000	\$ 522,006	\$ 8,027,994	6.11%
Open Lands Acquisition	3,036,170	\$ 181,594	\$ 2,854,576	5.98%
Leslie the Cleaner Demolition and Remediation	\$ 500,000	\$ 13,371	\$ 486,629	2.67%

## June 2012 SnapShot

## Monthly Financial Report

**City Of Loveland  
500 East 3rd Street  
Loveland, CO 80537**

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

Brent Worthington, Finance Director

970.962.2300 or [brent.worthington@cityofloveland.org](mailto:brent.worthington@cityofloveland.org)



**CITY OF LOVELAND**  
**CITY MANAGER'S OFFICE**

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

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**AGENDA ITEM:** 10  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

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**TITLE:** Investment Report for June 2012

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

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**DESCRIPTION:** The budget estimate for investment earnings for 2012 is \$2,729,560. Through June 2012, the amount posted to the investment account is \$1,758,377 including realized gains. Actual year-to-date earnings are *higher* than the year-to-date projection by \$387,749. Based on the June monthly statement, the estimated annualized yield on the U.S. agencies and corporates dropped up to 1.31%, under the annual target rate of 1.7% for 2012. Reinvestment rates are still near record low levels, much lower than the budget projection.

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**SUMMARY:** At the end of June, the City's portfolio had an estimated market value of \$204.7 million, about \$2.3 million more than a month ago. Of this amount, USBank held (including accrued interest) \$185.2 million in trust accounts; other funds are held in local government investment pools, in operating accounts at WellsFargo Bank, and a few miscellaneous accounts. Interest rates have trended significantly lower over recent months and are projected to remain low for years. Investments are 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 about \$2 million annually.

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS:** Investment Focus June 2012



# Investment Focus

## Monthly Investment Report

June 2012

### What's in here?

<b>Focal Points</b>	<b>1</b>
<b>Gain / Loss</b>	
<b>Rate Trends</b>	<b>2</b>
<b>Cash Statement</b>	<b>3</b>
<b>Portfolio size</b>	<b>4</b>
<b>Investment types</b>	
<b>Transactions /</b>	<b>5</b>
<b>Maturity</b>	
<b>Future Scan</b>	<b>6</b>

### Focal Points

- \* **New 2012 targets for the City's portfolio:** 1) the interest rate target is **1.7%**; 2) the earnings goal = **\$2,729,560**.
- \* **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- \* **Revenue posted to accounts = \$1,759,377 - 27.7% over target. This includes realized gains on security sales of \$227,670.**
- \* **Each 1% of the total portfolio amounts to about \$2.05 million.**
- \* **The month end market value shows the unrealized loss increased, up to **\$284,384** at the end of June.**

### Factory Slump Reaches U.S.

"The global economic slow-down has finally caught up with American manufacturers.

The U.S. factory sector shrank in June for the first time since July 2009—the first month of the economic recovery—the Institute for Supply Management said Monday. Exports fell, and new orders, which gauge future factory activity, dropped at their fastest pace since the post-9/11 plunge in October 2001."

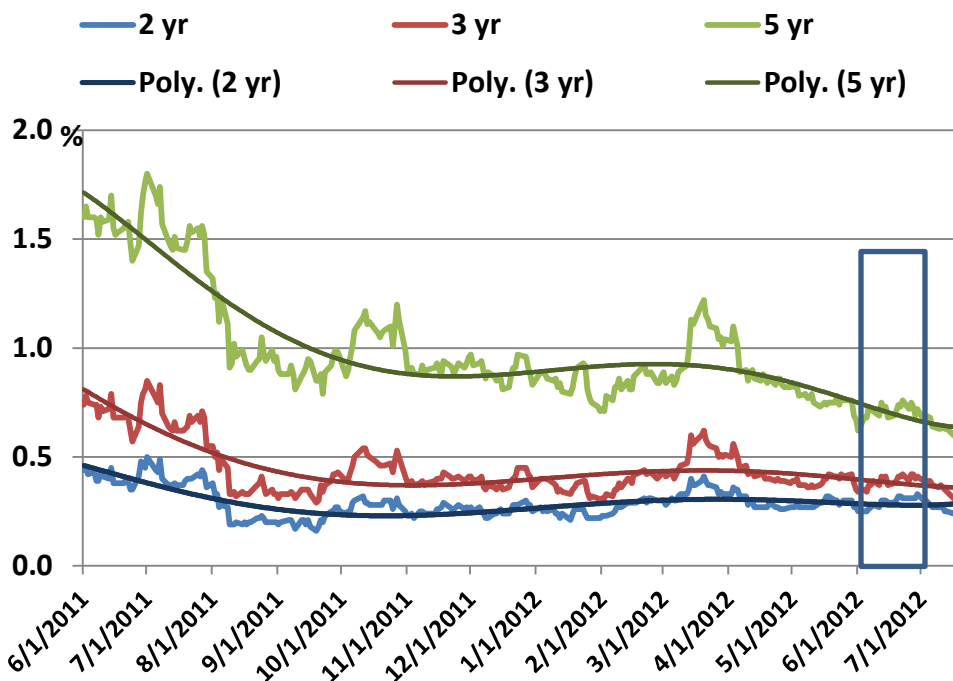
(Source: Neil Shah and Ben Casselman in the **Wall Street Journal**, July 3, 2012.

Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 7,883,623	\$ 7,883,623	--
Investment Pools	11,600,486	11,600,486	--
Money Markets	<u>40,407,809</u>	<u>40,407,809</u>	--
Subtotal	\$ 59,891,918	\$ 59,891,918	--
Notes and Bonds	<u>145,125,013</u>	<u>144,840,629</u>	<b>\$ (284,384)</b>
Total Portfolio	<b>\$ 205,016,931</b>	<b>\$ 204,732,547</b>	<b>\$ (284,384)</b>
Data Sources	(Morgan Stanley)	(US Bank)	

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



## Treasury rate trends / Factory slump



Interest rates on US treasuries finished the month of June higher, but still near record lows.

Based on the 2-year treasury, the June month-end rate was 6 basis points higher. The 3-year was also 6 basis points higher and the 5-year finished 5 basis points higher.

This shift in treasury rates slightly decreased the market value of most of the portfolio. Rates on new investments will be low for many months.

### Slowdown in Europe, Asia Slams American Firms; Weak Euro Hurts Exporters

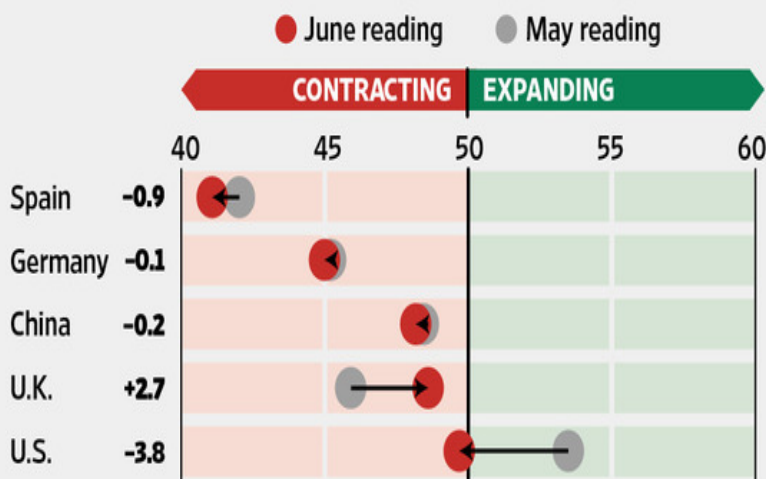
"The report is the strongest evidence yet that Europe's troubles and slowing growth in China are hurting American factories, one of the biggest drivers of the U.S. recovery. Separate reports have shown U.S. exports fell in April for the first time since November, and last week the government revised downward its estimate of export growth in the first quarter.

The darkening outlook for U.S. factories comes amid new signs that the rest of the world is losing momentum, too. Manufacturing activity in the euro zone continued its months long decline in June, with even the region's biggest economy, Germany, contracting at its fastest pace in three years. Manufacturing also slowed in China, the world's second-biggest economy, and South Korea's and Taiwan's manufacturing industries fell into contraction."

Source: **Wall Street Journal**, July 3, 2012.

### Spreading Malaise

Manufacturing industries globally saw business fall in June, and the U.S. caught the contagion, though Britain's slowdown eased.



Sources: Institute for Supply Management; Markit

The Wall Street Journal

# Cash Position Summary

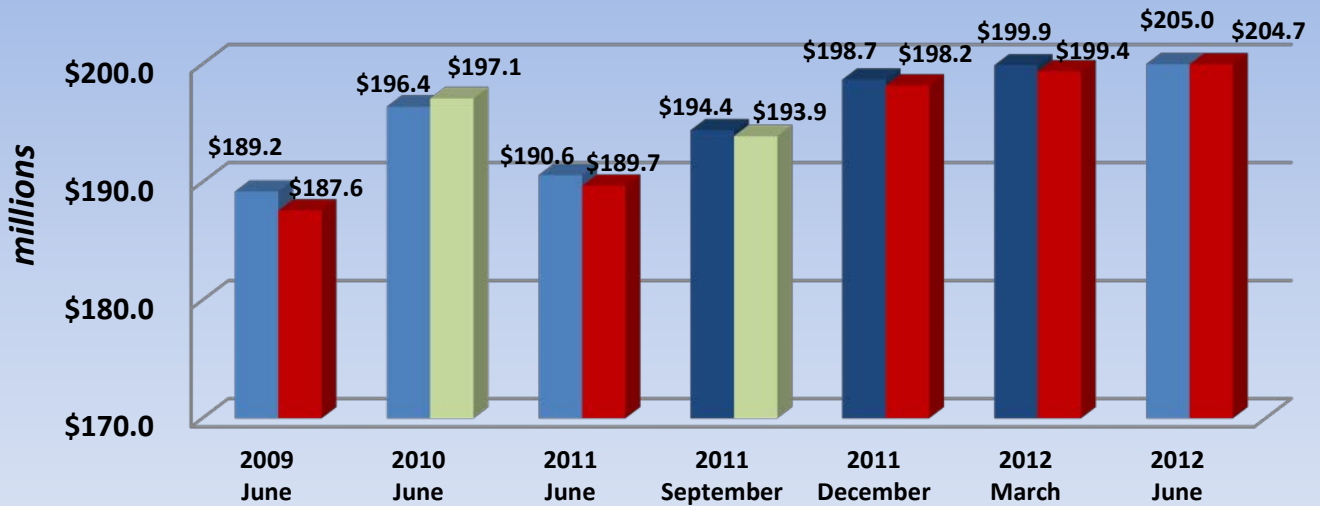
## Cash & Reserves (unaudited)

		2012 Beginning	YTD Activity	June Ending
	<b>Restricted Reserves</b>	Due to rounding, column and row totals may not add exactly.		
1	Capital Expansion Fees	\$ 33,634,541	\$ 774,720	\$ 34,409,260
2	Water System Impact Fees	7,351,374	766,357	8,117,731
3	Raw Water Revenue – Windy Gap	22,362,750	(2,060,547)	20,302,203
4	Wastewater System Imp. Fees	4,509,816	311,718	4,821,534
5	Storm Drain System Imp. Fees	1,344,721	104,892	1,449,613
6	Power Plant Investment Fees	6,866,635	982,156	7,848,790
7	Cemetery Perpetual Care	2,971,970	(892,943)	2,079,027
8	Other Restricted	28,771,419	1,992,736	30,764,155
9	<b>Total Restricted</b>	<b>\$ 107,813,225</b>	<b>\$ 1,979,088</b>	<b>\$ 109,792,314</b>
	<b>Reserve Balance Amounts</b>			
10	General Fund	\$ 11,622,515	\$ (572,599)	\$ 11,049,916
11	Enterprise Funds	5,098,358	12,670	5,111,029
12	Internal Service Funds	17,970,582	1,532,587	19,503,169
13	<b>Total Reserves</b>	<b>\$ 34,691,455</b>	<b>\$ 972,658</b>	<b>\$ 35,664,113</b>
14	<b>Total Restricted and Reserved</b>	<b>\$ 142,504,680</b>	<b>\$ 2,951,746</b>	<b>\$ 145,456,427</b>
	<b>Unrestricted</b>			
15	General Fund	\$ 17,142,212	\$ 5,406,194	\$ 22,548,407
16	Airport	897,343	(254,604)	642,740
17	Internal Service – Vehicle Maint	142,091	105,557	247,648
18	Enterprise Funds	36,427,968	(146,823)	36,281,146
19	<b>Total Unrestricted</b>	<b>\$ 54,609,615</b>	<b>\$ 5,110,325</b>	<b>\$ 59,719,940</b>
20	<b>TOTAL CASH</b>	<b>\$ 197,114,296</b>	<b>\$ 8,062,071</b>	<b>\$ 205,176,367</b>



## Portfolio Size / Types of Investments

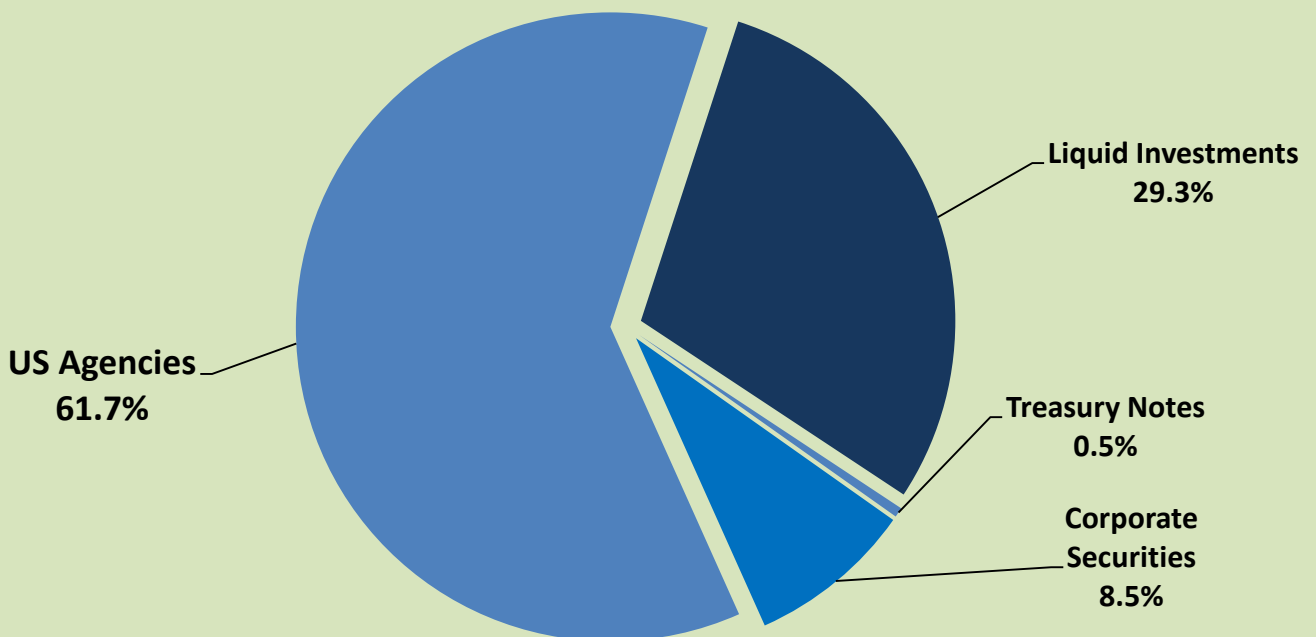
### Portfolio Size since June 2009



Blue bars show Purchase value, red and green bars show market value, red = loss and green = gain

### Portfolio by Type of Investment

June 2012 – Value of \$204.7 million



# Transactions / Portfolio by Maturity

Maturity Date

Face Value

Purchase \$

Stated Rate

## Purchases

Federal Farm Credit Bank	06/05/2017	\$ 5,000,000	\$ 5,000,000.00	1.160%
Federal Home Loan Bank	06/13/2017	5,000,000	5,000,000.00	1.190%
Federal Home Loan Bank	06/13/2017	5,000,000	5,000,000.00	1.190%
Federal Nat'l Mort. Assn.	06/28/2017	5,000,000	4,997,500.00	1.350%
Federal Farm Credit Bank	09/28/2017	<u>5,000,000</u>	<u>4,997,500.00</u>	1.200%
		\$ 25,000,000	\$ 24,995,000.00	

## Matured

Federal Home Loan Bank	06/08/2012	\$ 5,000,000	\$ 5,326,400.00	4.375%
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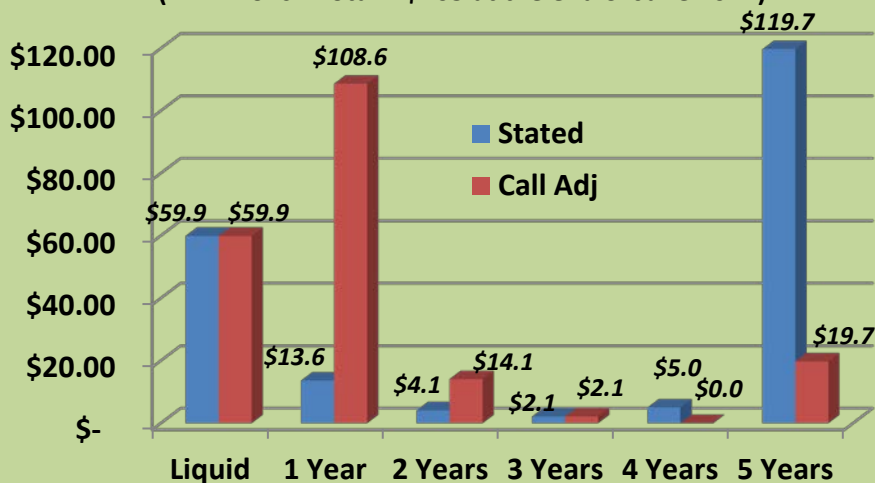
## Called

			<u>Call Value \$</u>	
Federal Home Loan Bank	11/28/2016	\$ 5,000,000	\$ 5,000,000.00	1.530%
Federal Home Loan Bank	03/27/2017	<u>11,500,000</u>	<u>11,495,125.00</u>	1.250%
		\$ 16,500,000	\$ 16,495,125.00	

## Sales

			<u>Gain \$</u>	
Federal Home Loan Bank	04/11/2017	\$14,625,000	\$ 54,786.13	1.194%
Federal Home Loan Bank	10/14/2016	<u>5,000,000</u>	<u>66,500.00</u>	0.953%
		\$ 19,625,000	\$ 121,286.13	

**Portfolio by Estimated Maturity Term**  
(in millions - Total = \$205 at the end of June 2012)



The target rate for 2012 is 1.7%. Rates are now again at near record lows. Through May, the portfolio earnings are above the earnings target level for 2012.

To support earnings or to reposition the portfolio, bonds may be sold. Gains on sales total \$227,670 to date.

The blue bars show the stated term. Red bars show the calls. More of the five year bonds will be called early.



## Future Scan: Fed comments tending toward more action

- ❖ **Morgan Stanley Smith Barney: Déjà Vu All Over Again** “Once again, with summer now in full swing, investors are left to ponder the same issues that have been on the main stage for the last few years now.”
  - S&P has already weighed in, affirming the US ‘AA+/A-1+’ sovereign debt rating, but maintaining a Negative Outlook due to political and fiscal risks that “could build to the point of leading us to lower our ‘AA+’ long-term rating by 2014.” Moody’s, on the other hand, has yet to weigh in. Yes, it is déjà vu all over again.
  - The déjà vu theme was certainly on display within the June Employment Situation report, as investors received another softer-than-expected outcome, especially from the traditional parameters of payrolls and the unemployment rate. In June, total nonfarm payrolls rose by only 80,000, a full 20,000 below consensus forecast.
  - In our humble opinion, the root of the problems, whether it be here in the US or in the Euro Zone, now requires a response from their respective elected government players, not the central bankers.
  - We see the near-term trading range for the UST 10-yr yield to be 1.20% to 1.75%/2.00%.
- (Source: **Basis Points Fixed Income Strategy**, Kevin Flanagan and John Mackay, July 10, 2012.)
- ❖ The **Federal Open Market Committee** (“FOMC” or “Fed” or “Committee”) last met on June 19-20. The economic outlook has been revised downward. The Committee has been contemplating additional fiscal action. Recent comments by members of the Committee show a trend for more support. Such action may occur prior to the next scheduled meeting. The next meeting of the Committee will held on July 31 and August 1.
- ❖ The June 2012 Colorado Employment Situation was released on July 20, 2012. Using non-seasonally adjusted employment data, **Colorado’s unemployment rate** for June was estimated to be 8.4% compared to the national unemployment rate of 8.4%. Larimer County was up to 6.7%. Boulder County was reported at 6.6% and Weld County at 9.2%. Data for cities showed large shifts due to a major benchmarking effort. Loveland’s unemployment rate is estimated to be 7.9%, up from 7.6% in May and down from 8.3% one year ago. Fort Collins was 6.6%, Boulder 6.3%, and Greeley 9.4%.
- ❖ **Recession Outlook:** There is a growing number of economists speculating about whether the National Bureau of Economic Research (NBER) will make an announcement in the next few months regarding economic conditions. NBER makes the determination whether the economy is in recession. NBER watches industrial production, payrolls, real income, and real retail sales.

For more information regarding this report, please contact:

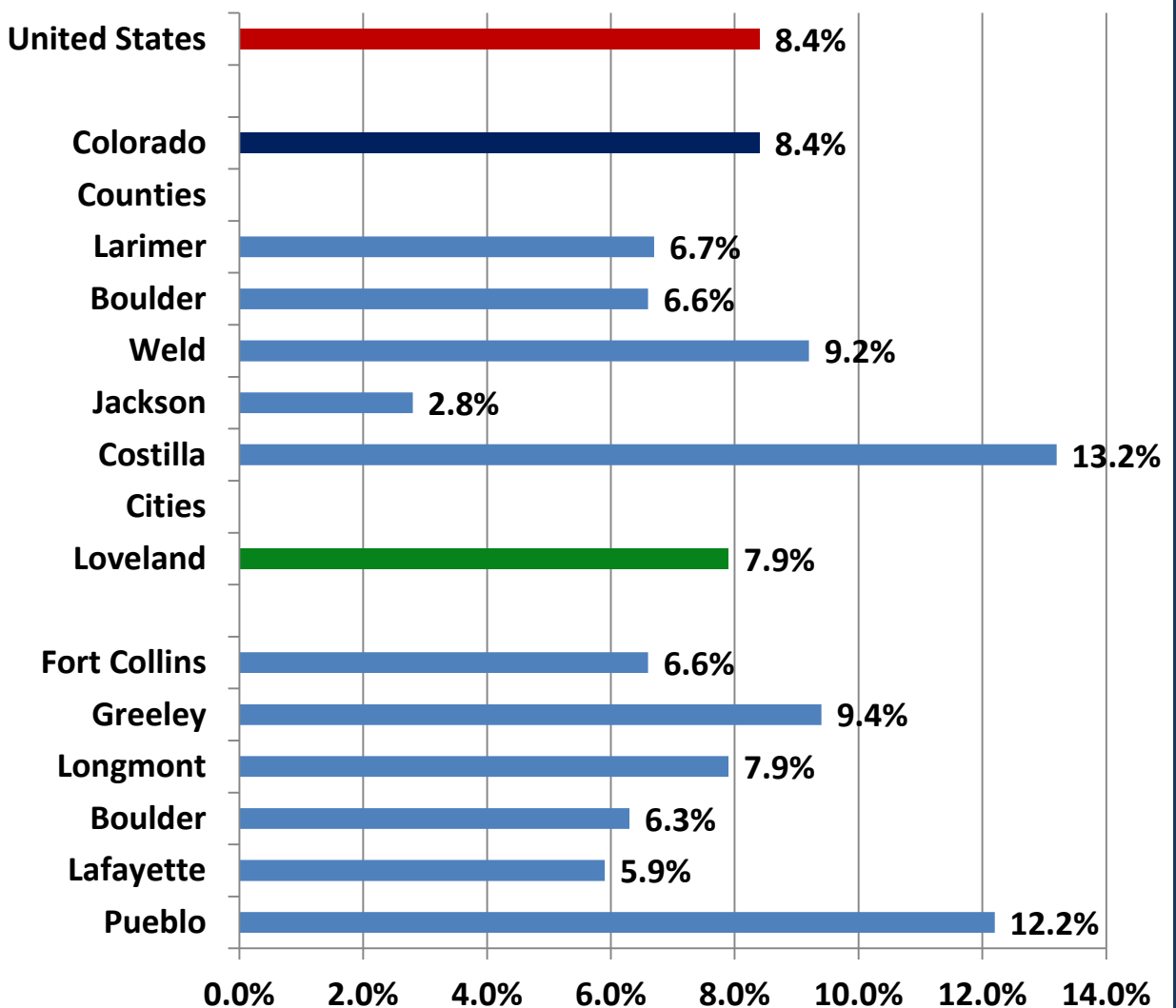
**Alan Krcmarik, Executive Fiscal Advisor 970.962.2625 or [Alan.Krcmarik@cityofloveland.org](mailto:Alan.Krcmarik@cityofloveland.org)**

## Updated for Colorado Labor data for June

- ☐ Loveland's workforce **expanded again** in June, up 160 jobs from May 2012.
- ☐ Compared to one year ago in June, there are 658 more jobs.

### June Unemployment Rates

Data not adjusted for seasonality



**CITY OF LOVELAND**  
FINANCE DEPARTMENT

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(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

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**AGENDA ITEM:** 11  
**MEETING DATE:** 8/7/2012  
**TO:** City Council  
**FROM:** William D. Cahill, City Manager  
**PRESENTER:** Bill Cahill

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**TITLE:**  
Mid-year Review of City Council Goals for 2012

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**RECOMMENDED CITY COUNCIL ACTION:** None Required

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**DESCRIPTION:**  
Discussion only; no action required.

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**SUMMARY:**  
The City Council held its Annual Advance on January 21, 2012 at Group Publishing in Loveland. This annual event is intended for the Council to set major goals and priorities for the coming year. The Council's work is summarized in the one-page Summary (Attachment 1).

The second quarterly progress report (for quarter ending June 30, 2012) has also been previously transmitted to the Council and is also attached here (Attachment 2).

As follow-up to the Advance, the Council expressed interest in holding a mid-year review to evaluate progress. This is that review.

While staff will be prepared to give informational updates on the specific actions previously directed by Council, the primary purpose of this item is to provide for Council-driven discussion. The Council may wish to consider:

- Are there events which have occurred in the past 6 months which would change Council priorities?
- Are there any additional goal areas that should be considered as mid-course corrections?

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**REVIEWED BY CITY MANAGER:**

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**LIST OF ATTACHMENTS**

1. City Council Goals Summary
2. Second Quarter Goals Report
3. PowerPoint: Accomplishments of past 6 Months



City of Loveland  
500 East Third Street  
Loveland, CO 80537

## Summary: City of Loveland 2012 Council Goals and Priorities

Goals and Activities	Lead Responsibility	Schedule
<b>Goal 1, Economic Vitality</b>		
1.1 Develop a Highway 287 business corridor development plan	Development Services/Economic Development	Draft Work Plan Scope by December 2012
1.2 Market Loveland aggressively for economic development	Economic Development	Marketing for primary employers, retail, downtown, visitation and creative sector operational by September 2012
1.3 Move forward with expansion for the Loveland Museum	Cultural Services	Secure architect and launch capital campaign by August 2012
1.4 Airport area economic development planning	Airport/Economic Development	Development plan to Airport Steering Committee by December 2012
1.5 Highway 402 Corridor Plan and expansion of County IGA	Development Services	IGAs with affected jurisdictions by September 2012; Draft Corridor Plan by December 2012
1.6 Continue efforts to restore the Pulliam Building	Economic Development	Operating plan and finance applications by December 2012
1.7 Carry out a signage program to direct visitors and residents to important Loveland destinations	Economic Development	Complete placement of 1st phase signs by October 2012
<b>Goal 2, Public Safety</b>		
2.1 Develop a long-term funding plan for Police and Fire, including a long-term Police staffing plan	Police, Fire	Police staffing plan conceptually approved by September 2012; draft safety funding plan to Council by December 2012
2.2 Plan for Fire Station 2 and acquire property	Fire	Land acquisition and conceptual review approval by December 2012



## Goals and Activities

## Lead Responsibility

## Schedule

### Goal 3, Infrastructure Quality

3.1 Accelerate the undergrounding of existing power lines	Water and Power	Council direction by June 2012 to incorporate into 2013 budget
3.2 Power infrastructure needs: short - long term strategies	Water and Power	Council direction on transmission and distribution by July 2012
3.3 Water infrastructure needs: short - long term strategies	Water and Power	Council direction on infrastructure and financing by June 2012
3.4 Carry out a cross connection / backflow control program	Water and Power	Council approval of program by April 2012
3.5 Develop a more stable funding stream for street maintenance	Public Works	Street maintenance funding concept to Council by June 2012
3.6 Plan for Public Works Service Center expansion	Public Works	Conceptual design complete by August 2012

### Goal 4, Financial and Administrative

4.1 Capital Expansion Fees Study	Development Services	Draft study to Council by August 2012
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## Implementation

CC.1 Review City Council meeting procedures and guidelines	City Attorney and City Manager	Council consideration of amended procedures by August 2012
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## Continued Actions for 2011

11.1.1 Regional Crime Lab	Police	Project launch by June 2012
11.2.1 Economic Development Strategy	Economic Development	Council adoption by March 2012
11.2.2 Downtown Catalyst Project	Economic Development	Project agreement by June 2012
11.2.8 Artspace Project	Economic Development	Project financing by December 2012
11.4.2 Raw Water Master Plan	Water and Power	Council adoption by June 2012
11.5.5 Transportation Master Plan	Public Works	Council adoption by October 2012



City of Loveland  
500 East Third Street  
Loveland, CO 80537

## Progress Report: City of Loveland 2012 Council Goals and Priorities Updated June 30, 2012

Goals and Activities	Lead Responsibility	Schedule
<b>Goal 1, Economic Vitality</b>		
1.1 Develop a Highway 287 business corridor development plan	Development Services/Economic Development	<p>Draft Work Plan Scope by December 2012</p> <p><i><b>On Course.</b> The Highway 402 Corridor Plan has been given priority over this planning effort in 2012. Work on this corridor plan will commence in December, with completion of a detail scope of work by the end of the year. The draft plan is scheduled for completion in June of 2013.</i></p>
1.2 Market Loveland aggressively for economic development	Economic Development	<p>Marketing for primary employers, retail, downtown, visitation and creative sector operational by September 2012</p> <p><i><b>On course.</b> Staff has attended POW WOW (the largest Tourism tradeshow) in April, and the International Shopping Center tradeshow in May. Staff met with Allegiant Air in May to address co-marketing. Staff has convened the real estate brokers advisory group. The Technology Acceleration Program has become a very effectively primary employer marketing tool and the outcomes are leading to significant new product development and business to business product development. Destination Loveland Brand Concepts were approved by CMC and Council. The DIA now has a Loveland Sculpture display. The current timing is June 2012.</i></p>
1.3 Move forward with expansion for the Loveland Museum	Cultural Services	<p>Secure architect and launch capital campaign by August 2012</p> <p><i>Will be an item on the September 18, 2012 City Council agenda to consider directing Cultural Services to secure an architect for conceptual designs for the Museum expansion</i></p>

and to hire a Development Officer to launch a capital campaign.

1.4 Airport area economic development planning	Airport/Economic Development	<p>Development plan to Airport Steering Committee by December 2012</p> <p><b>On course.</b> Staff has scheduled meetings with Fort Collins, City of Loveland, and NCEDC to further discuss how development of an Airport Area Economic Development plan should proceed. The airport is preparing to partner with a regional economic development group to begin the formation of an airport business support network. This project was defined in the recent U.S. DOT Small Commercial Air Service Grant.</p>
1.5 Highway 402 Corridor Plan and expansion of County IGA	Development Services	<p>IGAs with affected jurisdictions by September 2012; Draft Corridor Plan by December 2012</p> <p><b>On course.</b> The project scope for the 402 Corridor Plan has been completed and significant progress made on the inventory and analysis phase. The work plan includes three overlapping phases: an adjustment of the Growth Management boundary; County approval of the Loveland IGA Overlay Zone; and completion of the draft 402 Corridor Plan by December. Significant progress has been made in reaching an agreement with Johnstown regarding Growth Management Area (GMA) boundaries.</p>
1.6 Continue efforts to restore the Pulliam Building	Economic Development	<p>Operating plan and finance applications by December 2012</p> <p><b>On course.</b> The City received a grant from the State Historical Fund to complete a Historic Structural Assessment (HSA) for the Pulliam Community Building. Staff is working with the National Development Council to explore Historic Tax Credit Financing. The non-profit organization Center of Loveland, Inc. has changed its name to Pulliam Community Building Foundation. The Business Plan and Analysis has been updated to include operation of the facility for the City by the Foundation. Project website is: <a href="http://www.pulliambuilding.org">www.pulliambuilding.org</a>.</p>
1.7 Carry out a signage program to direct visitors and residents to important Loveland destinations	Economic Development	<p>Complete placement of 1st phase signs by October 2012</p> <p><b>On course.</b> Stakeholder committee has been formed and Public Works Department is securing bids for 40 signs.</p>

## Goal 2, Public Safety

- 2.1 Develop a long-term funding plan for Police and Fire, including a long-term Police staffing plan

Police, Fire

Police staffing plan conceptually approved by September 2012; draft safety funding plan to Council by December 2012

*On course. In June, the 2012 Loveland Fire Rescue Strategic Plan, including long-range staffing and funding strategies, was approved by the Loveland Fire Rescue Authority Board. One funding mechanism setback occurred this quarter when the Rural Fire District lost their mill levy election in May. The District Board has planned an election strategy meeting in July to develop a new plan for a mill levy election in 2013.*

*The Police Department has completed Phase I of the four phase Staffing and Resource Study. Results of the Phase I Study were presented at the City Council Study Session on May 22nd. Phase II of the study has been suspended through August of 2012 based upon the summer workload of the Police Department. Phase II will resume in September with site visits to five other police agencies and the Police Department will report the findings of Phase II to City Council at the November 27th Study Session.*

- 2.2 Plan for Fire Station 2 and acquire property

Fire

Land acquisition and conceptual review approval by December 2012

*On course. This quarter, a verbal agreement with Ray and Sonja Mehaffey was reached for the purchase of three acres of property just west of 29th and Wilson for new fire station two. The price of the land was well under the assessed market value. Work will be moving forward in July for obtaining a land survey and the development of a legal contract for purchase. Discussions continued this quarter with Thompson Valley EMS for use and interest in the current Fire Station Two.*

## Goal 3, Infrastructure Quality

- 3.1 Accelerate the undergrounding of existing power lines

Water and Power

Council direction by June 2012 to incorporate into 2013 budget

*On course. City Council Study Session scheduled for August 14, 2012.*

- 3.2 Power infrastructure needs: short - long term strategies

Water and Power

Council direction on transmission and distribution by July 2012

<p><b>On course.</b> A City Council Study Session is scheduled for August 14, 2012.</p>		
3.3	Water infrastructure needs: short - long term strategies	Water and Power
		<p>Council direction on infrastructure and financing by June 2012</p> <p><b>On course.</b> At the May 22, 2012 City Council Study Session, Staff presented a brief introduction to the Water and Wastewater Utilities, including projected expense needs and revenue requirements for the future. Staff will also present to Council on August 28, 2012 to deliver final Cost-of-Service Study information and gain direction on preferred financing scenarios.</p>
3.4	Carry out a cross connection / backflow control program	Water and Power
		<p>Council approval of program by April 2012</p> <p><b>Complete.</b> City Council adopted ordinance on March 6, 2012. Staff working on program implementation.</p>
3.5	Develop a more stable funding stream for street maintenance	Public Works
		<p>Street maintenance funding concept to Council by June 2012</p> <p>Staff continues to develop options for funding plans. Staff is working on a modified model for street maintenance funding in conjunction with the Transportation Master Plan Update, expected to be completed in early fall.</p>
3.6	Plan for Public Works Service Center expansion	Public Works
		<p>Conceptual design complete by August 2012</p> <p><b>On course.</b> The City completed an RFQ/RFP process to select RNL Design to complete the preliminary design of the service center expansion. The project is already underway with a stakeholder kickoff, with expected delivery of 30% design in the fall of 2012.</p>
<p><b>Goal 4, Financial and Administrative</b></p>		
4.1	Capital Expansion Fees Study	Development Services
		<p>Draft study to Council by August 2012</p> <p><b>On course.</b> Provided background and history of the Capital Expansion Fee program to Council at study session in March, and second update to Council at study session on July 10.</p>

## Implementation

CC.1	Review City Council meeting procedures and guidelines	City Attorney and City Manager	Council consideration of amended procedures by August 2012 <b>On course.</b> Proposal to be transmitted in August.
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## Continued Actions for 2011

11.1.1	Regional Crime Lab	Police	Project launch by June 2012  <b>On course.</b> <i>The five consortium agencies have signed an Intergovernmental Agreement related to the ongoing operation and maintenance cost sharing for the crime lab. Weld County Officials have committed to funding the construction costs of the building and have invested \$4 million toward the project. Currently, the project out to bid and the timeline for opening the regional crime lab is September of 2013.</i>
11.2.1	Economic Development Strategy	Economic Development	Council adoption by March 2012  <b>Complete.</b> <i>Adopted the Strategy and the Incentive Policy in March.</i>
11.2.2	Downtown Catalyst Project	Economic Development	Project agreement by June 2012  <i>Finalizing Agreement with Brinkman for an August Council Consideration</i>
11.2.8	Artspace Project	Economic Development	Project financing by December 2012  <b>On course.</b> <i>Negotiating Term Sheet for financing.</i>
11.4.2	Raw Water Master Plan	Water and Power	Council adoption by June 2012  <b>Complete.</b> <i>Council unanimously adopted the 2012 Raw Water Master Plan, on June 5, 2012. This updates the 2005 Raw Water Master Plan, which has provided guidance for actions protecting and enhancing the City's raw water supply. Council's action also amended the 2005 Comprehensive Master Plan by adding the 2012 Raw Water Master Plan as a functional (component) plan element.</i>



11.5.5 Transportation Master Plan

Public Works

Council adoption by October 2012

**On course.** *City staff is still in the process of "scrubbing" the MPO provided data from the regional transportation model, which still contains significant errors. Once this process completed in early July the TMP project will move forward quickly. Public outreach is planned in late-summer and early-fall. The objective is to coincide with the CEF discussion project.*



# Loveland Update 2012

August 2012

# Four Major Goal Areas for 2012

Economic Vitality

Public Safety

Infrastructure Quality

Financial and Administrative

# Progress report on 2012 adopted goals

▶ Total Number of Goals:	16
▶ Completed:	1
▶ On Course:	13
▶ Delayed:	2

# Highlighted major goal accomplishments

- ▶ Water: cross-connection program approved
- ▶ Economic development marketing well underway
  
- ▶ From 2011 carryovers:
  - Raw Water Master plan adopted
  - Regional Crime Lab IGA adopted
  - Economic Development Strategy adopted

# Other progress this year

- ▶ Public Works: WeCar program with Enterprise Rent A Car
- ▶ Police Communications Center is the first Internet Protocol (IP) communication center in Colorado
- ▶ Golf: new SNAG course
- ▶ Economic Development: Technology Acceleration program
- ▶ Loveland Library named as a Computer World “Honors Laureate” for technology use
- ▶ Cultural Services: Rialto Theater Center, a “4-P” project
- ▶ Loveland Fire Rescue Authority launched on January 1, 2012
- ▶ Fire “Blue Card” training program
- ▶ Development Services: all-electronic plan submittal, and daily plans check-in



# Forthcoming significant items

- ▶ Proposals for rates and capital projects for water, wastewater, stormwater
- ▶ CEFs major review
- ▶ Concept proposal for Service Center expansion
- ▶ Fire Station 2 acquisition
- ▶ Oil and gas regulation

# Discussion questions

- ▶ Any events which would change Council priorities?
- ▶ Any additional goals to add at mid-year?
- ▶ Any of the previous goals to de-emphasize or drop?