

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS
TUESDAY, MAY 7, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

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

**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

PROCLAMATION DECLARING MAY 05, 2013 – May 11, 2013 AS “MUNICIPAL CLERKS WEEK” (Terry Andrews)

PROCLAMATION DECLARING MAY 12, 2013 – May 18, 2013 AS “NATIONAL POLICE WEEK” (Luke Hecker)

PROCLAMATION DECLARING MAY 2013 AS “ARCHAEOLOGY & HISTORIC PRESERVATION MONTH” (Matt Newman)

PROCLAMATION DECLARING MAY 2013 AS “MENTAL HEALTH MONTH” (Emily Dawson Peterson & Kathy Roth)

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** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the April 9, 2013 Study Session, the April 16, 2013 Council Meeting, and the April 23, 2013 Study Session.
 This is an administrative action to approve the Council minutes.

2. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
KOLDEWAY INDUSTRIAL 2ND SUBDIVISION REZONING
Motion to approve and order published on second reading;
 1. **An ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for Certain Property Located in Lots 2 and 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado; and**
 2. **An ordinance Vacating a Public Right-Of-Way (Alley) Adjacent to Lots 1, 2, and 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado**

A quasi-judicial action to adopt an ordinance on second reading rezoning Lots 2 and 3, Block 1, of the Koldeway Second Industrial Subdivision from I-Developing Industrial to B-Developing Business and amending a Development Agreement and a legislative action to adopt an ordinance on second reading vacating a public right-of-way. The 3.12 acre property is located on the east side of Denver Avenue, one lot south of 11th Street. The owner of the property is Loveland Midtown Development, Inc. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
RANGE VIEW 3RD (LAKE VISTA) UTILITY EASEMENT
A motion to approve and order published on second reading an ordinance Vacating a Portion of a Private Access, Emergency Access, and City of Loveland Water and Sewer Easement on Lot 4, Block 1, Range View Third Subdivision, City of Loveland

This is a legislative action for adoption of an ordinance on second reading to vacate an 89 square foot/up to 2.7 feet in width portion of an easement in the Range View Third Subdivision, located at 2331 Rocky Mountain Avenue. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

4. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 CITY BUDGET
A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2012

This is an administrative action. The Ordinance reappropriates funding for capital projects and other one-time projects approved but not completed in the prior year. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

5. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 LURA BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to The Loveland Urban Renewal Authority Budget Reappropriating The Façade Grant Program and Funding for Parking Lot Improvements Approved in 2012 but not Completed

This is an administrative action. Reserves are reappropriated for the Façade Grant Program and parking lot improvements. The first reading of the ordinance was approved unanimously by LURA at the April 16, 2013 meeting.

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

6. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 GID BUDGET

A motion to approve and order published on second reading an ordinance Adopting a Supplemental Budget and Appropriation for The 2013 Loveland General Improvement District #1 to Reappropriate Funds for Signal Light Upgrades and Parking Lot Improvements Approved in 2012 but Not Completed.

This is an administrative action. Funds approved in 2012 for signal pole upgrades and parking lot improvements are appropriated to complete the projects. The first reading of the ordinance was approved unanimously by the GID at the April 16, 2013 meeting.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENE AS CITY COUNCIL

7. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 AIRPORT BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to The 2013 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but Not Completed in 2012.

This is an administrative action. The ordinance appropriates the remaining balance for capital projects and equipment purchases previously approved in 2012. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

8. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 NEW PROJECTS BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Projects or Programs Not Anticipated at the Time of Adoption for the 2013 Budget

This is an administrative action. Since the adoption of the 2013 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between

funds) is \$5.29 million. The appropriation is funded by \$5.28 million of fund balance and \$13,390 of Federal Grant Revenue. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

9. **LIBRARY** (presenter: Marcia Lewis)
PUBLIC HEARING
UNITED WAY OF LARIMER COUNTY GRANT TO LOVELAND PUBLIC LIBRARY
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for a Contribution from the United Way of Larimer County for the Summer Literacy Program
 This is an administrative action. The ordinance appropriates a contribution of \$3,000 from the United Way of Larimer County to the Loveland Public Library.

10. **PUBLIC WORKS** (presenter: Keith Reester)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR COLT VIDEO SURVEILLANCE INSTALLATIONS
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Transit Video Surveillance Project
 This is an administrative action. The ordinance appropriates a Federal Transit Authority (FTA) Grant and the required local match for the video surveillance project. Federal Grant Funds are leveraged to purchase equipment for video surveillance on the transit buses. The funds are excess FTA 5309 funds, from the recently completed electronic fare box installation project. This ordinance appropriates \$30,970 - FTA 5309 funds; \$10,240 - Local match.

11. **WATER & POWER** (presenter: Russel Jentges)
IGA FOR PLATTE RIVER POWER AUTHORITY (PRPA)
A motion to approve Resolution #R-28-2013 Approving an Intergovernmental Agreement between the City of Loveland, Colorado and Platte River Power Authority for Substation Maintenance
 This is an administrative action to approve an intergovernmental agreement with Platte River Power Authority (PRPA) for Substation Maintenance. The funds to be committed are \$250,000, which have been appropriated and are available in the 2013 Water & Power Budget.

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

12. DEVELOPMENT SERVICES (presenter: Kerri Burchett)

PUBLIC HEARING

FIRE STATION NO. 2 ADDITION

Motion to approve and order published on first reading;

- 1. A Resolution #R-29-2013 Concerning the Annexation to the City of Loveland, Colorado of a Certain Area Designated as the "Fire Station No. 2 Addition" More Particularly Described Herein, and Setting Forth Findings of Fact and Conclusions Based Thereon as Required by the State Constitution and State Statutes;**
- 2. An Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Fire Station No. 2 Addition" to the City of Loveland; and**
- 3. An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Fire Station No. 2 Addition" to the City of Loveland.**

This is a legislative action to adopt a resolution and ordinance to annex 6.43 acres of City owned property to be known as the Fire Station No. 2 Addition; and A quasi-judicial action to zone the 6.43 acres to R1- Developing Low Density Residential District. The property is located south of and adjacent to West 29th Street and approximately 900 feet west of North Wilson Avenue. The applicant is the City of Loveland Fire Rescue Authority (LFRA).

13. FIRE & RESCUE (presenter: Randy Mirowski)

BURN BAN & RESTRICTIONS

Motion to approve and order published on second reading An Ordinance on Amending City Code Chapter 15.28 Granting the City Council and the City Manager Authority to Enact Outdoor Fire Bans and Restrictions Under Certain Emergency Circumstances Within the City of Loveland

This is a legislative action to consider an ordinance amending the City Code to grant authority to both the City Manager and the City Council, under certain emergency situations, to quickly impose outdoor fire bans and restrictions within the City of Loveland. This ordinance does not include the authority to impose a ban or restrictions on the use of permissible fireworks within the City of Loveland. The first reading of the ordinance was approved at the April 16, 2013 meeting with eight councilors voting in favor.

14. CULTURAL SERVICES (presenter: Suzanne Janssen)

VISUAL ARTS COMMISSION ACTIVITIES UPDATE

State of Public Arts in Loveland

This is an information only item. No action is required Commission representatives will

present information regarding the “State of the Arts” in Loveland, highlighting 2012 acquisitions, accomplishments, and 2013’s highly visible public art projects undertaken for the Art in Public Places Program. Financing for the projects discussed are presently allocated within the annual budget.

**15. CULTURAL SERVICES/FINANCE (presenter: Jan Sawyer, Brent Worthington)
ONE YEAR RIALTO THEATER CENTER REPORT**

This is an information only item. No action is required. Report on the first year of operation of the Rialto Theater Center and the Facilities Maintenance Agreement between the City of Loveland Rialto Bridge, LLC.

**16. FINANCE (presenter: Brent Worthington)
MARCH 2013 FINANCIAL REPORT**

This is an information only item. No action is required. The Snapshot Report includes the City’s preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2013.

**17. FINANCE (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MARCH 2013**

This is an information only item. No Council action is required. The budget estimate for investment earnings for 2013 is \$2,760,560. Through March, the amount posted to the investment account is \$554,071 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$127,441. Based on the monthly statement, the estimated annualized 1.05% yield on the securities held by US Bank was up from last month and under the annual target rate of 1.20% for 2013. Reinvestment rates have been near record low levels, much lower than the budget projection.

**18. CITY MANAGER
Executive Session concerning *City of Loveland v. Beierwaltes* Litigation**

ADJOURN

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, Clark, Farley, McKean, Trenary, Fogle, Taylor, Klassen and Shaffer. City Manager, Bill Cahill was also present.

1. ECONOMIC DEVELOPMENT

Support for Sunrise Community Health Center/McKee Expansion

Economic Development Specialist, Mike Scholl presented this item to Council. Sunrise Community Health Center (Sunrise) has purchased the building at 302 3rd Street SE for the purposes of expanding the Community Health Center currently located at 5th and Cleveland. Sunrise partners with McKee Medical Center to provide health services to low and moderate income populations in Loveland. The project is an \$8 million investment that includes acquisition, of a building that has been mostly vacant for the last four years. The facility, which will employ 70 people, will include a medical center, dentist, pharmacy, adult day care facilities, and a catering business that is currently operating onsite. Sunrise requested \$93,500 financial support from the City for public improvements related to the sidewalk, parking lot, and utility infrastructure, as well as a waiver of Capital Expansion fees. Marilyn Schock of McKee Medical Center and Mitzi Moran of Sunrise Community Health Center assisted in the presentation and answered questions concerning the design and funding of the project. Council discussion ensued. Consensus of Council favored support of the request and additional funding of \$115,000 that Sunrise would match to complete the fundraising goal. Staff was directed to move forward with preparing the incentive agreement and appropriation for consideration at a regular meeting in May.

2. POLICE

Police Staff & Resource Study – Phase III

Chief Luke Hecker introduced this item to Council. This is the third phase of a four phase Staff and Resource Study being carried out by the Loveland Police Department. The objective of the study is to generate a ten year financial and operational strategy for the deployment of police resources that preserves the safety of employees and the community. This project is intended to enable a sustainable pursuit of the mission of public safety: Preserve and enhance the quality of life for inhabitants of Loveland by procuring and sustaining the necessary public safety resources to defend human life, protect property, and safeguard the rights guaranteed to all people by the United States Constitution. In this phase, two options were developed for the plan. Chief Hecker described the first option as a “Demand Response Strategy” that would add 47 positions, \$5 million in expenditures and \$1.7 million in capital projects. The second option is a more conservative strategy that grows the agency in each department division to meet the two percent per year projected growth of the community, adding 37 positions and \$1 million less in expenditures. A critical element in both options was replacement of the current 16 year old Records Management System. Council discussion ensued. Staff was directed to move forward with Phase IV to develop the 10 year hiring and staff allocation action plan and return for presentation to Council at a future study session.

The study session was adjourned at 10:37 p.m.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

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, Trenary, McKean, Shaffer, Fogle, Taylor, and Clark.

PROCLAMATION

Councilor McKean read the proclamation declaring April 19, 2013 as "ARBOR DAY", which was accepted by Rob MacDonald.

PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, the City of Loveland has been designated as a Tree City USA by the National Arbor Day Foundation; and

WHEREAS, trees provide numerous environmental benefits, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, enhancing the economic vitality of our business areas and beautifying our community;

NOW, THEREFORE, we, the City Council of the City of Loveland, proclaim April 19, 2013, as ARBOR DAY and encourage the citizens of Loveland to support efforts to protect our trees and urban forests, to learn more about trees, and to support our City's urban forestry program.

Signed this 16th day of April, 2012

Cecil A. Gutierrez

Mayor

PROCLAMATION

Councilor Shaffer read the proclamation declaring April 20, 2013 as "THE DAY OF THE ANNUAL SPRING WATERWAY CLEAN-UP EVENT", which was accepted by Kevin Gingery. This event has been changed to April 27, 2013 due to inclement weather.

PROCLAMATION

WHEREAS, the Annual Spring Waterway Clean-up event is one of the programs listed in the City of Loveland's General Municipal Separate Storm Sewer (MS4) Permit; and

WHEREAS, each of the Adopt-A-Waterway Groups consisting of Bill Reed Middle School, the Loveland High River Watch Club, the Kiwanis Club of Loveland, the Namaqua Unitarian Universalist Congregation, the Loveland Open Lands Advisory Commission, Sylvan Dale Guest Ranch, Reflections for Youth, and Cub Scout Pack 184 will be cleaning their adopted sections of the Big Thompson River, the Morey Wildlife Reserve, and the Reflections for Youth ("RFJY") and Meadow Brook Natural Areas; and

WHEREAS, the Greeley-Loveland Irrigation Company and Seven Lakes Reservoir Companies, the High Plains Environmental Center, the Big Thompson Watershed Forum, American Rivers, the City of Greeley, the City of Loveland, Larimer County, along with local businesses such as World Beverage, Starbucks, Walgreens, Wash Me Car Wash Facility, Big Thompson 4-Wheelers, Bloedorn Lumber-Loveland, Orchards Ace Hardware, Wells Fargo, King CMG, Sportsman's Warehouse, Harley Davidson, HACH Instruments, FoCo Lawn and others will be involved to collaborate and provide materials for a successful event; and

WHEREAS, the event is planned to coincide with Earth Day and should attract over 300 Loveland volunteers; and

WHEREAS, the event will help improve the aesthetics of the community; and

WHEREAS, the purpose of the event is to provide the citizens of Loveland an opportunity to remove trash and other assorted debris from within and along the City's waterways; and

WHEREAS, these efforts will reduce the pollutants within our community and help improve upon the water quality of the City's waterways, the riparian corridors and our environment.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim Saturday, April 20, 2013 as THE DAY OF THE ANNUAL SPRING WATERWAY CLEAN-UP EVENT at various locations in the City of Loveland.

Signed this 16th day of April, 2013

Cecil A. Gutierrez, Mayor

PROCLAMATION

Mayor Gutierrez read the proclamation declaring April 29, 2013 – May 5, 2013 as "MARINE CORPS LEAGUE WEEK", which was accepted by Tom Buchanan, the Commandant of the Loveland Marine Corps League Detachment #1250.

PROCLAMATION

WHEREAS, the Marine Corps League has been in existence since 1923, authorized by Congressional Charter in 1937 and has been a member of the Loveland community since the Loveland Marine Corps League Detachment #1250 was founded in 2006; and

WHEREAS, the United States Marine Corps has proudly and honorably served this nation with courage and valor for 238 years; and

WHEREAS, the Marine Corps League operates as a fraternal organization for Marines and Fleet Marine Force Corpsmen to band together in mutual support of each other, the Marine family and communities throughout the United States; and

WHEREAS, the Marine Corps League Department of Colorado State has chosen the Loveland Marine Corps League Detachment to host its 2013 State Convention, May 2 through May 5, 2013; and

WHEREAS, Loveland serves as home to many Marine Corps League members, active duty, reserve and retired Marines and Fleet Marine Force Corpsmen.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim April 29 – May 5, 2013 as MARINE CORPS LEAGUE WEEK in Loveland, Colorado.

Signed this 16th day of April, 2013

Cecil A. Gutierrez

Mayor

PRESENTATION

Mayor Gutierrez presented "FINANCE AWARD: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR)", to Director of Finance Brent Worthington, who recognized Finance employees spread across the organization for the excellent work. Also recognized was past employee Bonnie Steele.

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 remove any of the items or public hearings listed on the Consent Agenda. Councilor Klassen asked that Item #8 be removed from the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda, with the exception of Item 8. The motion was seconded by Councilor Trenary and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK

Approval of Council Minutes

Administrative Action: The minutes from the April 2, 2013 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Administrative Action: the appointment of Stan Griep to the Construction Advisory Board for a full term effective until June 30, 2015 was approved.

3. PUBLIC WORKS/ PARKS & RECREATION PUBLIC HEARING

IGA with CDOT-Madison Avenue Pedestrian Improvements

Ordinance #5755

Legislative Action: "AN ORDINANCE FOR THE SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR A STATE GRANT TO CONSTRUCT SIDEWALK, STREET AND GUTTER IMPROVEMENTS, AND STREET LIGHTS ALONG THE EAST SIDE OF

MADISON AVENUE, FROM 29TH STREET NORTH, TO SEVEN LAKES DRIVE" was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

REPEALING & REENACTING CHAPTER 18.05 AND CHAPTER 16.18

Ordinance #5756

Legislative Action: "AN ORDINANCE REPEALING AND REENACTING CHAPTER 18.05, REPEALING SECTION 16.16.070, AND ENACTING A NEW CHAPTER 16.18 REGARDING PUBLIC NOTICE REQUIREMENTS FOR LAND USE AND ZONING MATTERS" was approved and ordered published on second reading.

5. DEVELOPMENT SERVICES

PUBLIC HEARING

Koldeway Industrial 2nd Subdivision Rezoning

1) P.&H. & Ord. 1st Rdg

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 LOTS 2 AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

2) P.&H. & Ord. 1st Rdg

Legislative Action: A public hearing was held and "AN ORDINANCE" VACATING A PUBLIC RIGHT-OF-WAY (ALLEY) ADJACENT TO LOTS 1, 2, AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

6. DEVELOPMENT SERVICES

PUBLIC HEARING

Range View 3rd (Lake Vista) Utility Easement

P.H. & 1st Rdg. Ord

Legislative Action. A public hearing was held and "AN ORDINANCE VACATING A PORTION OF A PRIVATE ACCESS, EMERGENCY ACCESS, AND CITY OF LOVELAND WATER AND SEWER EASEMENT ON LOT 4, BLOCK 1, RANGE VIEW THIRD SUBDIVISION, CITY OF LOVELAND" was approved and ordered published on first reading.

7. ECONOMIC DEVELOPMENT

IGA for Northern Colorado USA Pro Challenge Organizing Committee

Res #R-26-2013

Legislative Action: Resolution #R-26-2013 regarding approving an Intergovernmental Agreement for the Creation of the Northern Colorado Pro Challenge Local Organizing Committee was approved.

RESOLUTION #R-26-2013

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE CREATION OF THE NORTHERN COLORADO PRO CHALLENGE LOCAL ORGANIZING COMMITTEE

WHEREAS, Northern Colorado has recently been selected as the location for the sixth stage of the professional cycling race known as the 2013 USA Pro Challenge (the "Event"); and

WHEREAS, the Event is owned by Classic Bicycle Racing, LLC ("CBR"); and

WHEREAS, the Event will include a route through the City of Loveland to begin at the Ranch and through the towns of Windsor and Estes Park, unincorporated Larimer County and through and ending in the City of Fort Collins; and

WHEREAS, in order for the Event to be held in Northern Colorado, CBR requires that the host communities enter into a "Host Organizer Participation Agreement" (the "Host Agreement") with CBR; and

WHEREAS, the cities of Loveland and Fort Collins, the towns of Estes Park and Windsor, and Larimer County have determined that the most efficient and economical way for this to be accomplished is to enter into an intergovernmental agreement, as authorized in C.R.S. §29-1-203, to create a "local organizing committee" as a separate governmental entity for the sole purpose of being the host organizer for the Loveland-Fort Collins stage of the Event, with this entity to be known as the Northern Colorado Pro Challenge Local Organizing Committee ("LOC"); and

WHEREAS, to accomplish this, staff from Loveland, Fort Collins, Windsor, Estes Park and Larimer County have negotiated the "Agreement for the Establishment of the Northern Colorado Pro Challenge Local Organizing Committee" attached as Exhibit A (the "IGA"); and

WHEREAS, under the IGA the LOC is authorized to enter into the Host Agreement with CBR for the purposes of promoting, managing and conducting the Loveland-Fort Collins stage of the Event; and

WHEREAS, the Event will serve the public purposes of bringing to Loveland the economic benefits of tourism and increased sales and lodging taxes.

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

Section 1. That the IGA is hereby approved and the City Manager and the City Clerk are authorized to execute the IGA on behalf of the City.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to agree to modifications to the form or substance of the IGA as he deems necessary to effectuate the purposes of this Resolution or to protect the City's interests.

Section 3. That Cindy Mackin, the City's Visitor Services Coordinator, is hereby designated as the City's appointed member to serve on the LOC's Executive Committee as provided in Section III. of the IGA.

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

ADOPTED this 16th day of April, 2013.
Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G Andrews, City Clerk

Exhibit available in City Clerk's Office

8. PUBLIC WORKS

Award Construction Contract

This item was removed from the Consent Agenda and will be considered on the Regular Agenda.

9. FINANCE

PUBLIC HEARING

Supplemental Appropriation – Appropriate Unused Funds from 2012 City Budget

P.H. & 1st Rdg. Ord.

Administrative Action. A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET REAPPROPRIATING THE FAÇADE GRANT PROGRAM AND FUNDING FOR PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED" was approved and ordered published on first reading.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

10. FINANCE

PUBLIC HEARING

Supplemental Appropriation – Appropriate Unused Funds From 2012 LURA Budget

P.H. & 1st Rdg. Ord.

Administrative Action. A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET REAPPROPRIATING THE FAÇADE GRANT PROGRAM AND FUNDING FOR PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED" was approved and ordered published on first reading.

THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

11. FINANCE

PUBLIC HEARING

Supplemental Appropriation – Appropriate Unused Funds from 2012 GID Budget

P.H. & 1st Rdg Ord.

Administrative Action. A public hearing was held and "AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE 2013 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 TO REAPPROPRIATE FUNDS FOR SIGNAL LIGHT UPGRADES AND PARKING

LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED" was approved and ordered published on first reading.

ADJOURNED AND THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENED AS CITY COUNCIL

12. FINANCE

PUBLIC HEARING

Supplemental Appropriation – Appropriate Unused Funds From 2012 Airport Budget

P.H. & 1st Rdg Ord.

Administrative Action. A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2012" was approved and ordered published on first reading.

13. FINANCE

PUBLIC HEARING

Supplemental Appropriation – Appropriate Unused Funds from 2012 New Projects Budget

P.H. & 1st Rdg Ord.

Administrative Action. A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR PROJECTS OR PROGRAMS NOT ANTICIPATED AT THE TIME OF ADOPTION FOR THE 2013 BUDGET" was approved and ordered published on first reading.

14. FINANCE

Supplemental Appropriation – Appropriate Unused Funds from 2012 Loveland Fire Rescue Authority Budget Resolution #R-27-2013

Administrative Action. Resolution #R-27-2013 approving a supplemental budget and appropriation to the Loveland Fire Rescue Authority 2013 Budget" was approved.

RESOLUTION #R-27-2013

**A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE LOVELAND FIRE RESCUE AUTHORITY
2013 BUDGET**

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

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

WHEREAS, the Fire Authority, by adoption of Resolution #R-018, approved a supplemental appropriation

for its 2013 Budget; and

WHEREAS, the Fire Authority Board of Directors has also submitted the Fire Authority's Resolution enacting a supplemental budget and appropriation to the 2013 Budget, which is attached hereto as Exhibit A and incorporated herein by reference, to the City and the District for approval as required by Section 4.1 of the Authority IGA; and

WHEREAS, the City Council desires to approve the Fire Authority's 2013 Supplemental Budget and Appropriation as reflected on Exhibit A.

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

Section 1. That the 2013 Loveland Fire Rescue Authority Supplemental Budget and Appropriation, attached hereto as Exhibit A and which has been filed with the Fire Authority Administrative Office in its entirety, for the fiscal year beginning January 1, 2013 and ending December 31, 2013, with revenues in the amount of \$316,830, and expenditures of \$316,830 for operations, is hereby approved.

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

ADOPTED this 16th day of April, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G. Andrews, City Clerk

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Farley Councilor Farley announced that at the Youth Advisory Commission (YAC) Open House there were 38 new applicants. Visual Arts Commission (VAC) accepted a donation from Gary and Judy Long of Dan Ostermiller's "Mountain Comrades" sculpture, for 50% of the original price.

Fogle Councilor Fogle announced the Chamber of Commerce is moving the Corn Roast Festival back to the Downtown area this year.

Trenary Councilor Trenary mentioned the Colorado Municipal League, drought planning workshop; toured the Loveland Community Health Center; and Attended a discussion of the "impacts on social media" at the Larimer County Workforce Roundtable.

Taylor Councilor Taylor wanted to thank Walt Ramirez and other faithful Loveland volunteers for shoveling snow off the sidewalks during the winter, for residents unable to do so.

Shaffer Councilor Shaffer visited "Friday on the Town; attended the "Otterbox Hanger Opening" at the Loveland/Ft Collins Municipal Airport; attended a Ward II meeting with Larimer County Commissioner Tom Donnelly; attended the "Taste of Loveland"; and toured the Northern Renewable Energy Plant..

c) City Manager Report None

d) City Attorney Report None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

8. PUBLIC WORKS

Award Construction Contract

Administrative Action. Dave Klockeman presented this item to Council. Councilor Shaffer moved to award the Construction Contract for the 2013 Street Resurfacing Program, Chip Seal Schedule CS (Project ENSR010-CS) to A-1 Chip Seal Company. The motion, seconded by Councilor Klassen, carried with all Councilors present voting in favor.

15. CITY CLERK

Approval of Council Minutes

Administrative Action: Councilor Fogle and Taylor were not present at the study session on March 26, 2013. Councilor Shaffer moved to approve the March 26, 2013 Study Session minutes Councilor Klassen seconded the motion, which carried with all Councilors voting in favor thereof. Councilors Taylor and Fogle abstained.

16. ECONOMIC DEVELOPMENT

Roughing It In Style

Information Only Item: Betsy Hale introduced this item to Council. "Roughing It In Style" is a family-owned custom furniture manufacturer and retailer. The ownership group is considering a Loveland location on Byrd Drive immediately north of the Thunder Mountain Harley Davidson dealership. The company is asking the City Council to consider a request for a sales tax rebate of up to, but not to exceed, \$150,000 over a period of 36 months. Consensus of Council was to direct staff to bring back a resolution relative to this matter for future consideration.

17. FIRE & RESCUE

PUBLIC HEARING

Burn Ban & Restrictions

P.H. & 1st Rdg. Ord

Legislative Action: Fire Chief, Randy Mirowski introduced this item to Council. Discussion ensued. Mayor Gutierrez opened the public hearing at 7:53 pm and closed the public hearing at 7:53 pm with no public comment. Councilor Shaffer moved that "ORDINANCE "AMENDING CITY CODE CHAPTER 15.28 GRANTING THE CITY COUNCIL AND THE CITY MANAGER AUTHORITY TO IMPOSE OUTDOOR FIRE BANS AND RESTRICTIONS UNDER CERTAIN EMERGENCY CIRCUMSTANCES WITHIN THE CITY OF LOVELAND" be approved and ordered published on first reading. Councilor

Klassen seconded the motion. The motion carried with eight councilors voting in favor and Councilor McKean voting against.

ADJOURNMENT

Having no further business to come before Council, the April 16, 2013 Regular Meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

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, Clark, Farley, McKean, Trenary, Fogle, Taylor, Klassen and Shaffer. City Manager, Bill Cahill was also present.

1. **FINANCE**

2014 Budget Assumptions and Council Guidance for Development of 2014 Budget
Budget Manager, John Hartman presented this item to Council. The presentation provided basic key assumptions used in the development of the 2014 budget; possible policy and technical changes, primarily in the cost allocations to the departments; the 2013-2022 Forecast Scenario; and a presentation from the Center for Priority Based Budgeting (CPPB). Mr. Hartman explained the Forecast Scenario document as an overlay to the Financial Master Plan that shows potential increases in staffing required to maintain all current City services due to projected population growth through 2022. Human Resources Director, Julia Holland presented information on employee compensation and market analysis surveys that will be done during the budget process to update the pay plan with current government and private job comparisons. Jon Johnson, Chris Fabian and Kathy Novak from CPPB presented, "Achieving Fiscal Health and Wellness through Priority Based Budgeting." Council discussion ensued. Staff was directed to move forward with the current budget process for 2014 and pay plan update activities. Council was supportive of moving forward as soon as practicable to implement the strategies of priority based budgeting.

The study session was adjourned at 10:27 p.m.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

Cecil A. Gutierrez, Mayor



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

AGENDA ITEM: 2
MEETING DATE: 5/7/2012
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Noreen Smyth, Current Planning

TITLE:

- A. An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for Certain Property Being Lots 2 And 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado and in Connection Therewith Approving the Third Amended and Restated Development Agreement; and
- B. An Ordinance Vacating a Public Right-Of-Way (Alley) Adjacent to Lots 1, 2, and 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance 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. Adoption a motion continuing the item to a future Council meeting
-

DESCRIPTION:

Consideration of a quasi-judicial action to adopt an ordinance on second reading rezoning Lots 2 & 3, Block 1, of the Koldeway Second Industrial Subdivision from I-Developing Industrial to B-Developing Business Center District and amending a Development Agreement and consideration of a legislative action to adopt an ordinance on second reading vacating a public alley right-of-way. The 3.12 acre property is located on the east side of Denver Avenue, one lot south of 11th Street. The owner of the property is Loveland Midtown Development, Inc.

BUDGET IMPACT:

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

SUMMARY:

This item proposes a rezoning of two lots in the Koldeway Second Industrial Subdivision. The subject property is zoned I-Developing Industrial and is currently vacant. The owner is in discussions with a developer of assisted living facilities who is interested in purchasing the property for development of such a facility. The current owner is pursuing the zoning change to B-Developing Business, in conjunction with amending the Development Agreement applicable to the subdivision, to allow the proposed use. A request to vacate an adjacent right-of-way to change the existing drive from a public alley to a private drive accompanies the request. The applicant will not need to comply with the ACF trip generation standard for an alley with the vacation of the right-of-way.

If the rezoning is approved, the applicant has stated that the property will be sold to the assisted living developer, who would then submit a site development plan and other necessary applications in pursuit of approval. However, any use allowed in the B zone by the Development Agreement could potentially be established on the property if the rezoning is approved.

The Planning Commission voted unanimously in favor of the proposal at their public hearing on March 11. Staff is supportive of the requested B zoning and amendment to the Development Agreement because it would be consistent with the B-zoned lot to the north of the subject property and the uses allowed under the B zoning are more compatible with the adjacent residential neighborhood to the west. Staff is also supportive of the vacation because the right-of-way serves no public benefit.

The first reading of the ordinances took place at the Council meeting on April 16, 2013, at which time Council members voted unanimously to approve the ordinances as part of the consent agenda.

REVIEWED BY CITY MANAGER:


LIST OF EXHIBITS:

Ordinance - Zoning
Ordinance - Vacating
Staff memorandum

FIRST READING: April 16, 2013

SECOND READING: May 7, 2013

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY BEING LOTS 2 AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO AND IN CONNECTION THEREWITH APPROVING THE THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT

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 territory located within the Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado, and more particularly described as:

Lots 2 and 3, Block 1, Koldeway Industrial Second Subdivision, to the City of Loveland, County of Larimer, State of Colorado

Which territory is now included within the boundaries designated I – Developing Industrial, shall be included within the boundaries of the district designated as follows:

"B – DEVELOPING BUSINESS"

Said described parcel of land contains 135,711 sq. ft., or 3.12 acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Section 2. That the Third Amended and Restated Development Agreement attached hereto as **Exhibit A** and incorporated herein is hereby approved (the "Development Agreement"). The City Manager is authorized, following consultation with the City Attorney, to approve changes to the form of the Development Agreement provided that such changes do not impair the intended purpose of the Agreement. The City Manager and the City Clerk are authorized and directed to execute the Agreement on behalf of the City of Loveland.

Section 3. That development of the property as **B - DEVELOPING BUSINESS** shall be subject to all applicable zoning regulations for the City of Loveland, except where they conflict with the Development Agreement.

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

Signed this ____ day of May, 2013.

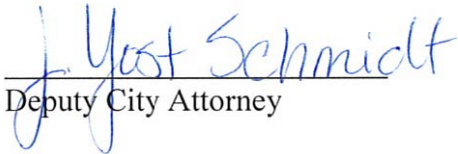
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Deputy City Attorney

EXHIBIT A

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR PORTIONS OF KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, AND ALL OF KOLDEWAY INDUSTRIAL THIRD AND FOURTH SUBDIVISIONS

THIS THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT (the “Agreement”) is entered into as of the ____ day of _____ 2013, by and between the **CITY OF LOVELAND, COLORADO**, a home rule municipality, (the “City”), and **LOVELAND MIDTOWN DEVELOPMENT, INC.**, a Colorado corporation (the “Developer”).

RECITALS

WHEREAS, the City, Art Koldeway and Agnes Koldeway (“Koldeways”), and North Boise, LLC, a Colorado limited liability company (“North Boise”) entered into a Development Agreement dated July 15, 2004 and recorded December 6, 2004 at Reception No. 2004-0116915 of the Larimer County, Colorado records (“the Development Agreement”); and

WHEREAS, the Development Agreement governs the development of the real property (“the Property”) which has been platted as Koldeway Industrial Second Subdivision (“the Second Subdivision”), Koldeway Industrial Third Subdivision (“the Third Subdivision”), and Koldeway Industrial Fourth Subdivision (“the Fourth Subdivision”); and

WHEREAS, at the time the Development Agreement was made, Koldeways were the owners of the Property and North Boise was the developer of the Property; and

WHEREAS, the Koldeways are no longer the owners of any of the Property, and

WHEREAS, North Boise has assigned its right to develop the Property to Loveland Midtown Development, Inc., (the “Developer”); and

WHEREAS, the Developer and the City entered into an Amended and Restated Development Agreement for Portions of Koldeway Industrial Second Subdivision, and all of the Koldeway Industrial Third and Fourth Subdivisions, dated December 8, 2005, and recorded at Reception No. 2005-0109107 of the Larimer County Colorado records (“the First Amended Development Agreement”); and

WHEREAS, the Developer and the City entered into a Second Amended and Restated Development Agreement for Portions of Koldeway Industrial Second Subdivision, and all of the Koldeway Industrial Third and Fourth Subdivisions, dated October 23, 2006, and recorded at Reception No. 2006-0084194 of the Larimer County Colorado records (“the Second Amended Development Agreement”); and

WHEREAS, certain lots and blocks of the Property have subsequently been conveyed to other owners, and are no longer under the control of the Developer; and

WHEREAS notwithstanding the conveyance of certain lots and blocks, the Developer continues to be solely responsible for installation of all required public improvements required for development of the Property, as shown on the approved PICP and in compliance with other provisions of the Development Agreement, the First Amended Development Agreement, and the Second Amended Development Agreement; and

WHEREAS, the parties hereto desire to amend the First Amended Development Agreement and Second Amended Development Agreement as it pertains to property currently owned by the Developer and described as Lots 2 and 3, Block 1, Koldeway Industrial Second Subdivision (“the Developer’s Property”), to allow the construction of a long-term care facility; and

WHEREAS, the City and Developer agree that the matters hereinafter set forth are reasonable conditions and requirements to be imposed by the City in connection with the development of the Developer’s Property, and that such matters are necessary to protect, promote and enhance the public welfare.

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

AGREEMENT

1. Section II.B.1 of the First and Second Amended Development Agreements is hereby further amended so that subsection (r), added by the Second Amended Development Agreement, reads as follows:

II. Special Conditions for the Second and Fourth Subdivisions.

....

B. Allowable uses in the B-Zone:

1. Notwithstanding any provision of Chapter 18.28 of the Municipal Code for the B-Zone to the contrary, the uses permitted by right on lots described in Exhibit E shall be limited to:

...

r. Long-term care facility (Note: this use shall only be allowed on Lots 1, 2, and 3, Block 1, Koldeway Industrial Second Subdivision).

2. All other terms of the First Amended Development Agreement and Second Amended Development Agreement shall remain the same.

IN WITNESS WHEREOF, the parties have caused this THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR PORTIONS OF KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, AND ALL OF KOLDEWAY INDUSTRIAL THIRD AND FOURTH SUBDIVISIONS to be executed as of the date first written above.

THE CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill, City Manager

Date: _____, 2013

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF LARMIER)

The foregoing THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR PORTIONS OF KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, AND ALL OF KOLDEWAY INDUSTRIAL THIRD AND FOURTH SUBDIVISIONS was executed before me this _____ day of _____, 2013, by William D. Cahill, as City Manager, and by Theresa Andrews, as City Clerk, of the CITY OF LOVELAND, COLORADO, a municipal corporation.

WITNESS my hand and official seal.

My commission expires

Notary Public

**LOVELAND MIDTOWN DEVELOPMENT,
INC.**

By: _____
Blaine Rappe, President

Date: _____, 2013

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR PORTIONS OF KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, AND ALL OF KOLDEWAY INDUSTRIAL THIRD AND FOURTH SUBDIVISIONS was executed before me this _____ day of _____, 2013, by Blaine Rappe, as President, of LOVELAND MIDTOWN DEVELOPMENT, INC.

WITNESS my hand and official seal.

My commission expires _____

Notary Public

FIRST READING: April 16, 2013

SECOND READING: May 7, 2013

ORDINANCE NO. ____

**AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY (ALLEY) ADJACENT TO
LOTS 1, 2, AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION,
CITY OF LOVELAND, LARIMER COUNTY, COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation the public right-of-way (alley) described below, located adjacent to west and north sides of Lots 1, 2 and 3, Block 1 of the Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado; and

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

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

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the public right of way 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 described portion of public right-of-way be and the same is hereby vacated:

A parcel of land located in Section 18, Township 5 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, Larimer County, Colorado, being the 20.00 foot wide alley adjacent to the West and North sides of Lots 1, 2, and 3 Block 1 in the Koldeway Industrial Second Subdivision according to the Final Plat recorded at Reception Number 20050008253 of Larimer County Records, more particularly described as Follows:

the West line of said Lots 1, 2, and 3 was assumed to bear South 00°04'17" East, according to the Final Plat of said Koldeway Second Subdivision, with all bearings contained herein relative thereto.

Beginning at a Point of a Curve on the North line of said Lot 1 at the Northwestern corner of said Lot 1;

thence along the arc curve to the left, the radius point of which bears South 00°04'17" East, having a central angle of 90°00'00" and a radius of 20.00 feet, an arc distance of 31.42 feet, the chord of said curve bears South 44°55'43" West a distance of 28.28 feet;

thence South 00°04'17" East, along the West lines of said Lots 1, 2, and 3, a distance of 511.65 feet to a point of curve;

thence along the arc of said to the right, having a central angle of 90°00'00" and a radius of 40.00 feet, an arc distance of 62.83 feet, the chord of said curve bears South 44°55'43" West a distance of 56.57 feet;

thence South 89°55'43" West, a distance of 172.56 feet to a point on a non-tangent curve on the Easterly right-of-way of Virgo Circle;

thence along the arc of said non tangent curve to the left, the radius point of which bears North 37°35'57" West, having a central angle of 20°28'25" and a radius of 76.00 feet, an arc distance of 27.16 feet, the chord of said curve bears North 42°09'52" East a distance of 27.01 feet;

thence North 89°55'43" East, a distance of 154.41 feet to a point of curve;

thence along the arc of said curve to the left, having a central angle of 90°00'00" and a radius of 20.00 feet, an arc distance of 31.42 feet, the chord of said curve bears North 44°55'43" East a distance of 28.28 feet;

thence North 00°04'17" West, a distance of 511.65 feet to a point of curve

thence along said curve to the left, having a central angle of 90°00'00" and a radius of 20.00 feet, an arc distance of 31.42 feet, the chord of said curve bears North 45°04'17" West a distance of 28.28 feet, to a point on the Southerly right-of-way of East 11th Street;

thence North 89°55'43" East, along said Southerly right-of-way line, a distance of 60.00 feet to the POINT OF BEGINNING.

Containing 14,993.38 square feet or 0.3442 acres, more or less.

Prepared October 30, 2012, by Michael J. DeDecker PLS,
for and on behalf of CDS Engineering Corp. 165 2nd Street SW,
Loveland Co. 80537

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

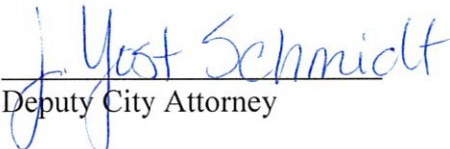
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

**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, Senior Planner, Current Planning Division

DATE: May 7, 2013

SUBJECT: Koldeway Rezoning, Development Agreement Amendment and Vacation

I. EXHIBITS

None

II. KEY ISSUES

Staff believes that all key issues regarding the rezoning, amendment to the Development Agreement and vacation have been resolved through the staff review process. The Planning Commission unanimously recommends approval of the rezoning and vacation as proposed. Staff considers the proposed B Developing Business zoning to be more suitable for the subject property and its vicinity than the existing I Developing Industrial zoning and is supportive of the associated Development Agreement amendment and vacation. The City Council voted unanimously to approve the first reading of the ordinances as part of the consent agenda at their meeting on April 16.

III. BACKGROUND

The first ordinance concerns a request to change the zoning on two lots within the Koldeway Industrial Second Subdivision (2004) and amend the associated Development Agreement to allow for the development of a senior assisted living facility on the property. The second ordinance concerns an associated request to vacate a right-of-way within the subdivision to turn an existing public drive into a private drive.

The subject property, located west of Denver Avenue and one lot south of 11th Street, consists of two lots zoned I-Developing Industrial. The lot immediately north of the subject property, which is a part of the same subdivision, is zoned B-Developing Business. This property to the north contains an assisted living facility (Aspen House).

The owner of the two-lot subject property has been in negotiation with the developer of Aspen House concerning the establishment of a similar assisted living facility on the property. The developer does not wish to purchase the land or design the proposed facility until zoning is in place to allow for its development. Therefore, a site plan, architectural drawings or other details about the facility are not available at this time. It should be noted that while the requested rezoning and amendment to the Development Agreement will allow for the development of the assisted living facility, their approval does not obligate the owner to develop such a facility on the property. Any of the B uses allowed by right or by special review, as listed in the Development Agreement, may be established on the subject property if the rezoning is approved.

If the property is rezoned and the assisted living developer proceeds with their proposal, a number of additional applications will need to be submitted for administrative (staff) review, including a lot merger (to combine the two parcels into one), a site development plan (SDP), a site work permit, and a building permit. In addition, any applicable permitting for such care facilities will need to be obtained from the appropriate state agency.

IV. REZONING AND AMENDMENT

A Development Agreement was approved and recorded in conjunction with the Koldeway plat of subdivision that specifies the uses permitted by right and by special review on the I-zoned properties and on the B-zoned properties in the subdivision. The Development Agreement limits the range of allowable uses in both zone districts, and the proposed facility is not allowed on I-zoned properties. While an assisted living facility is a use by right under the standards of the B district in the zoning code, it is listed in the Koldeway Development Agreement as a use by right in the B zone only for *Lot 1, Block 1* of the subdivision, which is the Aspen House lot to the north of the subject property. Therefore, to allow an assisted living facility use on the subject property, it is necessary to not only rezone the lots to B, but also to amend the Development Agreement to reference Lots 2 and 3, the subject lots, as lots in the B zone allowing an assisted living facility. Thus, the amended Development Agreement would read “Lots 1, 2 and 3 of Block 1” after “Long-term care facility” to extend the use to the subject property in conjunction with its rezoning to B.

V. VACATION

A paved drive within a 20 foot public right-of-way is situated to the immediate west of the subject property. It was established at the time of subdivision and is labeled “alley” on the plat. The drive provides access from 11th Street and Virgo Circle to the subject property and to the parking lot of the assisted living facility to the north. It is not utilized by any other lot.

It has been determined that development of the subject property would result in non-compliance with the city’s ACF ordinance for alley traffic volumes. As such, the applicant is requesting to vacate it so that the alley will instead be designated a private drive. Staff is supportive of the request as there are no other properties utilizing the drive and no public benefit to the presence of the public right-of-way. A private access easement to allow use of the drive by adjacent property owners and an emergency access easement would be established on the drive following the vacation.

VI. PLANNING COMMISSION & CITY COUNCIL REVIEW

The rezoning and vacation were reviewed by the Planning Commission at a public hearing on March 11, 2013. At the meeting, Commissioners inquired about the ultimate plans for the assisted living facility proposed for the site. Some expressed a desire to have more detailed information about the proposed development, but supported the downzoning from I Developing Industrial to B Development Business given the close proximity of other B properties and the close proximity of a single family residential subdivision. The Planning Commission unanimously recommended approval of the rezoning and vacation at the hearing. The amendment to the Development Agreement did not require review by the Planning Commission. However, the amendment was explained at the meeting, and Commissioners expressed general support for the concept.

The first reading of the ordinances took place at the Council meeting on April 16, at which time Council members voted unanimously to approve the ordinances as part of the consent agenda.

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the meeting, that City Council adopt the ordinances on second reading.

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

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

AGENDA ITEM: 3
MEETING DATE: 5/7/2012
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Noreen Smyth, Current Planning

TITLE:

An Ordinance Vacating a Portion of a Private Access, Emergency Access, and City of Loveland Water and Sewer Easement on Lot 4, Block 1, Range View Third Subdivision, City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance 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. Adoption a motion continuing the item to a future Council meeting
-

DESCRIPTION:

Consideration of a legislative action for adoption of an ordinance on second reading to Vacate an 89 Square Foot/Up to 2.7 Feet in Width Portion of an Easement in the Range View Third Subdivision, Located at 2331 Rocky Mountain Avenue.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

This item proposes to vacate a small portion of a private access, emergency access, and utility easement on which there is an encroaching (overlapping) building. The easement is located within the Lake Vista Apartment development.

The easement is not necessary for vehicular circulation or access by apartment residents or emergency vehicles, and there are no utility lines in the area proposed to be vacated. Therefore,

the small portion of the easement to be vacated serves no greater public benefit and it will correct a minor encroachment issue.

The first reading of the ordinance took place at the Council meeting on April 16, 2013, at which time Council members voted unanimously to approve the ordinance as part of the consent agenda.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance with Exhibit 1
Staff memorandum

FIRST READING: April 16, 2013

SECOND READING: May 7, 2013

ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF A PRIVATE ACCESS, EMERGENCY ACCESS, AND CITY OF LOVELAND WATER AND SEWER EASEMENT ON LOT 4, BLOCK 1, RANGE VIEW THIRD SUBDIVISION, CITY OF LOVELAND

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of that portion of a private access, emergency access and City of Loveland water and sewer easement described on **Exhibit 1** attached hereto and incorporated herein by this reference, located in Lot 4, Block 1, Range View Third 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 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, that portion of the private access, emergency access, and City of Loveland water and sewer easement located in Lot 4, Block 1, Range View Third Subdivision, City of Loveland, County of Larimer State of Colorado described on **Exhibit 1** attached hereto and incorporated herein and containing 88.69 square feet, more or less, be and the same is hereby vacated.

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. 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 ____ day of May, 2013.

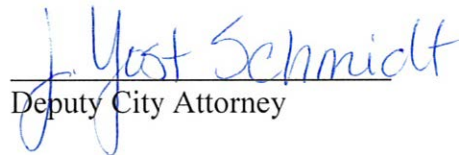
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Deputy City Attorney



EXHIBIT 1
PRIVATE ACCESS, EMERGENCY ACCESS, AND CITY OF LOVELAND WATER
AND SEWER EASEMENT
VACATION

A PARCEL OF LAND BEING A PORTION OF LOT 4, BLOCK 1, RANGE VIEW THIRD SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, WHICH IS ASSUMED TO BEAR NORTH 01°22'40" EAST.

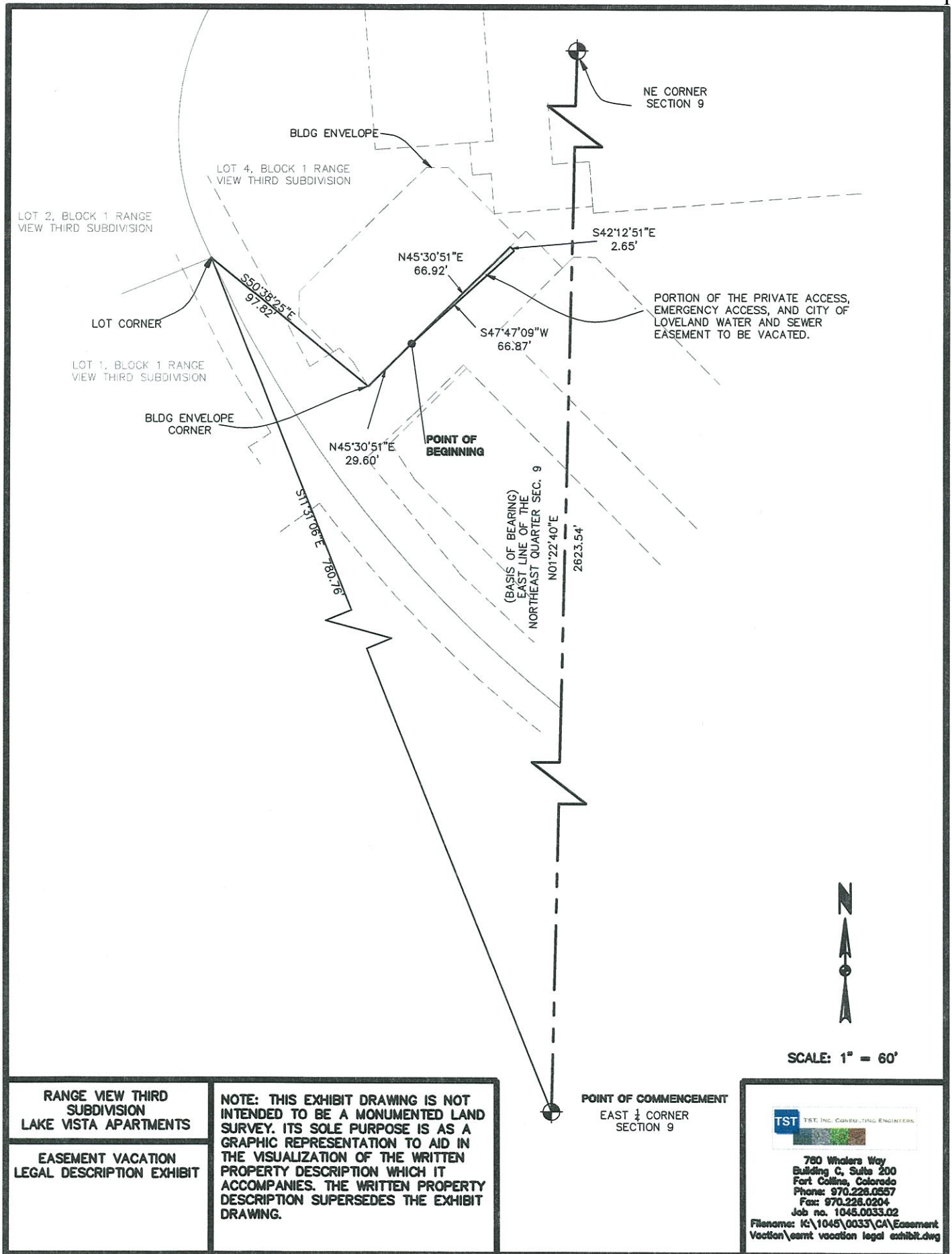
COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION;
THENCE NORTH 11°31'06" WEST, A DISTANCE OF 780.76 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 4;
THENCE SOUTH 50°38'25" EAST, A DISTANCE OF 97.82 FEET;
THENCE NORTH 45°30'51" EAST, A DISTANCE OF 29.60 FEET TO THE **POINT OF BEGINNING**;

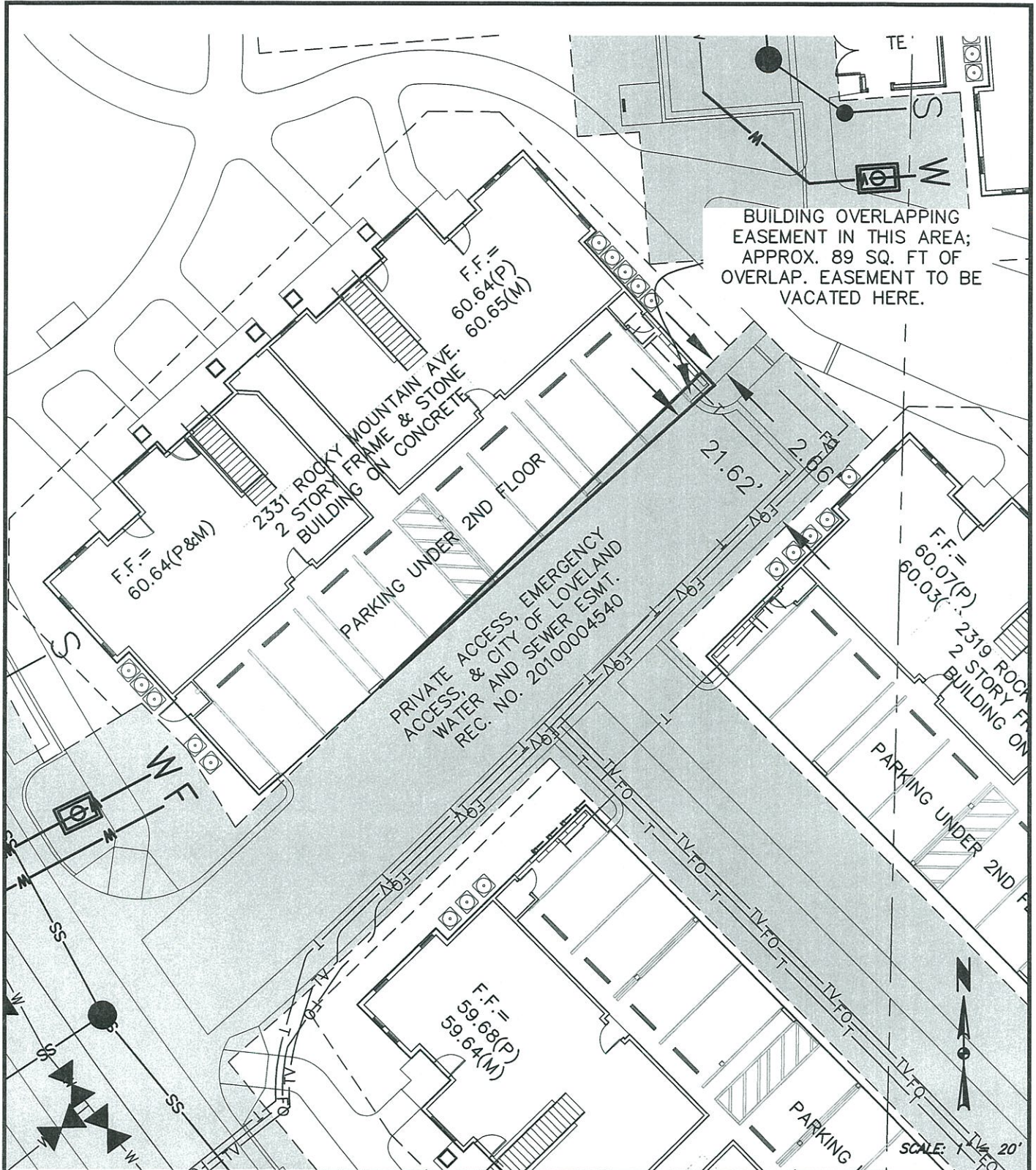
THENCE NORTH 45°30'51" EAST, 66.92 FEET;
THENCE SOUTH 42°12'51" EAST, 2.65 FEET;
THENCE SOUTH 47°47'09" WEST, 66.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 88.69 SQUARE FEET, 0.002 ACRES, MORE OR LESS.

FOR AND ON BEHALF OF TST, INC. CONSULTING ENGINEERS

CHAD WASHBURN
COLORADO PROFESSIONAL LAND SURVEYOR #37963





**LAKE VISTA APARTMENTS
RANGE VIEW THIRD SUBDIVISION
LOVELAND, CO
EASEMENT VACATION EXHIBIT**



760 Whalers Way
Building C, Suite 200
Fort Collins, Colorado
Phone: 970.228.0557
Fax: 970.228.0204
Job no. 1045.0003.00
K:\1045\0033\CA\Easement
Vacation\0033_Easement Vacation
exh.dwg

**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, Senior Planner, Current Planning Division

DATE: May 7, 2013

SUBJECT: Range View 3rd Easement Vacation

I. EXHIBITS

None

II. KEY ISSUES

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. The Planning Commission unanimously recommends approval of the vacation as proposed. The City Council voted unanimously to approve the first reading of the ordinance as part of the consent agenda at its April 16 meeting.

III. BACKGROUND

The ordinance concerns a request to vacate a small portion along the edge of an existing 25 foot wide platted easement on which there is an encroaching (overlapping) building. The subject easement is within the Lake Vista Apartment development in the Range View Third subdivision. The Lake Vista Apartments are located along the west side of Rocky Mountain Avenue, approximately half a mile north of US 34 (Eisenhower Boulevard). The complex contains a dozen multifamily buildings addressed between 2301-2433 Rocky Mountain Avenue. The building that encroaches into the easement is 2331 Rocky Mountain Avenue.

The subject easement was originally dedicated in 2010 by the Range View Third Subdivision plat to serve three purposes: 1) private access, 2) emergency access, and 3) water and sewer utility. The portion of the easement to be vacated consists of a triangular sliver located at the side edge of a dead-end driving aisle that is in the interior of the development. At construction, the adjacent building was mistakenly situated in a manner that encroached up to a maximum of

2.7 feet into the easement. The vacation, which totals 89 square feet, is proposed where the easement overlaps with the building. The drive is utilized by the adjacent residential buildings only, including the encroaching building, through which its garage is accessed. Vehicle access does not appear to be compromised, as there remains a minimum 21.6 foot wide paved driving aisle within the easement adjacent to the area where the building and easement conflict. No water, wastewater or power utility lines are within the portion of the easement to be vacated and therefore it is not necessary for public use.

IV. STAFF, PLANNING COMMISSION & CITY COUNCIL REVIEW

City staff is supportive of vacating the small section of the easement on which the multifamily building stands. Neither resident nor emergency access will be compromised and there are no water, sewer, or power lines in the area to be vacated.

Per Section 16.36 of the municipal code, requests to vacate easements (or portions of easements) require adoption of an ordinance by City Council, while requests to vacate access easements also require review by the Planning Commission. Because the easement to be vacated includes an access easement, it was reviewed by the Planning Commission at a public hearing on March 11, 2013. The Planning Commission unanimously approved the request as part of the consent agenda at that hearing.

The first reading of the ordinance took place at the Council meeting on April 16, at which time Council members voted unanimously to approve the ordinance as part of the consent agenda.

RECOMMENDATION

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

**CITY OF LOVELAND****BUDGET OFFICE**

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

AGENDA ITEM: 4
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:

Consideration of an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2012

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. The Ordinance reappropriates funding for capital projects and other one-time projects approved but not completed in the prior year.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The projects or programs in the ordinance were funded in 2012. Funding for these is available since the appropriations that did not occur became fund balance at the end of 2012. The appropriations of these projects do not have an impact on the 2013 Budget since the assumption in developing the 2013 Budget was that these funds would be spent by the end of 2012.

SUMMARY:

This action is the reappropriation of funds for projects approved in the 2012 Budget that have not been completed or closed out at the end of 2012. By City Charter and state law, all appropriations for any one fiscal year expire on December 31st. Reappropriation is necessary to allow the expenditures of ongoing projects to continue into 2013.

Council approved all of the projects included in the ordinance as a part of the 2012 Budget. The ordinance is organized by fund, with revenues and line item appropriations within each fund shown.

A detailed explanation of each project or program is included in the attached Staff Report. The descriptions are organized by project with the funding source(s) for each project or program identified. The projects or programs are listed in order of dollar amount. Many capital projects are funded by resources in multiple funds. These resources are transferred to the Capital Projects Fund where the total expense for each project is budgeted. This allows the project to be budgeted in one place so the total impact is shown, rather than having to add several components across various funds to the total impact of the project.

Please refer to the Staff Report for details on these recommended appropriations.

This ordinance was approved by City Council unanimously on April 16, 2013.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance
Staff Report

FIRST READING April 16, 2013

SECOND READING May 7, 2013

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET TO REAPPROPRIATE REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2012

WHEREAS, the 2012 budget for the City of Loveland included appropriations for projects not completed or closed out by the end of 2012, when the 2012 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2013 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserved funds and grant revenues not yet received at the time of adoption of the budget for 2013 have resulted from expenditures that were budgeted in the 2012 budget but not made. The following reserved funds and grant revenues are hereby appropriated for the purposes previously approved by Council and identified below, but not completed or closed out in 2012.. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
General Fund 100**

Revenues

Fund Balance		2,849,590
100-19-193-0000-32107-SP1104	Historical Grant - Pulliam Building Structural Assessment	14,720
100-19-193-0000-35324-SP1101	CanDo Contribution for HOA Outreach Projects	1,840
Total Revenue		2,866,150

Appropriations:**Cultural Services**

100-52-730-0000-48240-RIALTOGUILD	Rialto Theater Guild Donation	28,320
100-52-720-8003-42329	Collection Conservation	1,400
100-52-720-0000-43899	Performances	1,500

Development Services

100-19-193-0000-43840	Human Services Grants	203,980
100-19-193-0000-43450-SP1104	Pulliam Building Structure Assessment	14,720
100-19-193-0000-41012-SP1101	HOA Outreach Project	1,710
100-19-193-0000-41544-SP1101	HOA Outreach Project	130
100-19-193-0000-43450	Community Design Element Update	20,000

Economic Development

100-18-180-1500-43450-CMARTS	ArtSpace	119,000
100-18-180-1500-43176	Incentives/Sales Tax Rebates	117,140
100-18-180-1500-43155	Economic Incentives	693,430

Fire & Rescue

100-22-222-0000-42024	Fitness Equipment	1,910
100-22-222-0000-42033	Tools & Equipment	5,600
100-22-225-1607-43569	Maintenance Contract for AEDs	5,310

Human Resources

100-17-173-0000-43895	Monetary Awards & Recognition - Tax Gross-up for Outstanding Awards	1,060
100-17-173-0000-43766-VPMCRT	Volunteer Recognition - Municipal Court	150

Information Technology

100-16-161-0000-42015	Courtview Jworks Software - Computer Supplies	21,020
100-16-161-0000-43569	Courtview Jworks Software - Maintenance	10,460
100-16-163-0000-43450	Courtview Jworks Software - Services	52,310
100-16-161-0000-42015-ITEDR	Electronic Drawing Review Project - Computer Supplies	14,370
100-16-163-0000-42015-ITEDR	Electronic Drawing Review Project - Computer Supplies	15,570
100-16-163-0000-42899-ITEDR	Electronic Drawing Review Project - Other Supplies	5,240
100-16-163-0000-43899-ITEDR	Electronic Drawing Review Project - Other Services	15,000

Parks & Recreation

100-51-502-5350-49399	Cemetery Irrigation Project & Radio Replacement	14,550
100-51-563-0000-43668	Civic Center/Sunnyside Irrigation	8,160
100-51-562-0000-42033	Radio Replacement - Noncapital	14,400
100-51-560-5120-49399	Radio Replacement - Capital	8,990
100-51-502-5120-49399	Radio Replacement - Capital	7,130

Police

100-21-202-2102-43450	Shooting Range Lead Mitigation	5,000
100-21-202-2102-48240	PCS Camera Project	3,160
100-21-203-2115-42078	Computer Hardware (Ecitations)	24,000
100-21-202-2102-42078	Telestaff	5,000
100-21-201-2101-43450	Promotional Processes	12,000

General Fund 100**Appropriations (cont'd):****Public Works**

100-23-231-1707-43899-PBWEEK

Public Works Day Events 240

Non-Departmental

100-91-902-0000-43450

Professional Services - Outside Legal Services 20,000

100-91-999-0000-47105

Transfers to Transit Fund 6,730

100-91-999-0000-47211-EN0105

Transfer to Transportation Fund - Taft Av (Gard-West Shore) 1,110

100-91-999-0000-47211-EN0112

Transfer to Transportation Fund - Bike Route Sign/Stripe 25,940

100-91-999-0000-47211-EN0212

Transfer to Transportation Fund - Bike Lane/Ped Walk Construction 41,110

100-91-999-0000-47211-EN0330

Transfer to Transportation Fund - Boise & 37th Intersection Improvements 16,010

100-91-999-0000-47211-EN0332

Transfer to Transportation Fund - Miscellaneous CEF Projects 161,760

100-91-999-0000-47211-EN0501

Transfer to Transportation Fund - Garfield Survey 1st/BNSF 4,640

100-91-999-0000-47211-EN0503

Transfer to Transportation Fund - 14th St SW Slope Stability 197,220

100-91-999-0000-47211-EN0606

Transfer to Transportation Fund - Boyd Route Study 15,280

100-91-999-0000-47211-EN0609

Transfer to Transportation Fund - Taft/14th SW Intersection 9,450

100-91-999-0000-47211-EN0903

Transfer to Transportation Fund - BoydLake Ave - Kauffman Prpty 1,270

100-91-999-0000-47211-EN1004

Transfer to Transportation Fund - Garfield Ave and US34, Northbound Right Turn Lane 160,440

100-91-999-0000-47211-EN8212

Transfer to Transportation Fund - Tran Master Plan Thru 2050 5,720

100-91-999-0000-47211-EN9922

Transfer to Transportation Fund - Loveland ITS Update-Traffic 24,550

100-91-999-0000-47211-TR1101

Transfer to Transportation Fund - Regional Transit Center 54,000

100-91-999-0000-47211-TS0101

Transfer to Transportation Fund - Signal System Interconnect 2,430

100-91-999-0000-47211-TS0501

Transfer to Transportation Fund - School Flasher Units 3,820

100-91-999-0000-47211-TS0706

Transfer to Transportation Fund - Upgrades to TOC 660

100-91-999-0000-47211-TS0714

Transfer to Transportation Fund - Garfield @ US34 SB right lane 11,550

100-91-999-0000-47211-TS1002

Transfer to Transportation Fund - Centerra Area ITS 23,310

100-91-999-0000-47211-TS1103

Transfer to Transportation Fund - I-25 Area VMS 80,000

100-91-999-0000-47211-TS1201

Transfer to Transportation Fund - Fiber Network to Signals And Other Facilities 187,130

100-91-999-0000-47211-ENR040

Transfer to Transportation Fund - Dakota Glen Sidewalk Installation 500

100-91-999-0000-47211-ENSR015

Transfer to Transportation Fund - Street Rehabilitation - BNSF Railroad Work 163,130

100-91-999-0000-47120-EDLESLIE

Transfer to Capital Projects Fund - Leslie the Cleaner Remediation 18,640

100-91-999-0000-47120

Transfer to Capital Projects Fund - Fire Capital Projects 28,250

100-91-902-0000-43714

Payment to Outside Agencies - Fire Authority 149,540

Total Expense**2,866,150****Supplemental Budget****2012 On-Going Projects and Capital Rollover****Transit Fund 105****Revenues**

105-23-234-0000-37100

Transfers from the General Fund 6,730

105-23-234-0000-32004

5309 Transit Grant 26,900

Total Revenue**33,630****Appropriations****Public Works**

105-23-234-0000-48240

Video Surveillance and Schedule Software 33,630

Total Appropriations**33,630**

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Capital Projects Fund 120**

Revenues

120-00-000-0000-37260-PK0802	Transfers From Parks CEF - Mehaffey Park	5,277,530
120-00-000-0000-37261-PK0802	Transfers From Recreation CEF - Mehaffey Park	250,000
120-00-000-0000-37268-ITCWI	Transfer from General Gov't CEF Fund - Cityworks Implementation Project	107,350
120-00-000-0000-37265-PDDISP	Transfer from Law Enforcement CEF Fund - Dispatch Consoles	88,960
120-00-000-0000-37100-EDLESLIE	Transfer from General Fund - Leslie the Cleaner Remediation	18,640
Total Revenue		5,742,480

Appropriations**Economic Development**

120-18-180-0000-49360-EDLESLIE	Construction - Leslie the Cleaner Remediation	18,640
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Information Technology

120-16-163-0000-42899-ITCWI	Cityworks Implementation Project - Equipment	14,130
120-16-163-0000-43450-ITCWI	Cityworks Implementation Project - Consulting	82,650
120-16-163-0000-43270-ITCWI	Cityworks Implementation Project - Training	10,570

Parks & Recreation

120-51-562-0000-49399-PK0802	Mehaffey Park Development	5,527,530
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Police

120-21-203-2107-48248-PDDISP	Police Dispatch Consoles	88,960
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Public Works

Total Appropriations		5,742,480
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**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Park Improvement Fund 200**

Revenues

Fund Balance	40,000
Total Revenue	40,000

Appropriations**Parks & Recreation**

201-51-562-0000-49399	North Lake Park Shelter Renovation & Improvement	40,000
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Total Appropriations		40,000
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**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Conservation Trust Fund 201**

Revenues		
Fund Balance		2,017,000
Total Revenue		2,017,000
Appropriations		
Parks & Recreation		
201-51-567-0000-49352-PK1002 Madison Avenue Underpass Design		17,000
201-51-562-0000-49399-PK0802 Mehaffey Park Development		2,000,000
Total Appropriations		2,017,000

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Open Space Fund 202**

Revenues		
Fund Balance		1,718,840
Total Revenue		1,718,840
Appropriations		
Parks & Recreation		
202-51-590-0000-49355-AGLOPN River's Edge Natural Area Design		61,770
202-51-590-0000-49399-AGLOPN River's Edge Natural Area Development		1,657,070
Total Appropriations		1,718,840

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Community Development Block Grant Fund 204**

Revenues		
204-00-000-0000-32000	Federal Grant	243,690
Total Revenue		243,690
Appropriations		
204-19-195-0000-43840	Community Development Block Grant (CDBG)	243,690
Total Appropriations		243,690

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Art in Public Places Fund 205**

Revenues

205-00-000-0000-32643		200,180
205-00-000-0000-32000-VAC034	Federal Grant	163,000
Total Revenue		363,180

Appropriations

205-52-740-0000-48196-VAC034	I-25/Highway 34 Interchange	250,000
205-52-740-0000-48196	Mehaffey Park	78,600
205-52-740-0000-48196	The Grove Reinstallation	6,000
205-52-740-0000-48173	Foundations Sculpture Exhibit	8,580
205-52-740-0000-48196	Madison Avenue Trail	20,000
Total Appropriations		363,180

**2012 On-Going Projects and Capital Rollover
Lodging Tax Fund Fund 206**

Revenues

Fund Balance		194,530
Total Revenue		194,530

Appropriations**Lodging Tax**

206-18-182-1508-43450-EDWAYFIND	Wayfinding Signs	186,500
206-18-182-1506-43450	Services for VisitLovelandCO.com website	5,530
206-18-182-1504-43450	Billboard Advertising agreement	2,500
Total Appropriations		194,530

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Transportation Fund 211**

Revenues

211-23-232-1701-32000-EN1103	Federal Grant - Safe Routes Truscott Sidewalk	10,460
211-23-232-1701-32000-TS0714	Federal Grant - Garfield @ US34 SB right lane	83,420
211-23-232-1701-32000-TS1002	Federal Grant - Centerra Area ITS	130,000
211-23-232-1701-32000-TS1101	Federal Grant - Us 287 Garfield Ave Signal	304,000
211-23-232-1701-32000-TS1103	Federal Grant - I-25 Area VMS	370,000
211-23-232-1701-32000-TS1201	Federal Grant - Fiber Network to Signals And Other Facilities	884,000
211-23-232-1701-37100-EN0105	Transfers from the General Fund - Taft Av (Gard-West Shore)	1,110
211-23-232-1701-37100-EN0112	Transfers from the General Fund - Bike Route Sign/Stripe	25,940
211-23-232-1701-37100-EN0212	Transfers from the General Fund - Bike Lane/Ped Walk Construction	41,110
211-23-232-1701-37100-EN0330	Transfers from the General Fund - Boise & 37th Intersection Improvements	16,010
211-23-232-1701-37100-EN0332	Transfers from the General Fund - Miscellaneous CEF Projects	161,760
211-23-232-1701-37100-EN0501	Transfers from the General Fund - Garfield Survey 1st/BNSF	4,640
211-23-232-1701-37100-EN0503	Transfers from the General Fund - 14th St SW Slope Stability	197,220
211-23-232-1701-37100-EN0606	Transfers from the General Fund - Boyd Route Study	15,280
211-23-232-1701-37100-EN0609	Transfers from the General Fund - Taft/14th SW Intersection	9,450
211-23-232-1701-37100-EN0903	Transfers from the General Fund - BoydLake Ave -Kauffman Prpty	1,270
211-23-232-1701-37100-EN1004	Transfers from the General Fund - Garfield Ave and US34, Northbound Right Turn Lane	160,440
211-23-232-1701-37100-EN8212	Transfers from the General Fund - Tran Master Plan Thru 2050	5,720
211-23-232-1701-37100-EN9922	Transfers from the General Fund - Loveland ITS Update-Traffic	24,550
211-23-232-1701-37100-TR1101	Transfers from the General Fund - Regional Transit Center	54,000
211-23-232-1701-37100-TS0101	Transfers from the General Fund - Signal System Interconnect	2,430
211-23-232-1701-37100-TS0501	Transfers from the General Fund - School Flasher Units	3,820
211-23-232-1701-37100-TS0706	Transfers from the General Fund - Upgrades to TOC	660
211-23-232-1701-37100-TS0714	Transfers from the General Fund - Garfield @ US34 SB right lane	11,550
211-23-232-1701-37100-TS1002	Transfers from the General Fund - Centerra Area ITS	23,310
211-23-232-1701-37100-TS1103	Transfers from the General Fund - I-25 Area VMS	80,000
211-23-232-1701-37100-TS1201	Transfers from the General Fund - Fiber Network to Signals And Other Facilities	187,130
211-23-232-1701-37100-ENR040	Transfers from the General Fund - Dakota Glen Sidewalk Installation	500
211-23-232-1700-37100-ENSR015	Transfers from the General Fund - Street Rehabilitation - BNSF Railroad Work	163,130
211-23-232-1701-37269-EN0105	Transfers from Streets CEF - Taft Av (Gard-West Shore)	4,420
211-23-232-1701-37269-EN0112	Transfers from Streets CEF - Bike Route Sign/Stripe	25,940
211-23-232-1701-37269-EN0212	Transfers from Streets CEF - Bike Lane/Ped Walk Construction	41,110
211-23-232-1701-37269-EN0215	Transfers from Streets CEF - Right of Way Aquisition - Citywide	130,000
211-23-232-1701-37269-EN0223	Transfers from Streets CEF - Small Capital Projects	196,680
211-23-232-1701-37269-EN0330	Transfers from Streets CEF - Boise & 37th Intersection Improvements	64,050
211-23-232-1701-37269-EN0501	Transfers from Streets CEF - Garfield Survey 1st/BNSF	13,930
211-23-232-1701-37269-EN0606	Transfers from Streets CEF - Boyd Route Study	45,840
211-23-232-1701-37269-EN0609	Transfers from Streets CEF - Taft/14th SW Intersection	85,010
211-23-232-1701-37269-EN0903	Transfers from Streets CEF - BoydLake Ave -Kauffman Prpty	3,830
211-23-232-1701-37269-EN1004	Transfers from Streets CEF - Garfield Ave and US34, Northbound Right Turn Lane	160,430
211-23-232-1701-37269-EN8212	Transfers from Streets CEF - Tran Master Plan Thru 2050	22,900
211-23-232-1701-37269-EN9922	Transfers from Streets CEF - Loveland ITS Update-Traffic	98,190
211-23-232-1701-37269-TR1101	Transfers from Streets CEF - Regional Transit Center	215,980
211-23-232-1701-37269-TS0101	Transfers from Streets CEF - Signal System Interconnect	9,720
211-23-232-1701-37269-TS0501	Transfers from Streets CEF - School Flasher Units	15,280
211-23-232-1701-37269-TS0706	Transfers from Streets CEF - Upgrades to TOC	2,650
211-23-232-1701-37269-TS0714	Transfers from Streets CEF - Garfield @ US34 SB right lane	33,370
211-23-232-1701-37269-TS1002	Transfers from Streets CEF - Centerra Area ITS	67,320
211-23-232-1701-37269-ENR040	Transfers from Streets CEF - Dakota Glen Sidewalk Installation	2,000
Total Revenue		4,211,560

Transportation Fund 211**Appropriations**

211-23-232-1700-49360-ENSR015	Construction - Street Rehabilitation - BNSF Railroad Work	163,130
211-23-232-1701-49360-EN0105	Construction - Taft Av (Gard- West Shore)	5,530
211-23-232-1701-49360-EN0112	Construction - Bike Route Sign/Stripe	51,880
211-23-232-1701-49360-EN0212	Construction - Bike Lane/Ped Walk Construction	82,220
211-23-232-1701-49011-EN0215	Right of Way - R-O-W Aquisition - Citywide	100,000
211-23-232-1701-49360-EN0215	Construction - R-O-W Aquisition - Citywide	30,000
211-23-232-1701-49360-EN0223	Construction - Small Capital Projects	196,680
211-23-232-1701-49360-EN0330	Construction - Boise & 37th Intersection Improvements	80,060
211-23-232-1701-49360-EN0332	Construction - Miscellaneous CEF Projects	161,760
211-23-232-1701-49360-EN0501	Construction - Garfield Survey 1st/BNSF	18,570
211-23-232-1701-49360-EN0503	Construction - 14th St SW Slope Stability	197,220
211-23-232-1701-49360-EN0606	Construction - Boyd Route Study	61,120
211-23-232-1701-49360-EN0609	Construction - Taft/14th SW Intersection	94,460
211-23-232-1701-49360-EN0903	Construction - BoydLake Ave -Kauffman Prpty	5,100
211-23-232-1701-49360-EN1004	Construction - Garfield Ave and US34, Northbound Right Turn Lane	320,870
211-23-232-1701-49360-EN1103	Construction - Safe Routes Truscott Sidewalk	10,460
211-23-232-1701-49360-EN8212	Construction - Tran Master Plan Thru 2050	28,620
211-23-232-1701-49360-EN9922	Construction - Loveland ITS Update-Traffic	122,740
211-23-232-1701-49360-TR1101	Construction - Regional Transit Center	269,980
211-23-232-1701-49360-TS0101	Construction - Signal System Interconnect	12,150
211-23-232-1701-49360-TS0501	Construction - School Flasher Units	19,100
211-23-232-1701-49360-TS0706	Construction - Upgrades to TOC	3,310
211-23-232-1701-49360-TS0714	Construction - Garfield @ US34 SB right lane	128,340
211-23-232-1701-49360-TS1002	Construction - Centerra Area ITS	220,630
211-23-232-1701-49360-TS1101	Construction - Us 287 Garfield Ave Signal	304,000
211-23-232-1701-49360-TS1103	Construction - I-25 Area VMS	450,000
211-23-232-1701-49355-TS1201	Design - Fiber Network to Signals And Other Facilities	3,130
211-23-232-1701-49360-TS1201	Construction - Fiber Network to Signals And Other Facilities	1,068,000
211-23-232-1701-49360-ENR040	Construction - Dakota Glen Sidewalk Installation	2,500
Total Appropriations		4,211,560

Supplemental Budget
2012 On-Going Projects and Capital Rollover
Park Capital Expansion Fee Fund 260

Revenues

Fund Balance	5,860,560
Total Revenue	5,860,560

Appropriations**Parks & Recreation**

260-51-560-0000-49355-PK0802 Mehaffey Park Design	583,030
260-51-562-0000-47120-PK0802 Transfers To Capital Projects - Mehaffey Park	5,277,530
Total Appropriations	5,860,560

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Recreation Capital Expansion Fee Fund 261**

Revenues	
Fund Balance	250,000
Total Revenue	250,000

Appropriations	
Parks & Recreation	
261-51-536-0000-47120-PK0802 Transfers To Capital Projects - Mehaffey Park	250,000
Total Appropriations	250,000

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Fire Capital Expansion Fee Fund 264**

Revenues	
Fund Balance	61,820
Total Revenue	61,820

Appropriations	
Fire & Rescue	
264-22-222-0000-48244-GF1204 Cab and Chassis Upgrades to New Station 2 Heavy Rescue	32,000
264-22-222-0000-49360-GF1106 Construction - Station 6 Addition "Punch List"	29,820
Total Appropriations	61,820

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Police Capital Expansion Fee Fund 265**

Revenues	
Fund Balance	88,960
Total Revenue	88,960

Appropriations	
Police	
265-21-202-2102-47120-PDDISP Transfer to Capital Projects - Dispatch Consoles	88,960
Total Appropriations	88,960

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
General Government Capital Expansion Fee Fund 268**

Revenues

Fund Balance	107,350
Total Revenue	107,350

Appropriations

268-91-902-0000-47120-ITCWI	Transfer to Capital Projects Fund Cityworks Implementation Project	107,350
Total Appropriations		107,350

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Streets Capital Expansion Fee Fund 269**

Revenues

Fund Balance	1,238,650
Total Revenue	1,238,650

Appropriations**Public Works**

269-23-232-1701-47211-EN0105	Transfers from Streets CEF - Taft Av (Gard-West Shore)	4,420
269-23-232-1701-47211-EN0112	Transfers from Streets CEF - Bike Route Sign/Stripe	25,940
269-23-232-1701-47211-EN0212	Transfers from Streets CEF - Bike Lane/Ped Walk Construction	41,110
269-23-232-1701-47211-EN0215	Transfers from Streets CEF - Right of Way Aquisition - Citywide	130,000
269-23-232-1701-47211-EN0223	Transfers from Streets CEF - Small Capital Projects	196,680
269-23-232-1701-47211-EN0330	Transfers from Streets CEF - Boise & 37th Intersection Improvements	64,050
269-23-232-1701-47211-EN0501	Transfers from Streets CEF - Garfield Survey 1st/BNSF	13,930
269-23-232-1701-47211-EN0606	Transfers from Streets CEF - Boyd Route Study	45,840
269-23-232-1701-47211-EN0609	Transfers from Streets CEF - Taft/14th SW Intersection	85,010
269-23-232-1701-47211-EN0903	Transfers from Streets CEF - BoydLake Ave -Kauffman Prpty	3,830
269-23-232-1701-47211-EN1004	Transfers from Streets CEF - Garfield Ave and US34, Northbound Right Turn Lane	160,430
269-23-232-1701-47211-EN8212	Transfers from Streets CEF - Tran Master Plan Thru 2050	22,900
269-23-232-1701-47211-EN9922	Transfers from Streets CEF - Loveland ITS Update-Traffic	98,190
269-23-232-1701-47211-TR1101	Transfers from Streets CEF - Regional Transit Center	215,980
269-23-232-1701-47211-TS0101	Transfers from Streets CEF - Signal System Interconnect	9,720
269-23-232-1701-47211-TS0501	Transfers from Streets CEF - School Flasher Units	15,280
269-23-232-1701-47211-TS0706	Transfers from Streets CEF - Upgrades to TOC	2,650
269-23-232-1701-47211-TS0714	Transfers from Streets CEF - Garfield @ US34 SB right lane	33,370
269-23-232-1701-47211-TS1002	Transfers from Streets CEF - Centerra Area ITS	67,320
269-23-232-1701-47211-ENR040	Transfers from Streets CEF - Dakota Glen Sidewalk Installation	2,000
Total Appropriations		1,238,650

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Water Enterprise Fund 300**

Revenues

Fund Balance	736,200
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Total Revenue	736,200
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Appropriations**Water & Power**

300-46-310-2903-49352-W1007D	Morning Dr Alt Waterline 30"	19,870
300-46-310-2903-49360-W1007D	Morning Dr Alt Waterline 30"	204,540
300-46-318-2902-49360-W1011C	Filter Plant 2 Pipe Gallery Improvements	34,870
300-46-318-2902-49360-W1205C	Wtr-BW Surge Basin 3rd Submersible Pump & Piping	78,240
300-46-318-2902-49352-W1245D	WTP Cold Water Pump Station	15,910
300-46-318-2902-49360-W1257C	WTP Filter Plant #3 Backwash Drain Improvements	27,000
300-46-318-2902-49352-W1258C	WTP Planning Assistance on 38 MGD Expansion/Imprvm	9,950
300-46-310-2903-49360-W9999	Emergency WL Replacements	231,820
300-46-318-2902-49360-W9999	Emergency WL Replacements	8,140
300-46-318-2908-48240-WA930	Vehicle Replacement at the WTP	15,860
300-46-316-2901-43450-W1248B	City Domestic Water Rights - Source of Supply	40,000
300-46-316-2901-43450-W1249B	Private Water Rights - Source of Supply	50,000
Total Appropriations		736,200

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Water System Impact Fee Fund 301**

Revenues

Fund Balance	736,660
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Total Revenue	736,660
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Appropriations**Water & Power**

301-46-310-2903-49352-W1007D	Morning Dr Alt Waterline 30"	95,040
301-46-310-2903-49360-W1007D	Morning Dr Alt Waterline 30"	634,650
301-46-318-2902-49352-W1245D	WTP Cold Water Pump Station	6,970
Total Appropriations		736,660

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Raw Water Enterprise Fund 302**

Revenues		
Fund Balance		920,090
Total Revenue		920,090
Appropriations		
Water & Power		
302-46-316-0000-49352-W038AA	Windy Gap Firming	600,000
302-46-316-0000-49352-W1014A	Purchase of CBT Water	320,090
Total Appropriations		920,090

Wastewater Enterprise Fund 315

Revenues		
Fund Balance		1,015,520
Total Revenue		1,015,520
Appropriations		
Water & Power		
315-46-318-2902-49352-W1010H	Waste Activated Sludge Thickening	22,980
315-46-318-2902-49360-W1010H	Waste Activated Sludge Thickening	26,610
315-46-310-2904-49352-W1110H	South Horseshoe Lift Station Submrsbl	545,290
315-46-318-2902-49352-W1244H	Primary Clarifier Scum/Grease Pump	11,930
315-46-318-2902-49360-W1244H	Primary Clarifier Scum/Grease Pump	116,950
315-46-318-2902-49399-W1251G	WWTP Digester System Improvements	82,540
315-46-310-2904-49360-W1255G	Southside Lift Station Pump #1 Replacement	44,000
315-46-310-2904-43569-WW1301	Wastewater CIPP Rehab	165,220
Total Appropriations		1,015,520

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Wastewater System Impact Fee Fund 316**

Revenues		
Fund Balance		910,130
Total Revenue		910,130
Appropriations		
Water & Power		
316-46-318-2902-49352-W1010H	Waste Activated Sludge Thickening	3,720
316-46-318-2902-49360-W1010H	Waste Activated Sludge Thickening	4,090
316-46-310-2904-49352-W1110H	South Horseshoe Lift Station Submrsbl	816,400
316-46-318-2902-49352-W1244H	Primary Clarifier Scum/Grease Pump	7,950
316-46-318-2902-49360-W1244H	Primary Clarifier Scum/Grease Pump	77,970
Total Appropriations		910,130

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Power Enterprise Fund 330**

Revenues

Fund Balance	1,634,500
Total Revenue	1,634,500

Appropriations**Water & Power**

330-46-319-2905-49399-PW910	Hydro FERC Relicensing	52,000
330-47-332-2903-49399-PW913A	East Sub to Crossroads Sub on Railroad	855,000
330-47-332-2903-49399-PW914	O/H to U/G Conversion - S. Wilson Between W. 1st & Hwy 402 Near Fire Station	142,500
330-47-332-2903-49399-PW914	O/H to U/G Conversion - Along Rr Track N. Of 10th Between Railroad Ave & Madis	155,000
330-47-332-2908-48244-PW930	Digger Derrick to Replace #5317	230,000
330-47-332-2908-48244-PW930	Double Bucket Truck to Replace #5316	200,000
Total Appropriations		1,634,500

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Power System Impact Fee Fund 331**

Revenues

Fund Balance	540,000
Total Revenue	540,000

Appropriations**Water & Power**

331-47-333-2903-49399-PW920	Valley Substation - Purchase & Installation of Switchgear	540,000
Total Appropriations		540,000

Supplemental Budget
2012 On-Going Projects and Capital Rollover
Storm Water Enterprise Fund 345

Revenues

Fund Balance	1,957,470
Total Revenue	1,957,470

Appropriations**Public Works**

345-23-283-0000-49360-SW0702	Construction - 2007 Floodplain Tech Asst	10,130
345-23-283-0000-49360-SW0710	Construction - Wash Ave Outfall Phase IV	441,060
345-23-283-0000-49360-SW0804	Construction - Lake Loveland Zone A Floodplain	17,090
345-23-283-0000-49360-SW1201	Construction - 2012 Maintenance Projects	514,750
345-23-283-0000-49360-SW1203	Construction - 2012 Stormwater Quality Projects	50,000
345-23-283-0000-49360-SW1202	Construction - 7th Street & Madison Ave Outfall	309,950
345-23-283-0000-49360-SW1204	Construction - Benson Park Pond & 29th Street Culvert	9,040
345-23-283-0000-49362-SW0711	Construction - Boyd Lake Outlet Ditch Grading	290
345-23-283-0000-49362-SW0902	Construction - South Loveland Outfall Phase 3	340
345-23-283-0000-49362-SW1004	Construction - Mehaffey Park Regional Detention Pond	555,820
345-23-283-0000-49362-SW1005	Construction - Giuliano Regional Detention Pond	49,000
Total Appropriations		1,957,470

Supplemental Budget
2012 On-Going Projects and Capital Rollover
Vehicle Maintenance Internal Service Fund 501

Revenues

Fund Balance	25,000
Total Revenue	25,000

Appropriations**Public Works**

501-23-261-0000-48240	Diesel Emmission Fluid Dispensing System - Capital	25,000
Total Appropriations		25,000

Supplemental Budget
2012 On-Going Projects and Capital Rollover
Risk & Insurance Fund 502

Revenues

Fund Balance	54,650
Total Revenue	54,650

Appropriations

502-17-175-0000-43407	Environmental Services - Citywide Asbestos Database	54,650
Total Appropriations		54,650

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

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

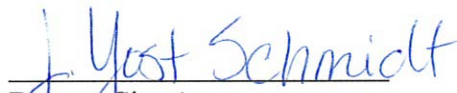
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

**CITY OF LOVELAND****BUDGET DIVISION**

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

TO: City Council

THROUGH: Bill Cahill, City Manager
Brent Worthington, Finance Director

FROM: John Hartman, Budget Officer

DATE: April 2, 2013

RE: Staff Report on Projects in the Reappropriation Ordinance

This is an annual appropriation ordinance staff brings to Council. The total projected cost of a project is appropriated in the first year a project is funded. This allows Council and the public to see what the total project will cost and that resources are available to fund the entire project.

State law and the City Charter state that all appropriations cease on December 31, the final day of the fiscal year. Capital projects, by their nature, take more than one fiscal year to complete for a variety of reasons. This requires the reappropriation of the funding that was not spent on the projects in the prior year in order to make funding available to complete the projects.

Gross appropriations, the sum of the total appropriations for each fund, total \$33.57 million. With the exclusion of the transfers between the various funds; the net appropriation in the ordinance is \$25.36 million. This appropriation is funded by \$2.03 million of grant revenue, contributions of \$0.20 million and \$23.13 million in fund balance.

70.9% of the total net appropriation is in five projects or programs:

- Mehaffey Park Development;
- The Transportation Program;
- Power Enterprise Projects;
- Wastewater Enterprise Projects; and
- River's Edge Natural Area Development;

The following is an explanation for all of the projects included on a project basis with the funding sources identified. The projects are listed in descending order by the amount of the project.

Projects Reappropriated

Parks and Recreation Department - Mehaffey Park - \$8,110,560

Reappropriation of funds approved in 2012 for the design and construction of Mehaffey Park.

The funding sources for the project are Parks CEF revenues of \$5,860,560, Conservation Trust Fund revenues of \$2,000,000, and Recreation CEF revenues of \$250,000.

Public Works Department - Transportation Program - \$4,048,430

Reappropriation of funds approved in 2012 for the transportation program. Projects include:

- Fiber optic network to signals and City facilities – \$1,071,130;
- I-25 Area Variable Message Signs - \$450,000;
- Garfield Ave and US34, Northbound Right Turn Lane - \$320,870;
- US 287/Garfield Ave Signal Improvements - \$304,000;
- Regional Transit Center construction - \$269,980;
- Centerra Area Intelligent Traffic System - \$220,630;
- 14 St SW – Slope Stability - \$197,220;
- Citywide Right of Way Acquisition - \$130,000;
- Southbound Garfield Ave at US 34 Right Turn Lane - \$128,340;
- Loveland Intelligent Traffic System Update - \$122,740;
- Taft Ave and 14th St SW Intersection - \$94,460;
- Bike Lane and Pedestrian Walkway Construction - \$82,220;
- Boise Ave and 37th St Intersection Improvements - \$80,060;
- Boyd Ave Route Study - \$61,120;
- Bike Route Signage and Striping - \$51,880; and
- Other miscellaneous projects - \$463,780.

The funding sources for the projects are Street Impact Fee revenues of \$1,238,650, TABOR revenues from the General Fund of \$1,027,900, and Federal and State grants of \$1,781,880.

Power Enterprise – Power Enterprise Projects and Equipment - \$2,174,500

Reappropriation of funds approved in 2012 for the following items:

- Feeder Extension from the East Substation and Crossroads Substation - \$855,000;
- Valley Substation Switchgear - \$540,000;
- Digger Derrick - \$230,000;
- Double Bucket Truck - \$200,000;
- Undergrounding Lines along tracks between 10th and Madison Ave - \$155,000;
- Undergrounding Lines Wilson Ave between 1st and Hwy 402 - \$142,500; and
- FERC Relicensing of Hydroelectric Station - \$52,000.

The funding source is Power Enterprise Fund balance and Power Plant Impact Fees.

Wastewater Enterprise – Wastewater Enterprise Projects - \$1,925,650

Reappropriation of funds approved in 2012 for the following projects:

- South Horseshoe Lift Station - \$1,361,690;
- Replace Primary Clarifier Scum/Grease Pump - \$214,800;
- Wastewater Cured-In-Place-Pipe Rehabilitation - \$165,220; and
- Three other small projects - \$183,940.

The funding source is Wastewater Enterprise Fund balance and Wastewater System Impact Fees.

Parks and Recreation Department – River’s Edge Natural Area - \$1,718,840

Reappropriation of funds approved in 2012 for design and construction of the River’s Edge Natural Area at the former HP/Agilent site.

The funding source is Open Lands Fund balance.

Water Enterprise – Water Enterprise Projects - \$1,472,860

Reappropriation of funds approved in 2012 for the following projects:

- Morning Drive Alternate Construction - \$954,100;
- Emergency Water Line Replacement - \$239,960;
- Water Treatment Plant Projects - \$188,800; and
- Water Rights (private and City domestic) - \$90,000.

The funding source is Water Enterprise Fund balance and Water System Impact Fees.

Stormwater Enterprise – Stormwater Infrastructure Improvements - \$1,442,720

Reappropriation of funds approved in 2012 for the construction of the improvements. Projects include:

- Mehaffey Park Regional Detention Pond - \$555,820;
- Washington Avenue Outfall Phase IV - \$441,060;
- 7th Street and Madison Avenue Outfall - \$309,950; and
- Seven other projects - \$135,890.

The funding source is Stormwater Enterprise Fund balance.

Water Enterprise – Raw Water Projects - \$920,090

Reappropriation of funds approved in 2012 to secure raw water. Projects include:

- Windy Gap Firming Project - \$600,000; and
- Purchase of Colorado-Big Thompson (CBT) Project Water - \$320,090.

The funding source is Raw Water Fund balance.

Economic Development Department – Council Business Incentive Program - \$693,430

Reappropriation of funds approved in 2012 for potential Council economic development opportunities.

The funding source is General Fund balance.

Public Works Department –Stormwater Maintenance Projects - \$514,750

Reappropriation of funds approved in 2012 for maintenance of existing Stormwater infrastructure.

The funding source is Stormwater Enterprise Fund balance.

Cultural Services Department – Art in Public Places - \$363,180

Reappropriation of funds approved in 2012 for projects planned under the Art in Public Places program. The projects include:

- I-25/Highway 34 Interchange- \$250,000 (\$163,000 from grant funding);
- Mehaffey Park - \$78,600;
- Madison Avenue Trail - \$20,000;
- Foundations Sculpture Exhibit - \$8,580; and
- The Grove Reinstallation - \$6,000.

The funding source is revenue from capital project contributions, a Federal grant, and Art in Public Places Fund balance.

Development Services Department - Community Development Block Grants (CDBG) -\$243,690

Reappropriation of the CDBG block grant funds approved in 2012 but not yet spent.

The funding source is Federal CDBG grant funds.

Development Services Department - Human Services Grants -\$203,980

Reappropriation of funding for Human Resource Commission grants approved in 2012. The terms of the contracts for Human Services grant funds ends June 30, 2013.

The funding source is General Fund balance.

Economic Development Department – Lodging Tax Projects- \$194,530

Reappropriation of funds approved in 2012 for projects recommended by the Community Marketing Commission and planned in the Lodging Tax Fund. The projects include:

- Wayfinding Signs- \$186,500;
- VisitLovelandCO.com website services - \$5,530; and
- Billboard Advertising - \$2,500.

The funding source is Lodging Tax Fund balance.

Public Works Department – Street Rehabilitation - \$163,130

Reappropriation of funds approved in 2012 for railroad crossing road work. The Burlington Northern and Santa Fe Railroad agreed to undertake this work in 2013 with the help of state and federal grant funds received in 2012.

The funding source is a transfer from General Fund balance.

Non-Departmental – Fire Authority Contribution - \$149,540

Reappropriation of funds not expended in 2012 for the City's portion of supplemental funding approved by the Fire Authority Board for 2013.

The funding source is General Fund balance.

Economic Development Department – ArtSpace Project - \$119,000

Reappropriation of pre-development funding approved in 2012 for the ArtSpace development project. This funding is the remainder of \$500,000 in funding approved in 2010 for the project at the former Feed & Grain.

The funding source is General Fund balance from the Council Capital Reserve.

Economic Development Department – Incentives/Sales Tax Rebates - \$117,140

Reappropriation of funding approved in 2012 for existing sales tax rebate agreements.

The funding source is General Fund balance.

Information Technology Department – Cityworks – \$107,350

Reappropriation of funding approved in 2012 for training and consulting for the continuing implementation of Cityworks Server product in Public Works.

The funding source is General Government CEF balance.

Police Department – Police Communications Console Replacement - \$88,960

Reappropriation of funds approved in 2012 for replacing communications consoles.

The funding source is Law Enforcement CEF funds.

Information Technology Department – Courtview/JWorks Software– \$83,790

Reappropriation of funding approved in 2012 for the purchase of hardware, software, and services for Municipal Court.

The funding source is General Fund balance.

Fire Authority – Capital Projects - \$61,820

Reappropriation of funds approved in 2012 for capital projects:

- Engine and Cab Upgrades for new Station 2 Heavy Rescue Apparatus - \$32,000; and
- Station 6 Addition, "punch list" - \$29,820.

The funding source is Fire Capital Expansion Fee Fund balance.

Human Resources Department – Citywide Asbestos Database- \$54,650

Reappropriation of funds approved in 2012 in the Risk Management Division for creation of a citywide asbestos tracking database.

The funding source is Risk Management Fund balance.

Information Technology Department – Electronic Drawing Review – \$50,180

Reappropriation of funding approved in 2012 for the purchase of hardware, software, and services for the implementation of an electronic development review process. This allows development review documents to be received, reviewed, and returned in an electronic format.

The funding source is General Fund balance.

Parks and Recreation Department – North Lake Park Shelters - \$40,000

Reappropriation of funds approved in 2012 for improvements and renovations to North Lake Park shelters.

The funding source is Park Improvement Fund balance.

Public Works Department –COLT Surveillance Equipment - \$33,630

Reappropriation of funding approved in 2012 for the purchase of surveillance equipment for COLT buses.

The funding source is a combination of Federal grant revenue and General Fund balance.

Parks and Recreation Department –Radio Replacement - \$33,240

Reappropriation of funds approved in 2012 for replacement of Parks & Recreation radios.

The funding source is General Fund balance.

Cultural Services Department –Rialto Theater Guild Donation - \$28,320

Reappropriation of funds approved in 2012 for furniture and equipment in the Rialto Theater Center.

The funding source is a donation from the Rialto Theater Guild.

Public Works Department – Diesel Emission Fluid Dispenser- \$25,000

Reappropriation of funds approved in 2012 in the Fleet Management Division for a diesel emission fluid dispensing system.

The funding source is Fleet Management Fund balance.

Police Department – Building Security Cameras - \$24,000

Reappropriation of funds approved in 2012 for computer hardware for the eCitation system.

The funding source is General Fund balance.

Development Services Department – Community Design Element Update - \$20,000

Reappropriation of funding approved in 2012 for updating the community design elements section of the City's Comprehensive Master Plan.

The funding source is General Fund balance.

Non-Departmental – Outside Legal Services - \$20,000

Reappropriation of funds approved in 2012 for outside legal assistance with the Comcast cable franchise contract renewal.

The funding source is General Fund balance.

Parks and Recreation Department – Irrigation Projects - \$19,990

Reappropriation of funds approved in 2012 for irrigation work at the Cemetery and Civic Center.

The funding source is General Fund balance.

Economic Development Department – Leslie the Cleaner Remediation - \$18,640

Reappropriation of funds approved in 2012 for environmental remediation and demolition of the former Leslie the Cleaner property.

The funding source is a transfer from General Fund balance.

Parks and Recreation Department – Madison Ave Trail Underpass - \$17,000

Reappropriation of funds approved in 2012 for design of the Madison Avenue recreation trail underpass.

The funding source is Conservation Trust Fund balance.

Development Services Department – Pulliam Building Structural Assessment - \$14,720

Reappropriation of funding approved in 2012 for a structural assessment of the Pulliam Building.

The funding source is a State Historical Preservation grant.

Fire Authority – Equipment and Maintenance - \$12,820

Reappropriation of funds approved in 2012 to be directly charged to the General Fund for maintenance or replacement of equipment owned by the City. This includes:

- Rebuilding Station 1 Air Compressor - \$5,600;
- Maintenance Contract for the Grant-Funded Purchase of 15 Automatic External Defibrillators (AEDs) - \$5,310; and
- Fitness Equipment - \$1,910.

The funding source is General Fund balance.

Police Department – Promotional Process - \$12,000

Reappropriation of funds approved in 2012 for costs of the Police promotional process.

The funding source is General Fund balance.

Police Department – Lead Mitigation - \$5,000

Reappropriation of funds approved in 2012 for berm lead mitigation at the Police shooting range.

The funding source is General Fund balance.

Police Department – Telestaff - \$5,000

Reappropriation of funds approved in 2012 for Telestaff scheduling software.

The funding source is General Fund balance.

Police Department – Building Security Cameras - \$3,600

Reappropriation of funds approved in 2012 for security cameras at the Police and Courts Building.

The funding source is General Fund balance.

Development Services Department – HOA Outreach - \$1,840

Reappropriation of funding approved in 2012 for a grant supporting outreach and programming for City Homeowners Associations.

The funding source is a contribution from CanDo/Livewell.

Cultural Services Department –Poet Laureate Performance - \$1,500

Reappropriation of funds approved in 2012 for the Museum division for a Poet Laureate Performance.

The funding source is a donation from the Kroh Charitable Trust received in 2012.

Cultural Services Department –Collection Conservation - \$1,400

Reappropriation of funds approved in 2012 for conservation of items in the museum collection.

The funding source is a donation received in 2012 intended for conservation.

Human Resources Department –Employee and Volunteer Recognition - \$1,210

Reappropriation of funding approved in 2012 for employee recognition and volunteer recognition at the Municipal Court.

The funding source is General Fund balance.

Public Works Department – Public Works Day - \$240

Reappropriation of funding approved in 2012 for Public Works Day events.

The funding source is donations from event sponsors received in 2012.

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

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

AGENDA ITEM: 5
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:

Consideration of an Ordinance Enacting a Supplemental Budget and Appropriation to the Loveland Urban Renewal Authority Budget to Reappropriate the Façade Grant Program and Funding for Parking Lot Improvements Approved in 2012 but Not Completed

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. Reserves are reappropriated for the Façade Grant Program and parking lot improvements.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

Reserves are available for the appropriation resulting from unspent appropriation in 2012.

SUMMARY:

Council approved funding for the Facade Grant program using TIF funds in the Downtown Project Area in 2012. Not all of the funds have been dispersed. Also in 2012 TIF funding was approved to partially fund improvements of a parking lot near the railroad. Funding for both the grant program and parking lot project are reappropriated.

This ordinance was approved by City Council unanimously on April 16, 2013.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING April 16, 2013

SECOND READING May 7, 2013

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET TO REAPPROPRIATE FUNDS FOR THE FAÇADE GRANT PROGRAM AND FUNDING FOR PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED

WHEREAS, the 2012 budget for the Loveland Urban Renewal Authority included appropriations for projects not completed or closed out by the end of 2012, when the 2012 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2013 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the Authority also has reserved funds not anticipated or appropriated at the time of the adoption of the Authority's budget for 2013; and

WHEREAS, the City Council, acting as the Commissioners of the Board of the Authority, desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Authority budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO acting as the Commissioners of the Board of the Loveland Urban Renewal Authority::

Section 1. That reserves in the amount of \$69,010 from fund balance in the Loveland Urban Renewal Authority Fund 037 are available for appropriation. Revenues in the total amount of \$69,010 are hereby re-appropriated for the Façade Grant Program and parking lot improvements as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Loveland Urban Renewal Authority Fund 603**

Revenues

Fund Balance	69,010
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Total Revenue	69,010
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Appropriations

603-80-870-0000-43840	LURA Façade Grants	36,310
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603-80-873-0000-43840	LURA Façade Grants	12,700
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603-23-232-0000-49360-DT1201	Railroad Parking Lot Improvements	20,000
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Total Appropriations	69,010
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

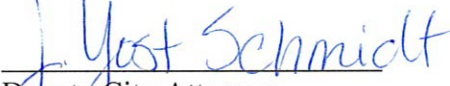
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

**CITY OF LOVELAND****BUDGET OFFICE**

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(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:

Consideration of an Ordinance on Second Reading Adopting a Supplemental Budget and Appropriation for the 2013 Loveland General Improvement District #1 to Reappropriate Funds for Signal Light Upgrades and Parking Lot Improvements Approved in 2012 but Not Completed

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. Funds approved in 2012 for signal pole upgrades and parking lot improvements are appropriated to complete the projects.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible


The funding was appropriated in 2012. Since the expense did not occur the amount appropriated became fund at the end of 2012. This balance is available for appropriation without impacting the 2013 budget projections.

SUMMARY:

Council approved using the funds for signal pole upgrades on Lincoln and Cleveland Avenues at the intersection of U.S. 287 in November 2011. The project is near completion but not all invoices have been paid. In 2012 the GID obtained a lease on parking property next to the

railroad on 4th Street. Funding was appropriated in 2012 to improve this parking lot. This ordinance reappropriates the funds in order to complete the project.

This ordinance was approved by City Council unanimously on April 16, 2013.

REVIEWED BY CITY MANAGER: 

LIST OF ATTACHMENTS:

Ordinance

FIRST READING April 16, 2013

SECOND READING May 7, 2013

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND
APPROPRIATION FOR THE 2013 LOVELAND GENERAL
IMPROVEMENT DISTRICT #1 BUDGET TO REAPPROPRIATE FUNDS
FOR SIGNAL LIGHT UPGRADES AND PARKING LOT IMPROVMENTS
APPROVED BUT NOT COMPLETED IN 2012**

WHEREAS, the 2012 budget for the General Improvement District #1 included appropriations for projects not completed or closed out by the end of 2012, when the 2012 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2013 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the District also has received or reserved funds not appropriated at the time of the adoption of the 2013 budget; and

WHEREAS, the City Council, acting as the ex-officio Board of Directors desires to authorize the expenditure of these funds by enacting a supplementary budget and appropriation to the District budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, acting as the ex officio Board of Directors of the Loveland General Improvement District #1:

Section 1. That \$61,000 from fund balance is available in the General Improvement District #1 Fund 602. These revenues are hereby appropriated for the signal light upgrades and parking lot improvements approved but not completed in 2012. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
GID #1 Fund 602**

Revenues		
Fund Balance		61,000
Total Revenue		
Appropriations		
602-90-901-0000-49360-DT1201	Railroad Parking Lot Improvements	50,000
602-90-901-0000-49360	4th Street Traffic Signal Upgrades	11,000
Total Appropriations		61,000

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

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

ADOPTED this _____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt
Deputy City Attorney

**CITY OF LOVELAND****BUDGET OFFICE**

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(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 7
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:

Consideration of an Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2013 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but Not Completed in 2012

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. The ordinance appropriates the remaining balance for capital projects and equipment purchases previously approved in 2012.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

Most of the appropriation is funded by State or Federal Grants that have been approved by Council in prior years, but not completed. Fund balance that is available in the fund is used to match the grants. The grant funding allows for projects the Airport would otherwise not be able to fund.

SUMMARY:

The funding will be used for the completion of the runway and taxiway improvements, security systems, the Jet Center remodel, and Small Community Air Service projects. These projects

were approved and included in the 2012 Airport Budget. Reappropriation is necessary to make funds available to complete the projects.

These projects are FAA related and funds that were not spent in a calendar year are rolled into the next fiscal year for use at the airport, as required by federal regulation.

This ordinance was approved by City Council unanimously on April 16, 2013.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING April 16, 2013

SECOND READING May 7, 2013

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2012

WHEREAS, the 2012 budget for the Fort Collins-Loveland Municipal Airport included appropriations for projects not completed or closed out by the end of 2012, when the 2012 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2013 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City also has received funds not appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Airport budget for 2012, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of \$812,230 from fund balance and Federal and State Grants in the Airport Fund 018 are available for appropriation. Revenues in the total amount of \$812,230 are hereby appropriated for projects and equipment approved in 2012 but not completed or closed out. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
2012 On-Going Projects and Capital Rollover
Airport Fund 600**

Revenues

Fund Balance		133,960
600-00-000-0000-38616-AP1110	FAA Contribution	222,610
600-00-000-0000-38616-AP1205	FAA Contribution	107,250
600-00-000-0000-38617-AP1205	State of Colorado Contribution	2,820
600-00-000-0000-38616-AP1202	FAA Contribution	84,690
600-00-000-0000-38617-AP1202	State of Colorado Contribution	2,230
600-00-000-0000-38616-AP1207	FAA Contribution	18,560
600-00-000-0000-38617-AP1207	State of Colorado Contribution	490
600-00-000-0000-38616-AP1205	FAA Contribution	1,460
600-00-000-0000-38617-AP1205	State of Colorado Contribution	40
600-00-000-0000-38616-AP1203	FAA Contribution	232,010
600-00-000-0000-38617-AP1203	State of Colorado Contribution	6,110
Total Revenue		812,230

Appropriations

600-23-290-0000-43450-AP1110	Remainder of Small Community Air Service Development Grant	222,610
600-23-290-0000-43569	Runway Deicer	13,970
600-23-290-0000-43569	Crack Fill	6,670
600-23-290-0000-43714	Credit Card Services	1,030
600-23-290-0000-49360-AP1205	RWIS Installation	112,890
600-23-290-0000-49352-AP1202	Design Apron	89,150
600-23-290-0000-49352-AP1207	Design Taxiway	19,540
600-23-290-0000-49352-AP1205	Design RWIS	1,540
600-23-290-0000-48240-AP1203	New Snow Plow Truck	244,230
600-23-290-0000-43714-AP1104	Security Systems	600
600-23-290-0000-43664-AP1206	Utility Master Plan	100,000
Total Appropriations		812,230

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

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

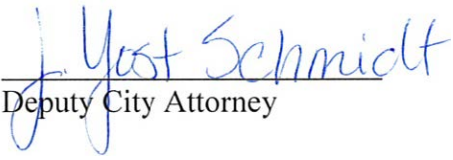
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

**CITY OF LOVELAND****BUDGET OFFICE**

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(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:

Consideration of an Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Projects or Programs Not Anticipated at the Time of Adoption for the 2013 Budget

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. Since the adoption of the 2013 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is \$5.58 million. The appropriation is funded by \$5.56 million of fund balance and \$13.4 thousand of federal grant revenue.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible

Nearly all of the funding for the projects or programs included in the ordinance are funded from reserves, which reduces the flexibility to fund future projects.

SUMMARY:

Since the adoption of the 2013 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those issues. The total amount of net appropriation

(total expenses excluding transfer between funds) is \$5.58 million. The appropriation is funded by \$5.56 million of fund balance and \$13,390 of Federal Grant Revenue.

One project, the Service Center Phase 3 Expansion including the New Vehicle Wash Facilities, is over 92% of the total at 4.88 million, with 3.88 million of additional funding for the expansion and \$1 million in additional funding for vehicle wash facilities. In the 2013 adopted Budget \$5.9 million for the new building and grounds and \$600,000 for the wash facilities. After the initial concept was completed, the cost estimate was significantly increased. In November, staff presented the concept of the project to Council and received direction to proceed. With this ordinance the total budget for the Service Center Expansion is \$9.8 million and the total for the new wash facilities is \$1.6 million, for the total expense on the site of \$11.4 million. The expanded facility will house most of the Public Works Department Staff.

The other significant projects in the ordinance are funding for the Information Technology Department to develop a Technology Strategic Plan, and funding for the development of the new CEF concept and capital planning.

Within the General Fund, total appropriations are \$572,750, primarily funded by unassigned fund balance. Included in this appropriation is funding for the two projects mentioned above and the City's share of the cost of a new position in the Fire Authority.

Attached is a staff report that provides detailed information for each of the projects or programs.

This ordinance was approved by City Council unanimously on April 16, 2013.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance
Staff Report

FIRST READING April 16, 2013

SECOND READING May 7, 2013

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR PROJECTS OR PROGRAMS NOT ANTICIPATED AT THE TIME OF ADOPTION FOR THE 2013 BUDGET

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves are available for appropriation in several funds. These are hereby appropriated for new projects programs and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
2012 New Capital Projects and Operations
General Fund 100**

Revenues

Fund Balance		559,360
100-21-202-2102-32000	Federal Justice Assistance Grant (JAG)	13,390
Total Revenue		572,750

Appropriations:**Executive & Legal**

100-13-116-0000-48248	Computer Supplies - Electronic Agenda Management	25,000
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Cultural Services

100-52-720-8007-41012	Non-benefitted Salaries - Collection Storage Relocation	4,500
100-52-720-8007-42899	Other Supplies - Collection Storage Relocation	9,500
100-52-720-8007-43450	Professional Services - Collection Storage Relocation	6,000

Development Services

100-19-192-0000-43270	Training	7,000
100-19-192-0000-42014	Books & Periodicals - 5 Sets of Code Manuals	4,000

Information Technology

100-16-160-0000-43450	Professional Services - IT Strategic Plan Development	105,000
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Library

100-53-750-0000-42014	Books & Periodicals	3,000
100-53-750-0000-42899	Other Supplies	1,250
100-53-752-0000-42014	Books & Periodicals	9,130
100-53-753-0000-42014	Books & Periodicals	6,330
100-53-753-0000-43899	Other Services	1,000
100-53-754-0000-42014	Books & Periodicals	10,040
100-53-756-0000-42014	Books & Periodicals	4,260

Police

100-21-201-2101-43450	Larimer Humane Society annual payment	35,300
100-21-202-2102-43534	Upgrade vehicle for bomb unit	11,200
100-21-202-2102-43450	Larimer County Sheriff warrant position share	28,000
100-21-201-2101-43450	Architect for shooting/driving facility	5,000
100-21-202-2102-43450	Front Range Gun Club	36,000
100-21-202-2102-41021	Overtime	13,390

Non-Departmental

100-91-902-0000-43450-CFPCEF13	Professional Services	70,000
100-91-902-0000-47120-EDLESLIE	Transfer to Capital Projects Fund - Leslie the Cleaner	50,000
100-91-902-0000-47120	Transfer to Capital Projects Fund - Fire Capital Projects	28,250
100-91-902-0000-43714	Payment to Outside Agencies - Fire Authority -Lieutenant Position	99,600

Total Expense		572,750
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**Supplemental Budget
2012 New Capital Projects and Operations
Capital Projects Fund 120**

Revenues

120-00-000-0000-37360-GF1107	Transfers from Refuse	600,000
120-00-000-0000-37345-GF1107	Transfers form Stormwater	1,100,000
120-00-000-0000-37268-GF1107	Transfers from General Government CEF	2,100,000
120-00-000-0000-37500-GF1206	Transfers from Fleet Replacement	1,000,000
120-00-000-0000-37100-EDLESLIE	Transfer from General Fund - Leslie the Cleaner	50,000
120-00-000-0000-37100	Transfer from General Fund - Fire Capital Projects	28,250
Total Revenue		4,878,250

Appropriations**Economic Development**

120-18-180-0000-49360-EDLESLIE	Construction - Leslie the Cleaner Remediation	25,000
120-18-180-0000-49399-EDLESLIE	Other Capital - Leslie the Cleaner Remediation	25,000

Fire

120-22-222-0000-49399	Other Capital - 800 MHz Channel Installation	21,800
120-22-222-0000-43899	Other Services - Fire Logo Replacement	6,450

Public Works

120-23-250-1799-49360-GF1206	Vehicle Wash	1,000,000
120-23-250-1799-49360-GF1107	Service Center Phase III	3,800,000

Total Appropriations		4,878,250
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**Supplemental Budget
2012 New Capital Projects and Operations
Fire Capital Expansion Fee Fund 264**

Revenues

Fund Balance	22,000
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Total Revenue	22,000
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Appropriations**Fire & Rescue**

264-91-902-0000-43450-CFPCEF13	Professional Services	22,000
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Total Appropriations	22,000
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**Supplemental Budget
2012 New Capital Projects and Operations
Police Capital Expansion Fee Fund 265**

Revenues	
Fund Balance	22,000
Total Revenue	22,000
Appropriations	
Police	
265-91-902-0000-43450-CFPCEF13 Professional Services	22,000
Total Appropriations	22,000

**Supplemental Budget
2012 New Capital Projects and Operations
Library Capital Expansion Fee Fund 266**

Revenues	
Fund Balance	32,000
Total Revenue	32,000
Appropriations	
266-91-902-0000-43450-CFPCEF13 Professional Services	32,000
Total Appropriations	32,000

**Supplemental Budget
2012 New Capital Projects and Operations
Cultural Services Capital Expansion Fee Fund 267**

Revenues	
Fund Balance	42,000
Total Revenue	42,000
Appropriations	
267-92-902-0000-43450-CFPCEF Professional Services	42,000
Total Appropriations	42,000

**Supplemental Budget
2012 New Capital Projects and Operations
General Government Capital Expansion Fee Fund 268**

Revenues		
Fund Balance		2,122,000
Total Revenue		2,122,000
Appropriations		
Public Works		
268-91-902-0000-43450-CFPCEF13	Professional Services	22,000
268-91-902-0000-47120-GF1107	Transfers to Capital Projects - Service Center	2,100,000
Total Appropriations		2,122,000

**Supplemental Budget
2012 New Capital Projects and Operations
Water Enterprise Fund 300**

Revenues		
Fund Balance		31,200
300-00-000-0000-35324	Service Center Phase III - Revenues from Wastewater and Power	48,800
Total Revenue		80,000
Appropriations		
Water & Power		
300-45-304-2908-49399-WA930	Service Center Phase III	80,000
Total Appropriations		80,000

**Supplemental Budget
2012 New Capital Projects and Operations
Wastewater Enterprise Fund 315**

Revenues		
Fund Balance		18,400
Total Revenue		18,400
Appropriations		
Water & Power		
315-45-301-2900-42033-WW520	Service Center Phase III	18,400
Total Appropriations		18,400

**Supplemental Budget
2012 New Capital Projects and Operations
Power Enterprise Fund 330**

Revenues		
Fund Balance		30,400
Total Revenue		30,400
 Appropriations		
Water & Power		
330-45-301-2900-42033-PW520	Service Center Phase III	30,400
Total Appropriations		30,400

**Supplemental Budget
2012 New Capital Projects and Operations
Storm Water Enterprise Fund 345**

Revenues		
Fund Balance		1,100,000
Total Revenue		1,100,000
 Appropriations		
Public Works		
345-23-280-0000-47120-GF1107	Transfers to Capital Projects - Service Center	1,100,000
Total Appropriations		1,100,000

**Supplemental Budget
2012 New Capital Projects and Operations
Solid Waste Enterprise Fund 360**

Revenues		
Fund Balance		600,000
Total Revenue		600,000
 Appropriations		
Public Works		
360-23-270-0000-47120-GF1107	Transfers to Capital Projects - Service Center	300,000
360-23-271-0000-47120-GF1107	Transfers to Capital Projects - Service Center	180,000
360-23-272-0000-47120-GF1107	Transfers to Capital Projects - Service Center	120,000
Total Appropriations		600,000

**Supplemental Budget
2012 New Capital Projects and Operations
Fleet Internal Service Fund 500**

Revenues		
Fund Balance		1,035,000
Total Revenue		1,035,000
Appropriations		
Public Works		
500-23-260-0000-47120-GF1206	Transfers to Capital Projects - Vehicle Wash	1,000,000
500-23-260-0000-47501	Transfers to Fleet Management	35,000
Total Appropriations		1,035,000

Vehicle Maintenance Internal Service Fund 501

Revenues		
501-00-000-0000-37500	Transfers from Fleet Fund	35,000
Total Revenue		35,000
Appropriations		
Public Works		
501-23-261-0000-48240	Diesel Emission Fluid Dispensing System - Capital	15,000
501-23-261-1903-48240	Shared Construction Pool GPS - Capital	5,000
501-23-261-1903-48240	Grant Match: Electric Vehicles, Charging Stations - Capital	15,000
Total Appropriations		35,000

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

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

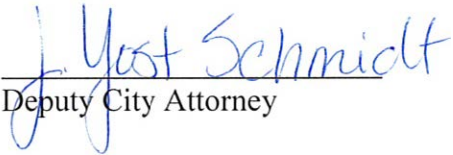
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

**CITY OF LOVELAND****BUDGET DIVISION**

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

TO: City Council

THROUGH: Bill Cahill, City Manager
Brent Worthington, Finance Director

FROM: John Hartman, Budget Officer

DATE: April 2, 2013

RE: Staff Report on New Projects

Since the adoption of the 2013 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is \$5.58 million. The appropriation is funded by \$5.56 million of fund balance and \$13,390 of federal grant revenue.

One project, the Service Center Phase 3 Expansion including the new vehicle wash facilities, is the over 92% of the total at 4.88 million, with 3.88 million of additional funding for the expansion and \$1 million in additional funding for vehicle wash facilities. In the 2013 adopted Budget \$5.9 million for the new building and grounds and \$600,000 for the wash facilities. After the initial concept was completed, the cost estimate was significantly increased. In November staff presented the concept of the project to Council and received direction to proceed. With this ordinance the total budget for the Service Center Expansion is \$9.8 million and the total for the new wash facilities is \$1.6 million, for total expenses on the site of \$11.4 million. The expanded facility will house most of the Public Works Department staff.

The other significant projects in the ordinance are funding for the Information Technology Department to develop a Technology Strategic Plan, and funding for the development of the new CEF concept and capital facilities planning.

Within the General Fund, total appropriations are \$572,750, primarily funded by unassigned fund balance.

The following pages provide explanations and the funding sources for all of the items included in the ordinance.

New Projects Appropriated

Public Works Department – Service Center Expansion, Additional Appropriation - \$3,880,000

Additional funding requested for expansion of the Service Center to include the housing of Streets, Stormwater, and Solid Waste as well as providing additional storage and meeting space. Significant site improvements for stormwater handling are also included. New vehicle wash facilities are also planned, but in a simultaneous, separate project as noted below. The final scope of the project was presented to Council in a study session on November 13, 2012.

Funding sources for the project consist of contributions from General Government CEFs, \$2.1 million; the Stormwater Enterprise, \$1.1 million; Solid Waste Enterprise, \$600,000; and the Water & Power enterprises, \$80,000. This funding is in addition to \$5.9 million already appropriated for the project in 2013 bringing the total budgeted for the project to \$9.8 million.

Public Works Department – New Vehicle Wash - \$1,000,000

Additional funding requested for construction of a new vehicle wash and muck-out bays at the Service Center. The final scope of the project was presented to Council in a study session on November 13, 2012 as part of the Service Center expansion. The vehicle wash portion of construction has been broken out into its own capital project. This funding is in addition to \$600,000 already appropriated for the project, bringing the total project budget to \$1.6 million.

The funding source is Fleet Replacement Fund balance.

Non-Departmental Department – Capital Facilities Plan and CEF fee Updates - \$210,000

Council direction to change the methodology for calculating Capital Expansion Fees to a plan based cost will require a significant amount of effort to develop a Capital Facilities plan for all the departments. The funding requested is for the consulting costs and public process costs that will be required to develop or update existing plans.

The funding sources are General Fund balance and CEF funds balance.

Information Technology Department – Strategic Plan Development - \$105,000

Funding requested for professional consulting services to assist in developing an I.T. strategic plan. The objective is to create a well-documented plan to guide the City over the next three to five years in managing the current and future technology investments and resources. The funding is for consulting services to gather the necessary data on City needs, and write the strategic and implementation plans. The tentative completion date is the fourth quarter of 2013. The previous IT Business Plan was developed in 2004 and is need of updating due to the technological changes over that time.

The funding source is General Fund balance.

Non-Departmental – Fire Authority Community Safety Division Lieutenant - \$99,600

Funding requested for the City's share (82%) of a new position in the Fire Authority for managing business and safety inspections.

The funding source is General Fund balance.

Economic Development Department – Leslie the Cleaner Site Improvements - \$50,000

Funding requested for sidewalks, landscaping, and art installation on the former Leslie the Cleaner site. This funding is in addition to \$500,000 (\$313,000 in grants and \$187,000 in City funds) spent or re-appropriated for site demolition and remediation.

The funding source is General Fund balance.

Police Department – Front Range Gun Club Shooting Range - \$36,000

Funding requested for payment to the Front Range Gun Club for Police use of their shooting range.

The funding source is General Fund balance.

Police Department – Larimer County Humane Society Payment - \$35,300

Funding requested to increase the amount paid to the Larimer County Humane Society for providing animal protection and control services.

The funding source is General Fund balance.

Loveland Public Library - Materials and Supplies - \$35,010

Reappropriation of gifts and donations received in 2012 for books and materials and other supplies.

The funding source is donations to the Library.

Fire Authority – Capital Projects - \$28,250

Reappropriation of funds approved in 2012 for capital projects including:

- 800 MHz Radio Channel - \$21,800; and
- Logo Replacement - \$6,450.

The funding source is General Fund balance.

Police Department – Larimer County Sheriff Warrant Position Share - \$28,000

Funding requested to pay for warrant handling services provided under an intergovernmental agreement by the Larimer County Sheriff's Office. In prior years, this service was provided by the Sheriff without charge.

The funding source is General Fund balance.

Executive Department, City Clerk – Electronic Agenda Management - \$25,000

Funding requested for a software agenda management solution expected to tie-in with the live streaming video for Council meetings already planned for 2013.

The funding source is General Fund balance.

Cultural Services Department –Collections Storage Relocation - \$20,000

Funding requested to provide non-benefitted salary, supplies, shelving, and moving services in the Museum Division to relocate items currently stored in the Home State Bank building, which is scheduled for demolition as a part of the Brinkman North Catalyst project.

The funding source is General Fund balance.

Public Works Department – Diesel Emission Fluid Dispensing System - \$15,000

Additional funding requested in the Fleet Management Division for a new diesel emission fluid dispensing system. Based on bids received by the City, costs are expected to be between \$35,000 and \$40,000 rather than the \$25,000 originally anticipated.

The funding source is Fleet Replacement Fund balance. This funding is in addition to \$25,000 requested to be rolled over from the Fleet Replacement Fund's 2012 budget.

Public Works Department – Colorado Energy Grant Match - \$15,000

Funding requested by the Fleet Management Division to provide a 20% grant match for \$75,000 in Department of Energy grant funds for electric vehicles and charging stations. Funding is required to be identified in order to secure the grant. Absent a grant award, no funds from this appropriation will be expended.

The funding source is Fleet Replacement Fund balance.

Police Department – Overtime - \$13,390

Funding requested to increase the amount available for Police overtime.

The funding source is Federal Justice Assistance Grant.

Police Department – Vehicle Upgrade for Bomb Unit - \$11,200

Funding requested to cover the costs necessary to equip a police vehicle for service as a bomb unit.

The funding source is General Fund balance.

Development Services Department, Building Division – Management and Plan Review Training - \$7,000

Funding requested to provide continuing education needed by the Chief Building Official and plan review cross-training for a division employee.

The funding source is General Fund balance.

Public Works Department – Shared Construction Equipment Pool GPS - \$5,000

Funding requested by the Fleet Management Division to enable tracking of equipment usage in a new shared construction pool. The funds are for AVL/GPS hardware and airtime costs and will be factored into rental rates charged to users of the shared equipment.

The funding source is Fleet Replacement Fund balance.

Police Department – Architectural Services - \$5,000

Funding requested to hire an architect for initial design work on a new Police shooting and driving facility.

The funding source is General Fund balance.

Development Services Department, Building Division – Triennial Building Code Revisions - \$4,000

Funding requested to provide for the purchase of five building code manual sets, which are printed with revisions on a three year cycle.

The funding source is General Fund balance.



CITY OF LOVELAND
LOVELAND PUBLIC LIBRARY

Civic Center • 300 North Adams • Loveland, Colorado 80537
(970) 962-2665 • FAX (970) 962-2905 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 5/7/2013
TO: City Council
FROM: Marcia Lewis, Library Department
PRESENTER: Marcia Lewis

TITLE:

Public Hearing and Consideration of an Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to The 2013 City Of Loveland Budget for a Contribution from the United Way of Larimer County for the Summer Literacy Program

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 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 ordinance appropriates a contribution of \$3,000 from the United Way of Larimer County to the Loveland Public Library.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

The contribution provides additional funding for the Summer Literacy Program.

SUMMARY:

The United Way of Larimer County awarded funding in the amount of \$3,000 through the Smart Start for Kids Summer Literacy grant opportunity for Summer 2013. The grant will encourage children to read through the summer, as it will promote the Library's summer reading program and provide books as incentives and prizes.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

Funding letter from United Way of Larimer County/Library's Proposal

FIRST READING May 7, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR A CONTRIBUTION FROM THE UNITED WAY OF LARIMER COUNTY FOR THE SUMMER LITERACY PROGRAM

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$3,000 from a contribution from the United Way of Larimer County in the General Fund 100 are available for appropriation. Revenues in the total amount of \$3,000 are hereby appropriated for Summer Reading Program and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

100-53-753-0000-35305-LBUWLC	Gifts/Donations	3,000
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Total Revenue	3,000
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Appropriations

100-53-753-0000-42899-LBUWLC	Other Supplies	3,000
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Total Appropriations	3,000
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

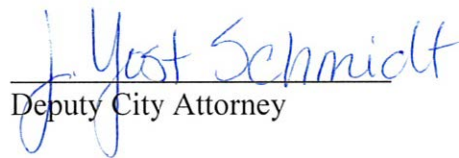
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

Greetings,

United Way of Larimer County ("UWLC") is pleased to announce that Loveland Public Library (the "Agency") has been approved for funding in the amount of \$3,000 through the Smart Start for Kids Summer Literacy grant opportunity for Summer 2013.

Smart Start for Kids is a United Way of Larimer County initiative that supports proven programs and strategies that ensure all children enter school ready to learn, and are reading at grade level by the end of third grade.

Poudre, Thompson and Estes Park school districts have all identified summer slide as a significant barrier to academic success. Students returning to school in the fall perform on average one month behind where they left off in the spring and the impact is even more pronounced for students living in poverty. The purpose of the 2013 Smart Start for Kids Summer Literacy Mini Grants is to provide financial resources to help build capacity by either enhancing academic programming or expanding the number of children served within select local summer literacy programs.

This Contract establishes the terms and conditions under which UWLC will provide an investment of United Way of Larimer County dollars to the Agency for the purposes outlined in this Agreement.

Please read all the details of this agreement below and affirm your acceptance of it by signing and returning one original copy and all supporting documents by April 12, 2013 to United Way of Larimer County.

The Agency understands and agrees that UWLC funding is contingent upon the Agency signing this Contract. Agency commits to provide excellent services to achieve the outcomes and benefits submitted in the proposal.

1. Agency Agreements:

1.1. Agency agrees to provide the following documentation to United Way of Larimer County by April 12, 2013.

A. Electronic Funds Transfer Authorization Form

B. Audit (*only needed if agency has had a new audit since last submitted to UWLC or if this is the first time agency has received funds from UWLC.)

C. IRS Form 990/990EZ (*MUST SUBMIT an IRS Form 990/990EZ unless your organization is a church or other house of worship, and thus not required by the IRS to file a return. This exemption DOES NOT apply to general faith-based nonprofit service organizations.)

D. Organization Operating Budget

E. Patriot Act Compliance

F. IRS Determination Letter

G. Certificate of Good Standing

1.2. Agency agrees to provide the services outlined in the Agency proposal and any other documents presented to UWLC in order to achieve the outputs, outcomes and benefits outlined in the Agency proposal.

1.3. Agency agrees to submit a final report as outlined in the Agency proposal at the completion of the summer program. Final report will reflect program results including the pre and post reading assessments of program participants. Successful programs are defined as ones that demonstrate reading levels were maintained or increased during the summer months.

2. UWLC Agreements:

2.1. UWLC agrees to make a one-time Electronic Funds Transfer payment in the amount stipulated in this contract no later than June 1st.

2.2. UWLC agrees to collect reporting information from agency participants and share the measureable results.

The parties listed below have read and understand the terms of this Contract as indicated by their signature.

United Way of Larimer County, Inc.

Signature: _____

Gordan Thibedeau

President & CEO

Date: 4/2/2013

Agency: City of Loveland

Signature: Marcia M Lewis

Printed Name: Marcia M Lewis

Title: Library Director

Date: April 11, 2013

APPROVED AS TO FC

BY: [Signature]
ASSISTANT CITY ATTORNEY

United Way - Smart Start for Kids Summer Literacy Mini Grant

- Please Select One of the Following:* Proposal Alignment: Which initiative(s) and community outcome(s) does your proposal address? **Initiative:** School Readiness **Community Outcome:** Third grade students are reading proficiently Which key strategy/ strategies does it utilize? * **Key Strategies:**
 - Early learning and literacy
 - Encouraging children to read through the summer so that they will maintain and/or gain in terms of reading skills by the time school starts in the fall.
- Target Population Served: Whom do you serve? Be specific in reference to the demographics, size of the target population, and number of participants. (10 points)* Through the Children's Division at the Loveland Public Library, we serve young children from birth to the age of 10 and their caregivers. One of the major programs we offer is a Summer Reading Program. The purpose of the program is to keep children reading during the summer months when a regression in reading skills tends to occur. During the summer of 2012, we enrolled 1672 children in our Summer Reading program which included ages 0 – 10 or 5th grade. A sizeable number of these children were enrolled in private schools or were homeschooled. Thompson School District's enrollment for the grant's target group (pre-K through 2nd grade) for the current school year is 4250. According to TSD's numbers, the district's total enrollment for the 2012-2013 school year, counting the 12 early childhood centers and 20 elementary schools, is 7785. The conclusion is that we can and should be reaching a lot more students with this reading incentive program. It is our intention, for this first year, to target the early childhood centers, elementary schools, and summer community free lunch sites within about a 3 mile radius of the library. (This population is more likely to use the Loveland Public Library after the Summer Reading Program has concluded as opposed to libraries in Fort Collins, Berthoud or other surrounding communities.) The goal is to interact with the 1670 children (Pre-K through grade 2) who attend public school in the area surrounding the library and double the number of participants in the Summer Reading Program.
- Statement of Need: Taking into account the target population and intended outcomes, identify the need you are addressing, using community data where possible. Include how you intend to use the funds. (20 points)*

Students who come from families where a parent does not worry about when, and if, the next paycheck will come, tend to perform better in school. They usually have a home library of books and access to more enrichment activities. While they may also suffer from a loss of reading skills over the summer, the loss is not as drastic and they tend to recover at a greater rate. Therefore, it makes sense to offer a Summer Reading Program to all students but we should especially target those students from low-income families.

TSD reported the following enrollments for the current school year: The 12 Early Childhood Centers have 617 students - with 63% on free/reduced lunch. There are 3633 K-2 students in the district - 42% are on free/reduced lunch.

It is our intention to use part of the funds to send an employee(s) to early childhood centers, elementary schools, and summer community free lunch sites within a 3 mile radius of the library. This would involve adding hours to employed staff members' schedules and would be above and beyond time spent providing programs and public service here at the library – where we are already stretched very thin in terms of coverage. The extra hours would be devoted to these sites:

minimum amount of time would amount to spending 5 hours per month with a book, however, many of our children report spending much more time once they get started.

During the summer, we offer a wide variety of enrichment programs for children and their caregivers here at the library - all free of charge. We have 6 Humpty Dumpty lapsit programs to introduce babies and caregivers to the joy of interacting with books and other literacy activities; 7 toddler and preschool story times featuring music, movement, stories and crafts; and weekly classes for elementary children featuring a variety of activities and most focused on the theme of this year's summer reading program - Dig Into Reading. We also have an outreach librarian who provides weekly programs for children enrolled in the Chilson Day Camp and children at Maple Terrace - a low-income housing development that is part of the Loveland Housing Authority.

Another popular program we take on in the summer is our Traveling Storyteller in the Parks in which one of our librarians takes story time out into the parks around Loveland 5 days a week during June and July. In addition, we sponsor four free family programs (2 in June and 2 in July) at the Foote Lagoon.

Let me say once again, all of these programs are provided at no cost to participants. We rely on grants and donations from area businesses to fund not only these programs but to help purchase thousands of books to give away. The Friends of the Loveland Public Library is our biggest donor but we also count on Poudre Valley Health System Foundation to donate money for books. Many organizations and volunteers donate their time...The folks at Larimer County Natural Resources have been great partners for programs. This year we look forward to working with the Larimer County Master Gardeners, Loveland Youth Gardeners, and the Larimer County Humane Society.

It is our overall program goal to instill a love of reading - by exposing children from birth to quality early literacy experiences and encouraging them as they grow to keep expanding horizons and challenging themselves to grow through literature.

- Evaluation: Describe your organization's on-going evaluation activities as it relates to this application. Explain what pre and post reading assessment will be used to demonstrate the program effectiveness. Successful programs are defined as ones that demonstrate reading levels were maintained or increased during the summer months. (10 points)*

Unlike teachers in schools, we really don't have a way to administer pre and post tests on our participating children to determine if they maintained or increased their reading levels over the summer. Privacy concerns prohibit the library from gathering or disseminating data on individual children. We do ask for some basic information when children register - age, grade, school, etc. For this program evaluation we do have a number of analytic tools that we can use to compare this summer's data to that gathered from 2012 and also use as baseline data as we go forward:

1. a breakdown by school as well as grade/age of participants
2. the number of hours children spent reading per month
3. completion rates for either month of the program

In addition, we would develop and administer upon completion of the program:

1. a short questionnaire regarding the perceived effects of participation in the Summer Reading Program on reading skills and attitudes toward reading to be completed by caregivers and/or participants
2. cumulative program participation data to be sent to the teachers of pre-K through grade 3 classes at the targeted schools shortly after the start of school followed later by a short questionnaire as to their perception of the program's overall effectiveness.



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

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

AGENDA ITEM: 10
MEETING DATE: 5/7/2013
TO: City Council
FROM: Keith Reester, Public Works Department
PRESENTER: Keith Reester

TITLE:

Public Hearing and Consideration of an Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Transit Video Surveillance Project

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 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 ordinance appropriates a Federal Transit Authority Grant and the required local match for the video surveillance project.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

Federal Grant Funds are leveraged to purchase equipment for video surveillance on the transit buses.

SUMMARY:

City of Loveland Transit (COLT) is using grant funds to complete the installation of video camera recording devices on all buses.

This project is the second phase of an existing project to install video recording equipment in all COLT buses. Primary objectives of the installations are: passenger safety, driver safety, training, and risk management. There are existing policies in place on whom and when video surveillance tape is reviewed and these practices will continue with the new installations.

The project will cover 7 additional bus installations. The total project is expected not to exceed \$61,000.

In the 2013 Rollover, the following FTA 5309 funds (restricted to capital purchases) were committed to this project.

\$26,900 – FTA 5309 funds

\$6,730 – Local match

This appropriation supplements the 2013 Rollover with an additional \$41,210 to complete the project. The funds are excess FTA 5309 funds, from the recently completed electronic fare box installation project. This ordinance appropriates:

\$30,970 – FTA 5309 funds

\$ 10,240 - Local match

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING May 7, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR THE TRANSIT VIDEO SURVEILLANCE PROJECT

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and reserves in the amount of \$30,970 from a Federal Transit Authority Grant and \$10,240 from General Fund balance in the Transit Fund 105 are available for appropriation. Revenues in the total amount of \$41,210 are hereby appropriated for the video surveillance project and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Transit Fund 105**

Revenues

105-23-234-0000-37100	Transfers from the General Fund	10,240
105-23-234-0000-32004	5309 Transit Grant	30,970

Total Revenue		41,210
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Appropriations

105-23-234-0000-48240	Video Surveillance and Schedule Software	41,210
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Total Appropriations		41,210
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

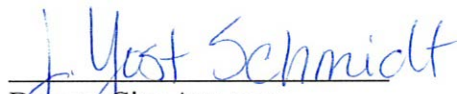
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
WATER & POWER DEPARTMENT
200 North Wilson • Loveland, Colorado 80537
(970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

AGENDA ITEM: 11
MEETING DATE: 5/7/2013
TO: City Council
FROM: Steve Adams, Water and Power Department
PRESENTER: Russel Jentges, Senior Electrical Engineer

TITLE:

A Resolution Approving an Intergovernmental Agreement between the City of Loveland, Colorado and Platte River Power Authority for Substation Maintenance

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution.

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 to approve an intergovernmental agreement with Platte River Power Authority (PRPA) for Substation Maintenance.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The funds to be committed are \$250,000, which have been appropriated and are available in the 2013 Water & Power Budget.

SUMMARY:

On September 22, 2008, the City of Loveland and PRPA entered into an intergovernmental agreement (IGA) to define maintenance responsibilities for Loveland's Substations. On January 31, 2013, the PRPA substation technician who performed the maintenance on the Loveland Substations retired. PRPA and Water and Power Department staff met to determine how to fill the void due to this retirement. During these discussions, PRPA and Water and Power Department staff concluded that a new IGA was needed to better define the current roles of

both entities in maintaining Loveland's substations. The new IGA is very similar to the previous IGA, with minor changes to Exhibit A and the addition of Exhibit B. All of the changes are technical in nature and are intended to reflect the entities' current staffing and technical capabilities. A redline draft of the new IGA highlighting the changes made to the original IGA is attached to this coversheet.

It is anticipated that, due to future staffing and technical changes, Exhibit B may need be revised from time-to-time. Both the Resolution and IGA delegate authority to the Director of Water & Power to negotiate and approve changes to Exhibit B in the future on an as-needed basis, without further action by the City Council.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

Intergovernmental Agreement for Substation Maintenance (Exhibit A to Resolution)

Redline draft of Intergovernmental Agreement for Substation Maintenance

RESOLUTION #R-28-2013

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND PLATTE RIVER POWER AUTHORITY FOR SUBSTATION MAINTENANCE

WHEREAS, the City of Loveland (“City”) desires to hire Platte River Power Authority (“Platte River”) to perform certain substation maintenance services, and Platte River desires to provide those services to the City; and

WHEREAS, as governmental entities in Colorado, the City and Platte River are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement for Substation Maintenance, attached hereto as Exhibit A and incorporated herein by reference (“Intergovernmental Agreement”), is hereby approved.

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

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

Section 4. That the Director of Water and Power is hereby authorized to negotiate changes to Exhibit B to the Intergovernmental Agreement and execute a revised Exhibit B on behalf of the City.

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

ADOPTED this 7th day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Shawn L. Oltus
Assistant City Attorney

INTERGOVERNMENTAL AGREEMENT FOR SUBSTATION MAINTENANCE

THIS INTERGOVERNMENTAL AGREEMENT FOR SUBSTATION MAINTENANCE ("Agreement") is made and entered into this ____ day of May, 2013, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality ("Loveland"), and PLATTE RIVER POWER AUTHORITY, a political subdivision organized and existing under and by virtue of the laws of the State of Colorado ("Platte River").

WHEREAS, Loveland desires to hire Platte River to perform substation maintenance work as set forth in this Agreement; and

WHEREAS, Platte River desires to provide those services to Loveland; and

WHEREAS, as governmental entities in Colorado, Loveland and Platte River are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

1. Services. Loveland agrees to retain Platte River to provide substation maintenance work as more specifically set forth in Exhibits A and B, attached hereto and incorporated herein by reference ("Services"), and Platte River agrees to so serve. Platte River warrants and represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein.

2. Compensation. Loveland agrees to pay Platte River in accordance with Exhibit A. Loveland shall make payment upon receipt and approval of invoices submitted by Platte River, which invoices shall identify the Services performed for which payment is requested.

3. Term. The Term of this Agreement shall be from the date first written above until terminated as provided in Paragraph 10 below.

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

5. Monitoring and Evaluation. Loveland reserves the right to monitor and evaluate the progress and performance of Platte River to ensure that the terms of this Agreement are being satisfactorily met in accordance with Loveland's and other applicable monitoring and evaluating criteria and standards. Platte River shall cooperate with Loveland relating to such monitoring and evaluation.

6. Independent Contractor. The parties agree that Platte River shall be an independent contractor and shall not be an employee, agent, or servant of Loveland.

7. Insurance Requirements.

a. Comprehensive General Liability Insurance. Platte River shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Platte River against any liability for personal injury, bodily injury, or death arising out of the performance of the Services with at least One Million Dollars (\$1,000,000) each occurrence.

b. Comprehensive Automobile Liability Insurance. Platte River shall procure and keep in force during the duration of this Agreement a policy of comprehensive automobile liability insurance insuring Platte River against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by Platte River which are used in connection with the Project, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least One Million Dollars (\$1,000,000).

c. Terms of Insurance. Insurance required by this Agreement shall be with companies satisfactory to Loveland and may provide for deductible amounts as Platte River deems reasonable for the Services. No such policies shall be cancelable or subject to reduction in coverage limits or other modification except after thirty (30) days prior written notice to Loveland. Platte River shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Platte River changes to "occurrence," Platte River shall carry a six (6)-month tail. Platte River shall not do or permit to be done anything that shall invalidate the policies.

d. Workers' Compensation and Other Insurance. During the term of this Agreement, Platte River shall procure and keep in force workers' compensation insurance and all other insurance required by any applicable law.

e. Evidence of Coverage. Upon request, Platte River shall furnish to Loveland certificates of insurance policies evidencing insurance coverage required by this Agreement.

f. Subcontracts. Platte River shall contract only with entities capable of performing the work for which they are retained. Platte River shall require all subcontractors to carry adequate levels of insurance and to name Loveland as an additional insured under the required policies. In addition, all contracts between Platte River and subcontractors for work under this Agreement shall name Loveland as a third party beneficiary of such contracts.

g. Property Insurance. Loveland shall maintain adequate property insurance, which insurance shall provide a waiver of subrogation in favor of Platte River. Upon request, Loveland shall provide documentation to Platte River confirming the existence of said property insurance with the waiver of subrogation language.

8. Indemnification. To the extent permitted by law, Platte River hereby covenants and agrees to indemnify, save, and hold harmless Loveland, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any gross negligence or intentional misconduct of Platte River, its officers, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

9. Limitations of Liability. In recognition of the nature of the compensation received for the Services rendered by Platte River under this Agreement, in no event will Platte River be liable to Loveland for any claim for damage to property of Loveland, whether such claim is in contract or tort, except as provided in Paragraph 8, above. IN NO EVENT WILL PLATTE RIVER BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, OR PUNITIVE DAMAGES.

10. Termination.

a. Generally.

(i) Loveland may terminate this Agreement without cause if it determines that such termination is in Loveland's best interest. Loveland shall effect such termination by giving written notice of termination to Platte River, specifying the effective date of termination, at least thirty (30) calendar days prior to the effective date of termination. In the event of such termination by Loveland, Loveland shall be liable to pay Platte River for Services performed as of the effective date of termination, but shall not be liable to Platte River for anticipated profits. Platte River shall not perform any additional Services following receipt of the notice of termination unless otherwise instructed in writing by Loveland.

(ii) Platte River may terminate this Agreement without cause if it determines that such termination is in Platte River's best interest. Platte River shall effect such termination by giving written notice of termination to Loveland, specifying the effective date of termination, at least sixty (60) calendar days prior to the effective date of termination.

b. For Cause. If, through any cause, Platte River fails to fulfill its obligations under this Agreement in a timely and proper manner, violates any provision of this Agreement, or violates any applicable law, and does not commence correction of such nonperformance or violation within seven (7) calendar days of receipt of written notice and diligently complete the correction thereafter, Loveland shall have the right to terminate this Agreement for cause immediately upon written notice of termination to Platte River. In the event of such termination by Loveland, Loveland shall be liable to

pay Platte River for Services performed as of the effective date of termination, but shall not be liable to Platte River for anticipated profits. Platte River shall not perform any additional Services following receipt of the notice of termination.

11. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*

12. Survival Clause. The “Indemnification” provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

13. Entire Agreement. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. This Agreement is for the benefit of the parties, and there is no third party or other intended beneficiaries to this Agreement.

14. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

15. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

16. Notices. Written notices required under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to Loveland:	Director of Water & Power City of Loveland 200 N. Wilson Avenue Loveland, CO 80537
-----------------	---

If to Platte River:	General Manager Platte River Power Authority 2000 East Horsetooth Road Fort Collins, CO 80525
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17. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado. In addition, the parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon Loveland by its Charter and Municipal Code, and, subject to such constraints, the parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision

in this Agreement to the contrary, in no event shall either of the parties hereto exercise any power or take any action which shall be prohibited by applicable law.

18. Counterparts. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LOVELAND, COLORADO

By: _____
Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

PLATTE RIVER POWER AUTHORITY

By: _____

Title: _____

ATTEST:

Assistant Secretary

EXHIBIT A

Scope of Services

Platte River shall provide substation maintenance work at Loveland's substations (the "substations"). This Exhibit A describes in general the work responsibilities that Platte River will assume, the manner in which those responsibilities will be performed, and the administrative activities that will support this work.

Staffing

Platte River will:

- Employ adequate staff to perform substation maintenance at the substations. These employees may have other job responsibilities in addition to their responsibilities under this Agreement.
- Platte River will identify a lead person on its staff to coordinate the work between Platte River and Loveland.

Scope of Work

Platte River will:

- Complete substation maintenance tasks as outlined in **Exhibit B**
- Provide substation engineering design support for all new capital projects and engineering support needed to solve existing equipment problems.
- Provide staffing to support substation construction projects.

Loveland will:

- Complete substation maintenance tasks as outlined in **Exhibit B**

Administrative Support

Platte River will:

- Document all work completed through work orders initiated in its maintenance management system. Copies of these documents shall be made available to Loveland upon request.
- Coordinate any planned outages with Loveland staff.
- Provide a single point of contact for Loveland staff for distribution system coordination.
- Make available Platte River staff to meet with Loveland staff to coordinate substation activities with other distribution system activities.
- Arrange coordination meetings with Loveland staff as needed to make sure that Platte River substation maintenance work on behalf of Loveland is being planned and coordinated appropriately.
- Provide updates to any drawings that need to be changed as a result of any Platte River work in the substations.
- Request Loveland's approval for any parts that are needed to repair Loveland's equipment that exceeds \$1,000 for either a single part or the aggregate cost of multiple parts, which approval shall not be unreasonably withheld.

Loveland will:

- Provide access to any substation equipment drawings necessary to perform the work described in this Agreement.
- Provide the use of any specialized substation maintenance equipment or spare parts that remain in Loveland's possession.
- Provide first response call-out for any substation problems (with Platte River providing back-up during vacations or illnesses).

ReimbursementPlatte River will:

- Provide a monthly invoice for work performed for Loveland. This invoice will be based on the time spent by Platte River staff on Loveland substation work, as documented through work orders that will be available for Loveland's review, and the cost of any parts purchased on behalf of Loveland. Vehicle costs and the costs of any unique equipment necessary for the performance of the Services will be included.
- Use a billing rate for its staff that consists of direct pay and benefits. No Platte River administrative costs will be billed to Loveland.
- Loveland acknowledges that the billing rate may change during the term of this Agreement.

Loveland will:

- Pay invoices submitted by Platte River on a timely basis.

<u>Task Description</u>	<u>Responsibility</u>	<u>Department</u>	<u>Company Contact</u>
RTU control wiring	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Install/remove switchgear breakers	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Switchgear breaker maintenance	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Install/remove ground breakers	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Install/remove main switchgear breakers	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Main switchgear breaker maintenance	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Switchgear breaker control wiring	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Trouble shoot switchgear breakers	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Test and maintain substation transformers	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
LTC maintenance	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Protective Relays-program, test and maintain	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Change relay settings	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Trouble shoot LTC	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Protective Relay control wiring	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Trouble shoot relays	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Test and maintain the substation batteries	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Switching in substations-Distribution side	Platte River	Platte River Maintenance	Substation Maintenance Supervisor
Update & maintain substation one-lines	Platte River	Platte River Engineering	System Engineering Manager
Protective Relays-generate and coordinate settings	Platte River	Platte River Engineering	System Engineering Manager
Programming substation RTU's	Platte River	Platte River Engineering	System Engineering Manager
Maintain substation RTU's	Platte River	Platte River Engineering	System Engineering Manager
Trouble shoot substation RTU's	Platte River	Platte River Engineering	System Engineering Manager
Install/remove substation RTU's	Platte River	Platte River Engineering	System Engineering Manager
Programming Power Monitors	Loveland	Loveland Engineering	SR Electrical Engineer
Provide the care and upkeep of the control buildings	Loveland	Loveland Power Operations	Power Operations Supervisor
Upload Substation data to Loveland network	Loveland	Loveland Engineering	SR Electrical Engineer
Programming Beckwith LTC controller	Loveland	Loveland Engineering	SR Electrical Engineer

<u>Task Description</u>	<u>Responsibility</u>	<u>Department</u>	<u>Company Contact</u>
Relay downloads (load and historical information)	Loveland	Loveland Power Operations	Power Operations Supervisor
Power Monitor downloads	Loveland	Loveland Power Operations	Power Operations Supervisor
Supervises waste management with portable toilet cleaning	Loveland	Loveland Power Operations	Power Operations Supervisor
SCADA Alarms	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA Issues	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA-add points	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA-adjust points	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA system backup	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA operator certification and testing	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA system updates (software, firmware, anti-virus, etc)	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA computer maintenance	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA-maintain server	Loveland	Loveland Engineering	SR Electrical Engineer
SCADA-electronic and physical security	Loveland	Loveland Engineering	SR Electrical Engineer
Subnet Backup at 7 substations	Loveland	Loveland Engineering	SR Electrical Engineer
Subnet network updates	Loveland	Loveland Engineering	SR Electrical Engineer
Subnet-maintain computers	Loveland	Loveland Engineering	SR Electrical Engineer
Trouble shooting capacitor banks	Loveland	Loveland Power Operations	Power Operations Supervisor
Capacitor bank downloads	Loveland	Loveland Power Operations	Power Operations Supervisor
Programming overhead reclosers	Loveland	Loveland Engineering	SR Electrical Engineer
Programming capacitor banks	Loveland	Loveland Engineering	SR Electrical Engineer

Upon mutual agreement, the parties may modify the engineering and maintenance responsibilities set forth in this Exhibit B. If Exhibit B is modified, a new Exhibit B will be substituted. The new Exhibit B will be executed by both the General Manager of Platte River Power Authority and Director of Water and Power of the City of Loveland, and will include a revised effective date.

Effective Date: May ____, 2013.

INTERGOVERNMENTAL AGREEMENT FOR SUBSTATION MAINTENANCE

THIS INTERGOVERNMENTAL AGREEMENT FOR SUBSTATION MAINTENANCE ("Agreement") is made and entered into this ____ day of _____, ~~2008~~ May, 2013, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality ("Loveland"), and PLATTE RIVER POWER AUTHORITY, a political subdivision organized and existing under and by virtue of the laws of the State of Colorado ("Platte River").

WHEREAS, Loveland desires to hire Platte River to perform substation maintenance work as set forth in this Agreement; and

WHEREAS, Platte River desires to provide those services to Loveland; and

WHEREAS, as governmental entities in Colorado, Loveland and Platte River are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

1. Services. Loveland agrees to retain Platte River to provide substation maintenance work as more specifically set forth in ~~Exhibit~~ Exhibits A and B, attached hereto and incorporated herein by reference ("Services"), and Platte River agrees to so serve. Platte River warrants and represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein.

2. Compensation. Loveland agrees to pay Platte River in accordance with Exhibit A. Loveland shall make payment upon receipt and approval of invoices submitted by Platte River, which invoices shall identify the Services performed for which payment is requested.

3. Term. The Term of this Agreement shall be from the date first written above until terminated as provided in Paragraph 10 below.

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

5. Monitoring and Evaluation. Loveland reserves the right to monitor and evaluate the progress and performance of Platte River to ensure that the terms of this Agreement are being satisfactorily met in accordance with Loveland's and other applicable monitoring and evaluating criteria and standards. Platte River shall cooperate with Loveland relating to such monitoring and evaluation.

6. Independent Contractor. The parties agree that Platte River shall be an independent contractor and shall not be an employee, agent, or servant of Loveland.

7. Insurance Requirements.

a. Comprehensive General Liability Insurance. Platte River shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Platte River against any liability for personal injury, bodily injury, or death arising out of the performance of the Services with at least One Million Dollars (\$1,000,000) each occurrence.

b. Comprehensive Automobile Liability Insurance. Platte River shall procure and keep in force during the duration of this Agreement a policy of comprehensive automobile liability insurance insuring Platte River against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by Platte River which are used in connection with the Project, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least One Million Dollars (\$1,000,000).

c. Terms of Insurance. Insurance required by this Agreement shall be with companies satisfactory to Loveland and may provide for deductible amounts as Platte River deems reasonable for the Services. No such policies shall be cancelable or subject to reduction in coverage limits or other modification except after thirty (30) days prior written notice to Loveland. Platte River shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Platte River changes to "occurrence," Platte River shall carry a six (6)-month tail. Platte River shall not do or permit to be done anything that shall invalidate the policies.

d. Workers' Compensation and Other Insurance. During the term of this Agreement, Platte River shall procure and keep in force workers' compensation insurance and all other insurance required by any applicable law.

e. Evidence of Coverage. Upon request, Platte River shall furnish to Loveland certificates of insurance policies evidencing insurance coverage required by this Agreement.

f. Subcontracts. Platte River shall contract only with entities capable of performing the work for which they are retained. Platte River shall require all subcontractors to carry adequate levels of insurance and to name Loveland as an additional insured under the required policies. In addition, all contracts between Platte River and subcontractors for work under this Agreement shall name Loveland as a third party beneficiary of such contracts.

g. Property Insurance. Loveland shall maintain adequate property insurance, which insurance shall provide a waiver of subrogation in favor of Platte River. Upon request, Loveland shall provide documentation to Platte River confirming the existence of said property insurance with the waiver of subrogation language.

8. Indemnification. To the extent permitted by law, Platte River hereby covenants and agrees to indemnify, save, and hold harmless Loveland, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any gross negligence or intentional misconduct of Platte River, its officers, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

9. Limitations of Liability. In recognition of the nature of the compensation received for the Services rendered by Platte River under this Agreement, in no event will Platte River be liable to Loveland for any claim for damage to property of Loveland, whether such claim is in contract or tort, except as provided in Paragraph 8, above. IN NO EVENT WILL PLATTE RIVER BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, OR PUNITIVE DAMAGES.

10. Termination.

a. Generally.

(i) Loveland may terminate this Agreement without cause if it determines that such termination is in Loveland's best interest. Loveland shall effect such termination by giving written notice of termination to Platte River, specifying the effective date of termination, at least thirty (30) calendar days prior to the effective date of termination. In the event of such termination by Loveland, Loveland shall be liable to pay Platte River for Services performed as of the effective date of termination, but shall not be liable to Platte River for anticipated profits. Platte River shall not perform any additional Services following receipt of the notice of termination unless otherwise instructed in writing by Loveland.

(ii) Platte River may terminate this Agreement without cause if it determines that such termination is in Platte River's best interest. Platte River shall effect such termination by giving written notice of termination to Loveland, specifying the effective date of termination, at least sixty (60) calendar days prior to the effective date of termination.

b. For Cause. If, through any cause, Platte River fails to fulfill its obligations under this Agreement in a timely and proper manner, violates any provision of this Agreement, or violates any applicable law, and does not commence correction of such nonperformance or violation within seven (7) calendar days of receipt of written notice and diligently complete the correction thereafter, Loveland shall have the right to terminate this Agreement for cause immediately upon written notice of termination to Platte River. In the event of such termination by Loveland, Loveland shall be liable to

pay Platte River for Services performed as of the effective date of termination, but shall not be liable to Platte River for anticipated profits. Platte River shall not perform any additional Services following receipt of the notice of termination.

11. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*

12. Survival Clause. The “Indemnification” provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

13. Entire Agreement. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. This Agreement is for the benefit of the parties, and there is no third party or other intended beneficiaries to this Agreement.

14. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

15. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

16. Notices. Written notices required under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to Loveland:	Director of Water & Power City of Loveland 200 N. Wilson Avenue Loveland, CO 80537
-----------------	---

If to Platte River:	General Manager Platte River Power Authority 2000 East Horsetooth Road Fort Collins, CO 80525
---------------------	--

17. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado. In addition, the parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon Loveland by its Charter and Municipal Code, and, subject to such constraints, the parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision

in this Agreement to the contrary, in no event shall either of the parties hereto exercise any power or take any action which shall be prohibited by applicable law.

18. Counterparts. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LOVELAND, COLORADO

By: _____
~~Eugene N. Pielin~~ Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

PLATTE RIVER POWER AUTHORITY

By: _____

Title: _____

ATTEST:

Assistant Secretary

EXHIBIT A

Scope of Services

Platte River shall provide ~~all~~ substation maintenance work ~~required~~ at Loveland's substations (the "substations"). This Exhibit A describes in general the work responsibilities that Platte River will assume, the manner in which those responsibilities will be performed, and the administrative activities that will support this work.

Staffing

Platte River will:

- Employ adequate staff to perform substation maintenance at the substations. These employees may have other job responsibilities in addition to their responsibilities under this Agreement.
- Platte River will identify a lead person on its staff to coordinate the work between Platte River and Loveland.

Scope of Work

Platte River will:

- ~~Assume responsibility for testing and maintenance of Loveland's transformers and load tap changers.~~
- ~~Maintain the switchgear at the substations.~~
- ~~Maintain the batteries at the substations.~~
- ~~Calibrate and repair relays at the substations (and recalculate and update relay settings if appropriate).~~
- ~~Provide the care and upkeep of the control buildings at the substations.~~
- ~~Provide a quarterly written summary documenting work completed for Loveland and plans for future work.~~
- ~~If requested and mutually agreed, maintain a spare parts inventory.~~
- Complete substation maintenance tasks as outlined in Exhibit B
- Provide substation engineering design support for all new capital projects and engineering support needed to solve existing equipment problems.
- Provide staffing to support substation construction projects.

Loveland will:

- Complete substation maintenance tasks as outlined in Exhibit B

Administrative Support

Platte River will:

- Document all work ~~done~~completed through work orders initiated in its maintenance management system. - Copies of these documents shall be made available to Loveland upon request.
- Coordinate any planned outages with Loveland staff.
- Provide a single point of contact for Loveland staff for distribution system coordination.

- Make available Platte River staff to meet with Loveland staff to coordinate substation activities with other distribution system activities.
- Arrange coordination meetings with Loveland staff as needed to make sure that Platte River substation maintenance work on behalf of Loveland is being planned and coordinated appropriately.
- Provide updates to any drawings that need to be changed as a result of any Platte River work in the substations.
- Request Loveland's approval for any parts that are needed to repair Loveland's equipment that exceeds \$1,000 for either a single part or the aggregate cost of multiple parts, which approval shall not be unreasonably withheld.

Loveland will:

- Provide access to any substation equipment drawings necessary to perform the work described in this Agreement.
- Provide the use of any specialized substation maintenance equipment or spare parts that remain in Loveland's possession.
- Provide first response call-out for any substation problems (with Platte River providing back-up during vacations or illnesses).

Reimbursement

Platte River will:

- Provide a monthly invoice for work performed for Loveland. This invoice will be based on the time spent by Platte River staff on Loveland substation work, as documented through work orders that will be available for Loveland's review, and the cost of any parts purchased on behalf of Loveland. Vehicle costs and the costs of any unique equipment necessary for the performance of the Services will be included.
- Use a billing rate for its staff that consists of direct pay and benefits. No Platte River administrative costs will be billed to Loveland.
- Loveland acknowledges that the billing rate may change during the term of this Agreement.

Loveland will:

- Pay invoices submitted by Platte River on a timely basis.

<u>Task Description</u>	<u>Responsibility</u>	<u>Department</u>	<u>Company Contact</u>
<u>RTU control wiring</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Install/remove switchgear breakers</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Switchgear breaker maintenance</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Install/remove ground breakers</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Install/remove main switchgear breakers</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Main switchgear breaker maintenance</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Switchgear breaker control wiring</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Trouble shoot switchgear breakers</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Test and maintain substation transformers</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>LTC maintenance</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Protective Relays-program, test and maintain</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Change relay settings</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Trouble shoot LTC</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Protective Relay control wiring</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Trouble shoot relays</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Test and maintain the substation batteries</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Switching in substations-Distribution side</u>	<u>Platte River</u>	<u>Platte River Maintenance</u>	<u>Substation Maintenance Supervisor</u>
<u>Update & maintain substation one-lines</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Protective Relays-generate and coordinate settings</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Programming substation RTU's</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Maintain substation RTU's</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Trouble shoot substation RTU's</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Install/remove substation RTU's</u>	<u>Platte River</u>	<u>Platte River Engineering</u>	<u>System Engineering Manager</u>
<u>Programming Power Monitors</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Provide the care and upkeep of the control buildings</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>Upload Substation data to Loveland network</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Programming Beckwith LTC controller</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>

<u>Task Description</u>	<u>Responsibility</u>	<u>Department</u>	<u>Company Contact</u>
<u>Relay downloads (load and historical information)</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>Power Monitor downloads</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>Supervises waste management with portable toilet cleaning</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>SCADA Alarms</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA Issues</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA-add points</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA-adjust points</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA system backup</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA operator certification and testing</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA system updates (software, firmware, anti-virus, etc)</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA computer maintenance</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA-maintain server</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>SCADA-electronic and physical security</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Subnet Backup at 7 substations</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Subnet network updates</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Subnet-maintain computers</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Trouble shooting capacitor banks</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>Capacitor bank downloads</u>	<u>Loveland</u>	<u>Loveland Power Operations</u>	<u>Power Operations Supervisor</u>
<u>Programming overhead reclosers</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>
<u>Programming capacitor banks</u>	<u>Loveland</u>	<u>Loveland Engineering</u>	<u>SR Electrical Engineer</u>

Upon mutual agreement, the parties may modify the engineering and maintenance responsibilities set forth in this Exhibit B. If Exhibit B is modified, a new Exhibit B will be substituted. The new Exhibit B will be executed by both the General Manager of Platte River Power Authority and Director of Water and Power of the City of Loveland, and will include a revised effective date.

Effective Date: May _____, 2013.



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

AGENDA ITEM: 12
MEETING DATE: 5/7/2013
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Kerri Burchett, Current Planning

TITLE:

1. A Resolution Concerning the Annexation to the City of Loveland, Colorado of a Certain Area Designated as the "Fire Station No. 2 Addition" More Particularly Described Herein, and Setting Forth Findings of Fact and Conclusions Based Thereon as Required by the State Constitution and State Statutes;
2. An Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Fire Station No. 2 Addition" to the City of Loveland; and
3. An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Fire Station No. 2 Addition" to the City of Loveland.

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and make the following motions for City Council action as recommended by the Planning Commission:

1. Move to adopt the resolution concerning the annexation of the Fire Station No. 2 Addition;
2. Move to adopt on first reading the ordinance annexing the Fire Station No. 2 Addition to the City of Loveland, subject to the Planning Commission condition set forth in Section III of the attached City Council staff memorandum dated May 7, 2013; and
3. Move to adopt on first reading the ordinance zoning the Fire Station No. 2 Addition to the City of Loveland R1-Developing Low Density Residential District;

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

- A legislative action to adopt a resolution and ordinance to annex 6.43 acres of City owned property to be known as the Fire Station No. 2 Addition; and
- A quasi-judicial action to zone the 6.43 acres to R1- Developing Low Density Residential District.

The property is located south of and adjacent to West 29th Street and approximately 900 feet west of North Wilson Avenue. The applicant is the City of Loveland Fire Rescue Authority.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

This proposal is to annex and zone a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to develop a new fire station that would replace the existing Fire Station #2 located on Taft Avenue in North Lake Park. The development of the fire station, which is currently in a conceptual stage, will require a special review application and a neighborhood meeting to provide an opportunity for public input. Special review applications can be approved administratively, with an appeal provision before the Planning Commission.

The Planning Commission held a public hearing to consider the request on March 25, 2013. At the hearing, four neighbors spoke in opposition, citing concerns with traffic, safety and declining property values. After considering the testimony, the Commission unanimously recommended approval of the annexation and zoning applications. The Commission also expressed interest in the City retaining the existing Fire Station #2 property for public and/or emergency service use.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution
 Ordinance for Annexation
 Ordinance for Zoning
 Staff Memorandum (listed as Exhibit 1)
 Planning Commission Staff Report (listed as Exhibits A, B & C)

RESOLUTION NO. R-29-2013**A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "FIRE STATION NO. 2 ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE STATE CONSTITUTION AND STATE STATUTES**

WHEREAS, on January 28, 2013, a Petition for Annexation was filed by the Loveland City Manager on behalf of the City of Loveland as the sole owner of the area described on **Exhibit A**, attached hereto and incorporated herein, which area is not solely a public street or right-of-way; and

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

WHEREAS, the City Council has determined that the area proposed to be annexed complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); that an election is not required under Section 30(1)(a) of Article II of the Colorado Constitution or under C.R.S. §31-12-107(2); and no additional terms and conditions are to be imposed.

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

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

A. The subject Petition for Annexation was signed by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area proposed to be annexed.

B. The area proposed to be annexed is not solely a public street or right-of-way.

C. The proposed annexation complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); no election is required under Section 30(1)(a) of Article II of the Colorado Constitution or under C.R.S. §31-12-107(2); and no additional terms and conditions are to be imposed.

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

E. The perimeter of the area proposed to be annexed within is 6,137.03 linear feet, of which 2,303.16 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

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

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

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

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

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

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

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

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

A. The proposed annexation of the area described on **Exhibit A** complies with and meets the requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and the applicable parts of C.R.S. §§31-12-104(1)(a) and 31-12-105.

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

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

APPROVED the 7th day of May, 2013

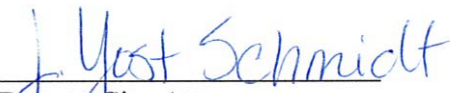
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Deputy City Attorney

EXHIBIT A**PROPERTY DESCRIPTION****FIRE STATION NO. 2 ADDITION**

Lot Two (2), Mehaffey Minor Land Division recorded December 19, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North $88^{\circ}33'21''$ East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North $88^{\circ}33'21''$ East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;

THENCE North $00^{\circ}14'45''$ East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North $88^{\circ}33'21''$ East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South $00^{\circ}07'20''$ West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South $00^{\circ}06'51''$ East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windemere Second Addition recorded March 26, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South $00^{\circ}06'51''$ East along the West line of said Windemere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South $88^{\circ}33'21''$ West along said parallel line a distance of 937.71 feet;

THENCE South $01^{\circ}26'39''$ East along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE South $88^{\circ}33'21''$ West along a line parallel with the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE North $01^{\circ}26'39''$ West along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South $88^{\circ}33'21''$ West along said parallel line a distance of 1319.67 feet to the West line of the Northeast Quarter of said Section 9, said West line being coincidental with the East line of the Vanguard-

Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 6.436 acres, more or less (\pm).

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.

Steven A. Lund - on behalf of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #34995

KING SURVEYORS, INC.
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

FIRST READING: May 7, 2013

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That a Petition for Annexation, together with four (4) copies of the map of said territory as required by law, was filed with the City on January 28, 2013, by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area of the territory hereinafter described. The Council hereby finds and determines that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30(1)(c) of Article II of the Colorado Constitution and C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); does not require an election under Section 30(1)(a) of Article II of the Colorado Constitution or C.R.S. §31-12-107(2).; and that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as "**FIRE STATION NO. 2 ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

Lot Two (2), Mehaffey Minor Land Division recorded December 19, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;

THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that

Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windemere Second Addition recorded March 26, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South 00°06'51" East along the West line of said Windemere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

THENCE South 01°26'39" East along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE South 88°33'21" West along a line parallel with the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE North 01°26'39" West along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 1319.67 feet to the West line of the Northeast Quarter of said Section 9, said West line being coincidental with the East line of the Vanguard-Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 6.436 acres, more or less (±).

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to C.R.S §37-45-136 (3.6).

Section 5. Should any court of competent jurisdiction determine that any portion of the land annexed in this ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

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

Dated this ____ day of May, 2013.

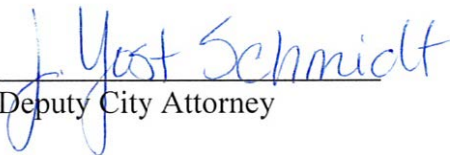
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Deputy City Attorney

FIRST READING: May 7, 2013

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND

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

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

That the following described property recently annexed to the City of Loveland and within the area known as "FIRE STATION NO. 2 ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

R-1 – Developing Low Density Residential

PROPERTY DESCRIPTION

Lot Two (2), Mehaffey Minor Land Division recorded December 19, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;
THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that

Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windemere Second Addition recorded March 26, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South 00°06'51" East along the West line of said Windemere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

THENCE South 01°26'39" East along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE South 88°33'21" West along a line parallel with the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE North 01°26'39" West along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 1319.67 feet to the West line of the Northeast Quarter of said Section 9, said West line being coincidental with the East line of the Vanguard-Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 6.436 acres, 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. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 3. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Dated this ____ day of May, 2013.

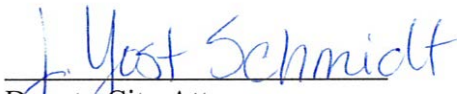
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Deputy City Attorney

**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

MEMORANDUM

TO: City Council

FROM: Kerri Burchett, Principal Planner

DATE: May 7, 2013

RE: Fire Station No. 2 Addition

I. EXHIBITS

- A. Planning Commission staff report, including:
 - 1. Chapter 18.12 R1 - Developing Low Density Residential
 - 2. Conceptual site plan
 - 3. Conceptual building elevations
 - 4. Annexation Map
- B. Planning Commission Minutes dated March 25, 2013
- C. Staff power point presentation

II. EXECUTIVE SUMMARY**A. Project Description**

The City Council public hearing is to consider an annexation and zoning of city owned property in order to develop a new fire station that will replace Fire Station #2 located on Taft Avenue in the North Lake Park. The proposal would annex and zone 6.43 acres, which includes a 3 acre parcel for the future fire station and 3.43 acres of right-of-way on West 29th Street. The property, which is vacant, is located on the south side of West 29th Street, approximately 900 feet west of Wilson Avenue (see Map 1 on page 2). The applicant, Loveland Fire Rescue Authority, proposes to annex this property and zone it R1 - Developing Low Density Residential in compliance with the city's Master Plan.

The city's determination to purchase property at this location for a replacement fire station was based on internal evaluations for future department expansion and response needs. The results were also supported by the Insurance Service Office (ISO) report, completed in 2008, that identified that the city was short a heavy rescue service and engine company in the northwest portion of the city. The ISO report was based on the number of calls that the Fire Authority receives from this area. The location of the existing Fire

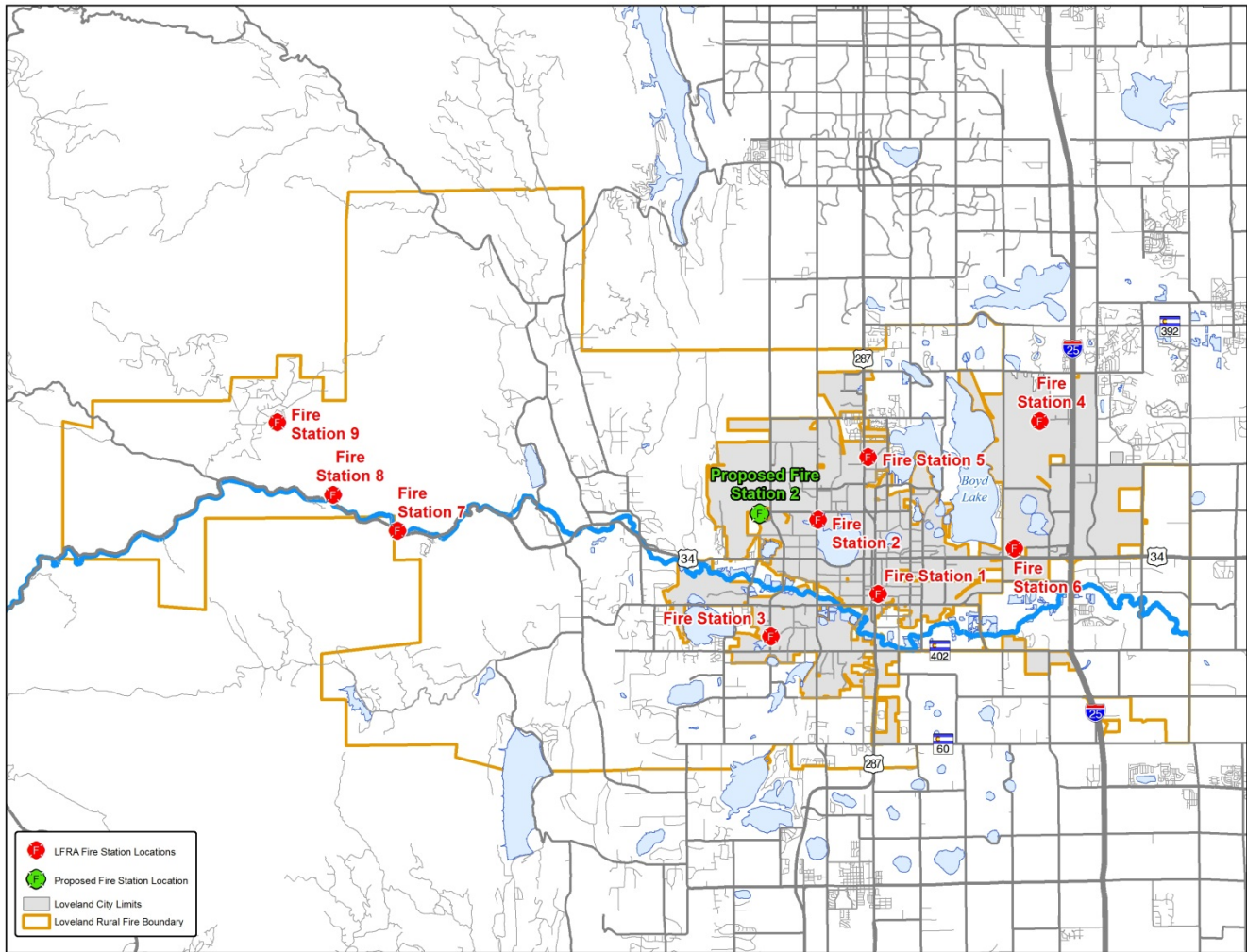
Station #2 in North Lake Park creates overlapping service areas with Fire Station #1 and #5 and does not provide the services needed in the northwest area of the city (see Map 2 on page 3). A review of the data from the internal review indicated that the best coverage location for a new site would be on West 29th Street and Wilson Avenue.

B. Project Location and Map of Fire Stations

The property proposed for annexation is located south of West 29th Street and approximately 900 feet west of North Wilson Avenue.

Map 1: Project Location



Map 2: Fire Station Locations for Loveland Fire Rescue Authority

There are currently nine fire stations within the Loveland Rural Fire boundary. Six of the fire stations are located within Loveland's city limits. Each fire station operates under a targeted 5 minute response time. In addition to fire and rescue, the Loveland Fire Rescue Authority provides basic life support service and primarily responds to major medical emergencies including heart, respiratory, and traumatic emergencies.

C. Fire Station Design and Development Process

The specific design of the fire station is in a conceptual planning stage. It is anticipated that the station would house a heavy rescue company and an engine company with a maximum of 8 persons staffing the facility at any given time. While a conceptual site plan and building elevation are provided on this page, these plans are for information purposes only and convey a general concept for the project. The plans have not been formally submitted to the city or presented to the neighborhood.

In the R1 zone district, the development of a fire station requires approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division; however, the process allows for appeal to the Planning Commission.

Figure 1: Conceptual Site Plan

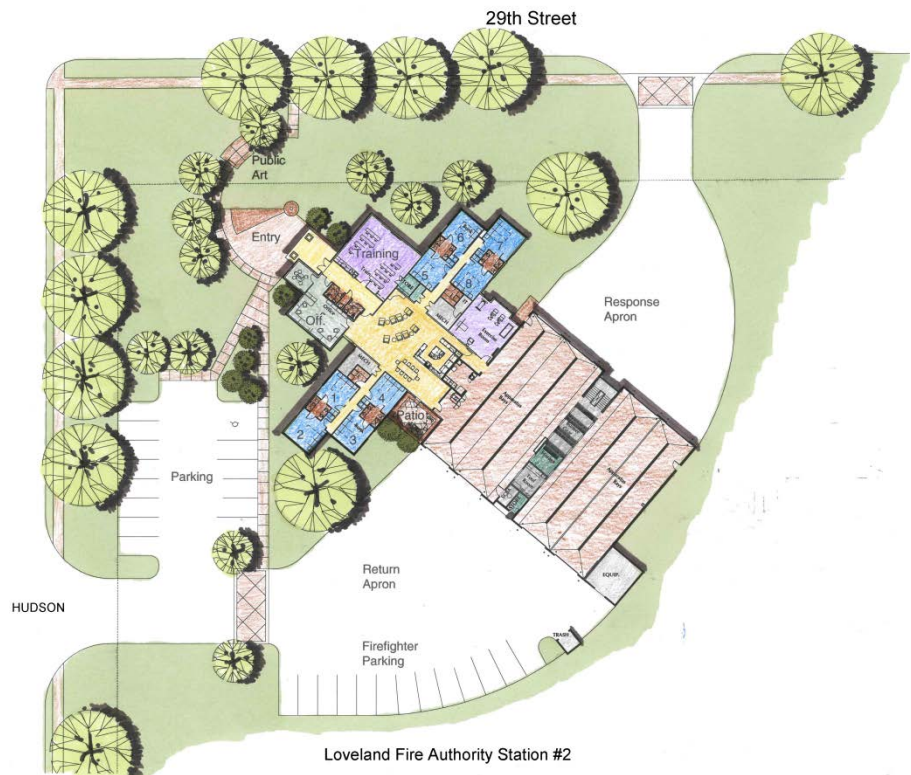


Figure 2: Conceptual Building Elevation



D. Planning Commission Hearing

The Planning Commission held a public hearing regarding the annexation and zoning proposal on March 25, 2013. Four residents spoke at the hearing and expressed concerns with the request. The following bullets highlight the neighborhood concerns that were voiced at the hearing and the responses provided by the applicant, Chief Randy Mirowski:

- Safety concerns for the children in relation to the nearby school and school bus stops.

Response: Fire vehicles are required to follow the same traffic rules (school bus stops etc.) as the rest of the community. All fire personnel housed at the station will familiarize themselves with the surrounding neighborhoods, including school bus routes and other activities.

- Development of the fire station will lower property values in the neighborhood.

Response: This was the first time that Chief Mirowski has heard the concern that a fire station would cause a decrease in nearby property values. He indicated that such a claim was contrary to his experience.

After the Planning Commission hearing, the Fire and Rescue Authority contacted several private appraisers to seek further clarification on the relationship between the development of a fire station and neighborhood property values. The appraisers that were contacted indicated that there would likely be no impact on surrounding property values if a fire station was built on a major thoroughfare like proposed Station #2 on West 29th Street. The appraisers indicated that if that station was proposed on local streets in the heart of a residential neighborhood, there could be a minimal impact on property values but the value of that impact would be very difficult to quantify. The appraisers' further indicated that the fire station could very likely decrease the cost of the neighborhood's homeowners insurance premium.

- General opposition to living near a fire station.

Response: The Fire Authority is committed to being a good neighbor and will work with the neighborhood to mitigate impacts from the station. Regarding noise impacts from sirens, the engines will generally not use their sirens until the trucks reach Wilson Avenue.

- Traffic concerns in particular with the intersection of Hudson Drive and Sedgwick Drive.

Response: A traffic analysis of the site will be prepared with the special review application and will comply with the City standards.

After considering the testimony provided by the public, the Planning Commission unanimously recommended approval of the annexation and zoning request. Also at the hearing, the Commission expressed interest in the City retaining the existing Fire Station #2 property for public and/or emergency service use. The minutes from the hearing are included as Exhibit B to this staff memorandum.

III. RECOMMENDED CONDITION

The following annexation condition is recommended by the Planning Commission and City staff.

Transportation Development Review

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).



Development Services Current Planning

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Planning Commission Staff Report

March 25, 2013

Agenda #: Regular Agenda - 1
Title: Fire Station No. 2 Addition
Applicant: City of Loveland Fire Rescue Authority, Randy Mirowski, Fire Chief
Request: **Annexation and Zoning**
Location: South of West 29th Street and approximately 900 feet west of North Wilson Avenue.
Existing Zoning: County FA -Farming
Proposed Zoning: R1 - Developing Low Density Residential
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the annexation and zoning..

Recommended Motions:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 25, 2013 and, based on those findings, recommend that City Council approve the Fire Station No. 2 Addition, subject to the condition listed in Section IX, as amended on the record, and zone the addition R1 Developing Low Density Residential.*

Summary of Analysis

This is a public hearing concerning the annexation and zoning of a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to facilitate the development of a new fire station on the south side of West 29th Street. The new fire station would replace the existing Fire Station #2 located on Taft Avenue, south of W. 29th Street in the North Lake Park. The hearing is to consider the following items:

- An annexation of 6.43 acres; and
- A zoning of the property to R1- Developing Low Density Residential District.

Staff believes that all key issues have been resolved based on City Code and standards. The development of the fire station, which is currently in a conceptual stage, will require a special review application and a subsequent neighborhood meeting. Special review applications can be approved administratively, however there is an appeal period in which an application can be appealed to a public hearing with the Planning Commission.

I. SUMMARY

This proposal is to annex and zone 6.43 acres, which includes a 3 acre parcel that is owned by the city and 3.43 acres of right-of-way on West 29th Street. The property, which is vacant, was purchased by the city to develop a new fire station that will replace Fire Station #2 located on Taft Avenue in the North Lake Park. The property is located on the south side of West 29th Street, approximately 900 feet west of Wilson Avenue (see vicinity map on page 3). The applicant, which is the Loveland Fire Rescue Authority, proposes to annex this property and zone it R1 - Developing Low Density Residential in compliance with the city's Master Plan.

The city's determination to purchase property at this location for a replacement fire station was based on the results from an Insurance Service Office (ISO) report that identified that the city was short a heavy rescue service and engine company in the northwest portion of the city. The ISO report was based on the number of calls that the Fire Authority receives from this area. The location of the existing Fire Station #2 in North Lake Park creates overlapping service areas with Fire Station #1 and #5 and does not provide the services needed in the northwest area of the city. A review of the data from the ISO report indicated that the best coverage location for a new site would be on West 29th Street and Wilson Avenue.

The design of the fire station is in a conceptual planning stage. It is anticipated that the station would house a heavy rescue company and an engine company with a maximum of 8 persons at the facility per day. While a conceptual site plan and building elevations are included as **Attachments 2** and **3** in this report, these plans are for information purposes only and convey a general concept or potential for the orientation of the building. The plans have not been formally submitted to the City or presented to the neighborhood. In the R1 zone district, the development of a fire station requires approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission.

II. ATTACHMENTS

1. Chapter 18.12 R1 - Developing Low Density Residential
2. Conceptual site plan
3. Conceptual building elevations
4. Annexation Map

III. VICINITY MAP



IV. SITE DATA

A. ANNEXATION

ACREAGE OF SITE GROSS	6.43 AC
ACREAGE OF RIGHT-OF-WAY	3.43 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	R1 DEVELOPING LOW DENSITY RESIDENTIAL
EXISTING USE	VACANT
EXIST ADJ ZONING & USE - NORTH	PUD HUNTERS RUN / SF RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - WEST	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - EAST	COUNTY FA / VACANT FARMED LAND
UTILITY SERVICE – WATER, SEWER	CITY OF LOVELAND
UTILITY SERVICE – ELECTRIC	CITY OF LOVELAND

V. KEY ISSUES

City staff believes that all key issues associated with the annexation and zoning request have been addressed. At the neighborhood meeting, there were questions and concerns voiced about noise and other impacts resulting from the development of a fire station (see Section VII.B, below). The neighbors were provided information regarding the special review process and informed that a neighborhood meeting will be held in the future to discuss the specific design and related impacts of the station.

VI. BACKGROUND

The Loveland Fire Rescue Authority purchased the 3 acre property proposed for annexation in December of 2012 for the purpose of developing a new fire station. The property is zoned FA Farming in Larimer County and has historically been used for agricultural production.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Merlin Green with the Loveland Fire Rescue Authority certifying that written notice was mailed to all property owners within 1,000 feet of the property on February 7, 2013 and notices were posted in a prominent location on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 9, 2013.
- B. **Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on February 25, 2013 at the Fire Administration Building. The meeting was attended by 11 neighbors and interested parties along with City staff. At the meeting, there were no objections voiced to the annexation and zoning requests, however there were questions and concerns raised about the impacts of the development of a fire station on the neighborhood. Comments voiced included noise and traffic impacts, questions on why the location was chosen and declining property values. Merlin Green, Division Chief/Fire Marshall, explained the operation side of the city's fire stations and how they worked to reduce impacts on the neighborhood, such as not turning on sirens until outside of the neighborhood area. Two additional outreach meetings with the Hunter's Run Home Owners Association are being held the week before the Planning Commission hearing. Planning staff also explained the process and public involvement with the special review application, which will be the next step in the development of the fire station. The neighbors and residents were informed that there would be another neighborhood meeting for the design and development of the fire station with the special review process.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

Annexation and Zoning

A. Annexation Policies and Eligibility

- 1. Loveland Comprehensive Master Plan, Section 4.2**
 - a. Annexation ANX2.A:** *Whether the annexation encourages a compact pattern of urban development.*
 - b. Annexation ANX2.B:** *Whether the annexation would result in the creation of an enclave*
 - c. Annexation ANX5.B:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*
 - d. Annexation ANX1.C and 6:** *Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
 - e. Growth Management GM7:** *Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
- 2. Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a.** *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
 - b.** *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
 - c.** *It is not physically practical to extend urban service which the municipality provides normally.*

Planning: Staff believes that the findings can be met, based on the following facts:

- A.1.a & d.** The development of the fire station will encourage a compact pattern of urban development and will not be leapfrog or scattered site development. The land is immediately contiguous to other land in the City that is already receiving City services.
- A.1.b.** No new enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met. The property being annexed is part of a larger county enclave. The property owner of the remainder of the enclave has indicated a desire to remain in the county and continue the farming operation on the site.
- A.2.** The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area.

B. City Utilities/Services and Transportation

1. Loveland Comprehensive Master Plan, Section 4.2

a. **Annexation ANX1.A and B:** *Whether the annexation of land minimizes the length of vehicle trips generated by development of the land and whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*

2. Loveland Municipal Code

a. Section 17.04.040:

(i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*

(ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*

(iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

b. **Section 17.04.040,:** *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*

c. **Section 18.04.010:** *The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The site will comply with the requirements in the ACF Ordinance.

- Once constructed, the new fire station will provide increased response efficiency to the northwest area of the city.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater.
- The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- Public facilities are available to serve the development.

Power: Staff believes that this finding can be met, based on the following facts:

- 600 amp and 200 amp three phase underground power currently exists in an underground duct bank located along the north side of W. 29th Street. 200 amp three phase underground power is currently available in an underground vault located at the northeast corner of W. 29th Street and Hudson Drive and can be extended south to the proposed annexation area.
- The proposed annexation currently lies within Excel Energy Company certified territory. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.
- The existing electric facilities are sufficient for the current use. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.
- The existing uses as well as any future development requirements are current with the Power Division's existing infrastructure and system master plan.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

C. Land Use

1. Loveland Comprehensive Master Plan, Section 4.7

- a. **Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and GDP application.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The Comprehensive Master Plan designates the site as Low Density Residential (LDR). The LDR category permits churches, parks, schools and civic uses as acceptable land uses.
- The proposed zoning of R1 is consistent with the zoning categories in the Comprehensive Master Plan. The R1 zone district requires that any governmental uses be processed as a special review.

2. Loveland Municipal Code

a. Section 18.04.010:

- (i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- (ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

Planning: Staff believes that this finding can be met, based on the following facts:

- 2.a.(i) Development of the fire station will incorporate perimeter landscaped bufferyards and open space on the site to ensure adequate light and air. The development will also facilitate the adequate provision of public facilities in this area.
- 2.a.(ii) Development of the fire station will be governed by all applicable City codes and standards in the R1 District, as well as any special provisions deemed necessary through the special review process. Based on the need for a fire station in the northwest portion of the city, as identified in the ISO report, staff believes that the annexation and zoning of the property to facilitate the development of a fire station would encourage an appropriate use of the land.

D. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

- a. **Annexation ANX3.A:** *Whether the annexation will comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*
- b. **Annexation ANX3.B:** *Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.*
- c. **Annexation ANX4.A and B:** *If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the proposed zoning, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.*
- d. **Annexation ANX4.B:** *Whether the annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.*
- e. **Annexation ANX4.D:** *All development agreements must deal satisfactorily with any environmental impacts upon the property.*

Planning: Staff believes that this finding can be met, based on the following facts:

- D.1.a & b. The Open Lands Plan does not identify any area of the site as a potential natural area.
- D.1.c The site is naturally vegetated and has historically been in agricultural use. No environmentally sensitive areas, as defined in the Municipal Code, were noted on the site.
- D.1.d A Phase I Environmental Site Assessment (ESA) was performed by the CTL Thompson in October of 2012. The ESA concluded that there are no recognized environmental conditions existing on or nearby the site.

E. Miscellaneous

- 1. Loveland Municipal Code, Section 17.04.040.F:** *Whether the annexation is in the best interest of the citizens of the City of Loveland.*

Planning: Staff believes that this finding can be met, based on the following fact:

- The property proposed for annexation is owned by the City of Loveland and was purchased for the development of a fire station. The annexation and development of the fire station is in the best interest of the citizens and will provide increased response efficiency to the residents in the northwest portion of the City.

- F. Mineral Extraction Colorado Revised Statute:** *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

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

- A geologic evaluation and mineral extraction assessment was prepared by CTL Thompson for the property. The assessment concluded that based on the review of geologic maps, published reports, satellite and aerial imagery, and the examination of the site, the potential for commercial mineral resources on the site is considered negligible.

IX. RECOMMENDED CONDITIONS

The following annexation condition is recommended by city staff.

Transportation Development Review

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

Chapter 18.12**R1 DISTRICT-DEVELOPING LOW-DENSITY RESIDENTIAL DISTRICT****Sections:**

18.12.010	Uses permitted by right.
18.12.020	Uses permitted by special review.
18.12.030	Lot area.
18.12.040	Lot width.
18.12.050	Front yard.
18.12.060	Rear yard.
18.12.070	Side yard.
18.12.075	Height limitations.
18.12.080	Off-street parking.
18.12.090	Special considerations.

18.12.010 Uses permitted by right.

The following uses are permitted by right in a R1 district:

- A. One-family dwellings;
- B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- C. Open land for the raising of crops, plants and flowers;
- D. Accessory buildings and uses;
- E. Public schools. (Ord. 4246 § 1 (part), 1997; Ord. 3702 § 1 (part), 1990; Ord. 1276 § 4, 1973; Ord. 1004 § 5.1, 1968)
- F. Place of worship or assembly. In addition to standard buffering requirements of the Site Development Performance Standards and Guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the Current Planning Manager. (Ord. 5207 § 6, 2007)

18.12.020 Uses permitted by special review.*

The following uses are permitted by special review in a R1 district:

- A. Preschool nurseries;
- B. Parks, recreation areas and golf courses;
- C. Cemeteries;
- D. Estate areas;
- E. Two-family dwellings;
- F. Private schools;
- G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such

statutes; such use may be conducted in conjunction with the residential use of the property;

I. Governmental or semipublic uses;

- J. Group care facilities;
- K. Housing for elderly;
- L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
- M. Accessory dwelling units;
- N. Personal wireless service facilities, as defined in § 18.55.020(G), in compliance with Chapter 18.55 of this title. (Ord. 5207 § 6, 2007; Ord. 4246 § 1 (part), 1997; Ord. 4239 § 1 (part), 1997; Ord. 4236 § 2, 1997; Ord. 3764 § 2 (part), 1991; Ord. 3702 § 1 (part), 1990; Ord. 3537 § 1 (part), 1988; Ord. 3282 § 1, 1986; Ord. 3210 § 2, 1985; Ord. 2021 § 7 (part), 1981; Ord. 1880 § 3, 1980; Ord. 1628 §§ 1 (part) and 2 (part), 1977; Ord. 1444 § 2 (part), 1975; Ord. 1414 § 2, 1975; Ord. 1391 § 2, 1974; Ord. 1390 § 2, 1974; Ord. 1276 §§ 5, 6, 1973; Ord. 1097 § 1, 1970; Ord. 1026 § 2, 1969; Ord. 1004 § 5.2, 1968)

*See Ch. 18.40 of this code.

18.12.030 Lot area.

The minimum area of a lot in the R1 district shall be seven thousand square feet as provided below:

- A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall the lot area be less than five thousand square feet, the average lot size for the unit be less than seven thousand square feet, and more than twenty percent of the lots be less than seven thousand square feet. When such development procedures are followed, the city-approved subdivision plat must be of record in the Larimer County clerk and recorder's office.
- B. The minimum area of the lot for a two-family dwelling shall be at least nine thousand square feet in the R1 district.
- C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building. (Ord. 5207 § 6, 2007; Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 5.3, 1968)

18.12.040 Lot width.

The minimum width of a lot in a R1 district shall be sixty-five feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. (Ord. 4246 § 1 (part), 1997; Ord. 3467 § 2 (part), 1987; Ord. 3096 § 2, 1984; Ord. 2021 § 3, 1981; Ord. 1004 § 5.4, 1968)

18.12.050 Front yard.

The minimum front yard in a R1 district, being the minimum distance of any building from the front lot line, shall be twenty feet. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 5.5, 1968)

18.12.060 Rear yard.

The minimum rear yard in a R1 district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;
 Detached accessory building, five feet. (Ord. 4246 § 1 (part), 1997; Ord. 1004 § 5.6, 1968)

18.12.070 Side yard.

The minimum side yard in a R1 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to this requirement may be approved by the chief planner for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet. (Ord. 4246 § 1 (part), 1997; Ord. 3574 § 2, 1989; Ord. 1628 § 1 (part), 1977; Ord. 1276 § 7, 1973; Ord. 1004 § 5.7, 1968)

18.12.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54 of this Code. (Ord. 4246 § 1 (part), 1997; Ord. 4106 § 5, 1995)

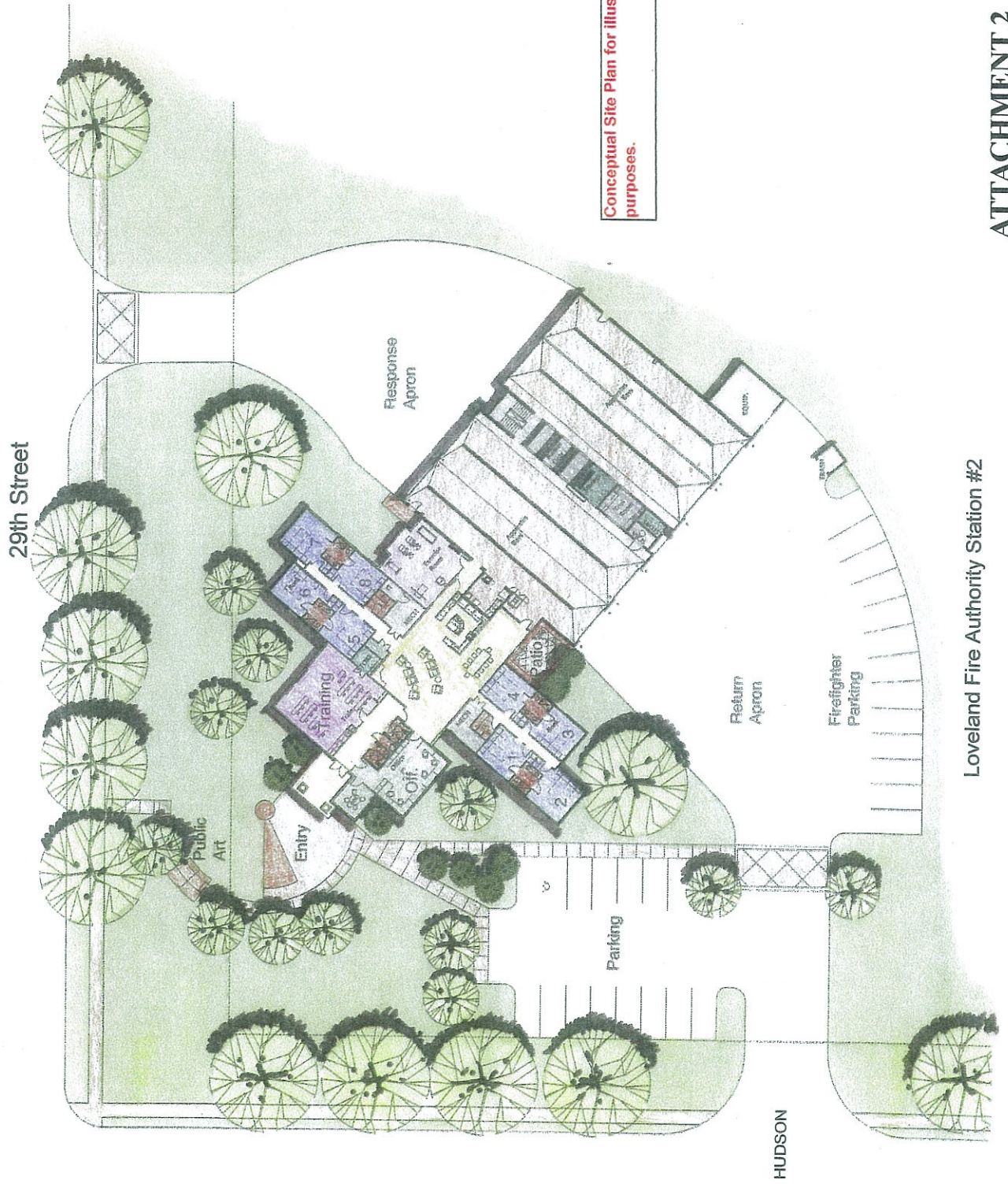
18.12.080 Off-street parking.

The minimum off-street parking in the R1 district shall be provided in Chapter 18.42. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1395 § 1 (part), 1974; Ord. 1004 § 5.8, 1968)

18.12.090 Special considerations.

The following special requirements shall apply for special review uses in the R1 district:

- A. Preschool Nurseries.
 - 1. At least fifty square feet of floor area is set aside for school purposes for each child; and,
 - 2. At least two hundred square feet of outdoor fenced play area is available for each child.
- B. Noncommercial Recreational Uses, including Swimming Pools, Community Buildings, Tennis Courts and Similar Uses as a Principal Use.
 - 1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
 - 2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.
- C. Cemeteries. The minimum area of any cemetery shall be at least twenty acres, and gravesites shall be located at least twenty-five feet from the boundaries of the cemetery. (Ord. 4246 § 1 (part), 1997; Ord. 2021 § 7 (part), 1981; Ord. 1628 § 2 (part), 1977)

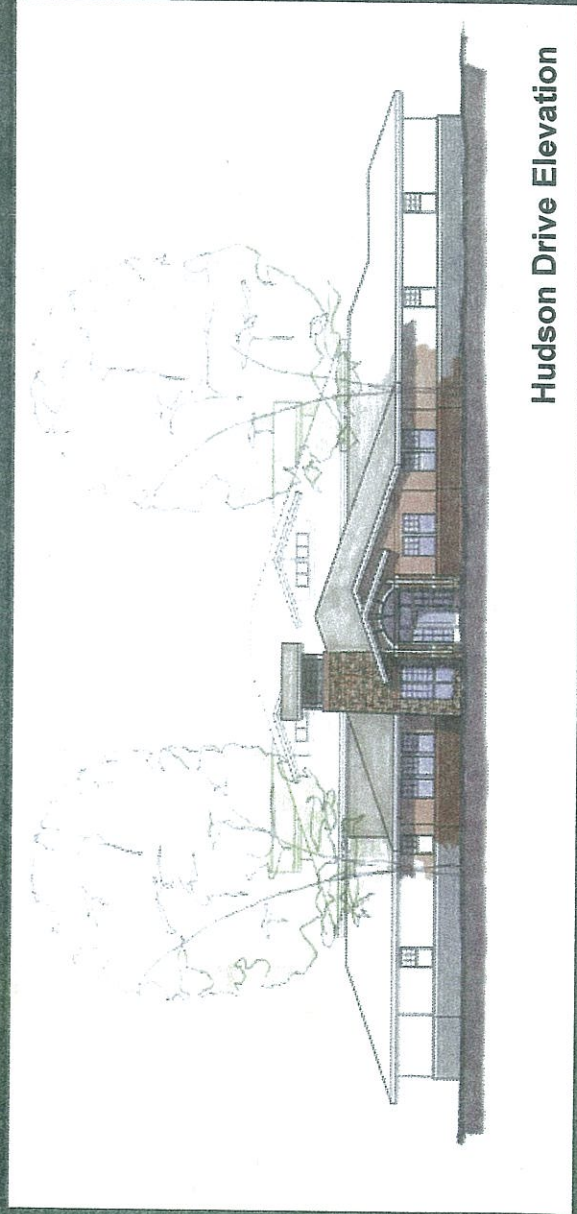


ATTACHMENT 2

Loveland Fire Authority Station #2



29th Street Elevation



Hudson Drive Elevation

Current Approach

FIRE STATION NO. 2 ADDITION TO THE CITY OF LOVELAND

Being An Annexation of Lot 2, Mehaffey Minor Land Division And A Portion Of West 29th Street Right of Way,
Situata In The Northeast Quarter Of Section 9, Township 5 North, Range 69 West, Of The 6th P.M., County Of Larimer, State Of Colorado

PROPERTY DESCRIPTION

Lot Two (2), Mehaffey Minor Land Division recorded December 18, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;

THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windmere Second Addition recorded March 28, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South 00°06'51" East along the West line of said Windmere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

THENCE South 01°26'39" East along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE South 88°33'21" West along a line parallel with the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE North 01°26'39" West along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 1319.67 feet to the West line of the Vanguard-Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the POINT OF BEGINNING.

Said parcel of land contains 280,331 square feet or 6.436 acres, more or less (±).

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

TITLE COMMITMENT NOTE

This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number 01330-13481, dated September 11, 2012 at 8:00 a.m., as prepared by Stewart Title Guarantee Company to delineate the aforesaid information.

NOTES

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a registered Land Surveyor in the State of Colorado, do hereby certify that the annexation map shown hereon is a reasonably accurate depiction of the parcel of land described hereon and, to the extent described herein, is at least one sixth (1/6) of the peripheral boundary of said parcel is contiguous to the boundary of the City of Loveland, Colorado. The map was compiled using existing plats, deeds, legal descriptions, and other documents and is not based on a field survey nor should it be construed as a boundary survey.

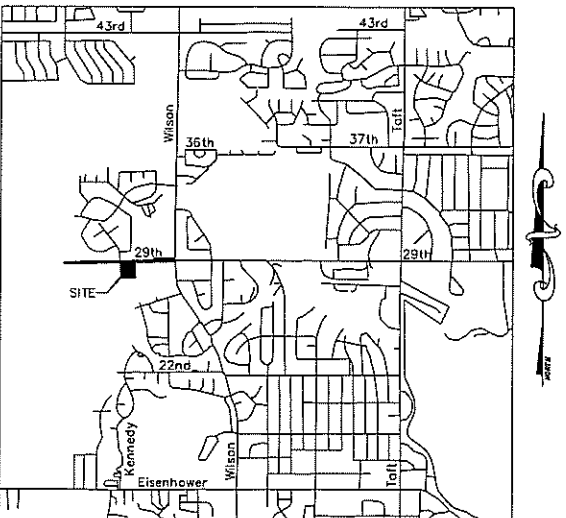
Steven A. Lund-On Behalf Of King Surveyors Inc.
Colorado Registered Professional
Land Surveyor #34995

MAYOR CERTIFICATE

This map is approved by the City Council of the City of Loveland, Larimer County, Colorado by Ordinance No. _____, passed on second reading on this _____ day of _____, 20____, for filing with Clerk and Recorder of Larimer County.

Mayor _____

Attest: City Clerk _____



VICINITY MAP
(NOT TO SCALE)

KING SURVEYORS, INC.
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821



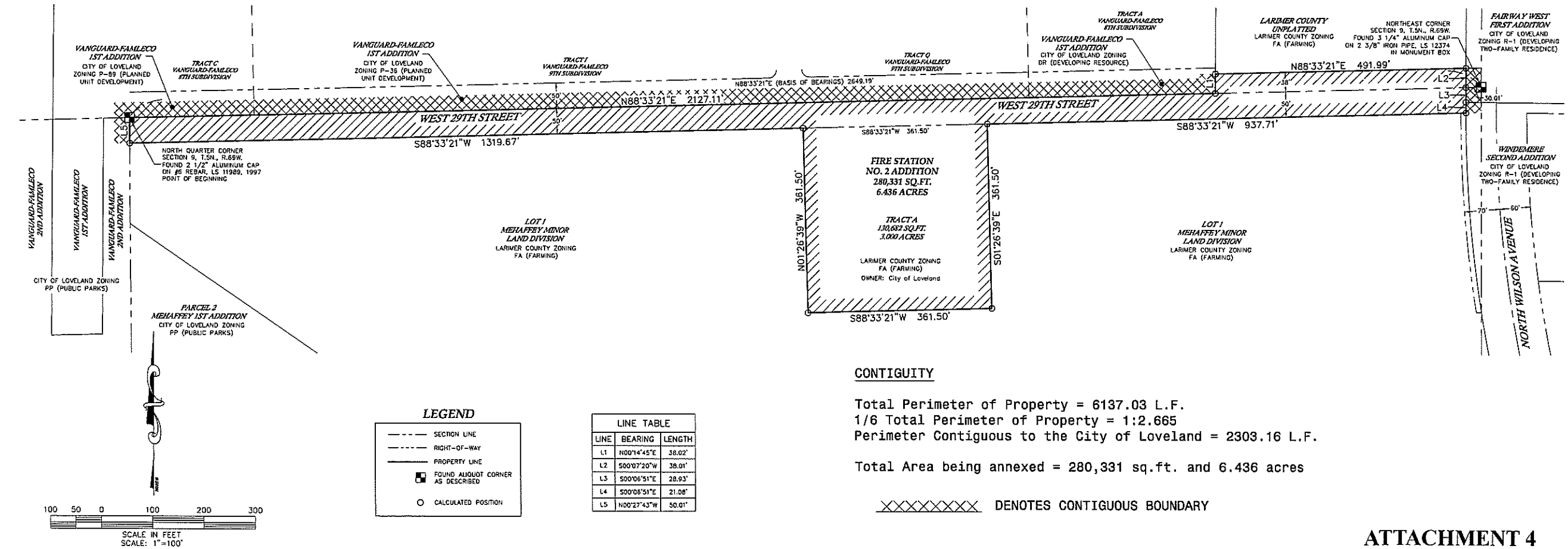
DATE:	9/26/2012
FILE NAME:	2012503ANX
SCALE:	1" = 100'
DRAWN BY:	CSK
CHECKED BY:	SAL

FIRE STATION NO. 2 ADDITION
TO THE CITY OF LOVELAND
LOVELAND FIRE AND RESCUE AUTHORITY
410 E FIFTH STREET
LOVELAND, CO 80537

PROJECT #:
2012503

1

SHT 1 OF 1



CONTIGUITY

Total Perimeter of Property = 6137.03 L.F.
1/6 Total Perimeter of Property = 1:2.665
Perimeter Contiguous to the City of Loveland = 2303.16 L.F.

Total Area being annexed = 280,331 sq.ft. and 6.436 acres

XXXXXXXXXX DENOTES CONTIGUOUS BOUNDARY

ATTACHMENT 4

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 25, 2013**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 25, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; and Commissioners Molloy, Ray, Dowding, Crescibene, Krenning and Prior. City Staff present: Kerri Burchett, Current Planning; Randy Mirowski, Fire Department; Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

Robert Paulsen, Current Planning Manager, reported that Vicki Mesa would be leaving the city for a new adventure and that Brian Burson is scheduled for a serious medical procedure.

COMMITTEE REPORTS

Commissioner Molloy reported on the last Title 18 Committee meeting reviewed a draft report concerning development permitting process.

COMMISSIONER COMMENTS

Commissioner Krenning requested an update on Council's recent action regarding oil and gas regulations. **Ms. Schmidt** stated she would send, via email, City Council's deliberation.

APPROVAL OF THE MINUTES

Commissioners Dowding and Meyers offered the following amendments to the March 11, 2013 minutes:

Page 4 the spelling of the Five sisters and the name of their building:

Sandy Vine, Co-Owner of the adjacent Brandt Building

With these changes, the Commission unanimously approved the March 11, 2013 minutes.

REGULAR AGENDA

1. Fire Station No. 2 Addition.

This is a public hearing concerning the annexation and zoning of a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to facilitate the development of a new fire station on the south side of West 29th Street. The new fire station would replace the existing Fire Station #2 located on Taft Avenue, south of W. 29th Street in the North Lake Park. The hearing is to consider the following items:

- An annexation of 6.43 acres; and
- A zoning of the property to R1- Developing Low Density Residential District.

Review of this application requires legislative action by the Planning Commission.

Kerri Burchett, Current Planning, gave a brief staff presentation on this item. She stated staff is recommending approval of the annexation and R1 zoning. She explained that a Special Review approval will be needed in the future to allow the use of the Fire Station.

Randy Mirowski, Fire Chief, spoke of the need for a new station, and explained how the decision to replace existing station #2 was arrived at. He stated that the location was selected based on the results from an Insurance Service Office (ISO) report that identified the city was short a heavy rescue service and engine company in the northwest portion of the city.

There was a discussion regarding the need for and the definition of heavy rescue facilities.

PUBLIC COMMENT

Mr. Voggsup, 1243 Autumn Purple Drive, a potential home buyer in the area, was opposed to living near a fire station and expressed safety concerns for children in relation to the nearby school and bus stop.

Pennie Patton, 3054 Hudson Drive, opposed the fire station and commented it would lower her property value. She felt the location of the station would have a negative impact on the neighborhood. She requested information on the appeal process specifically for those who were not in attendance.

Mark Fleetwood, Hudson Drive, concurred with previous speakers.

Ed Shorts, 3054 Hudson Drive, expressed concerns regarding the intersection of Hudson and Sedgwick. He commented the additional traffic and the location of the fire station would lower property values in the area.

COMMISSION QUESTIONS

Chief Mirowski reported on the meetings held with area residents and responded to the concerns as follows:

- Loud/sirens: The Fire Authority is committed to being a good neighbor and will not use their sirens until the trucks reach Wilson
- Property values issues: Stated this is the first time that he ever heard that a fire station would cause a decrease in nearby property values. He indicated that such a claim was contrary to his experience.
- He commented that the response area for the station is in the north and northwest portion of the city and surrounding area
- He stated that the Fire vehicles were required to follow the same traffic rules (school bus stops etc..) as everyone else

Ms. Burchett explained the appeal process, indicating that the annexation and zoning applications would be forwarded to City Council for final action. She explained that the Special Review process, which would be the next step in the development of a fire station, would include neighborhood notice and input, and any decision regarding the special review could be appealed to a Planning Commission public hearing.

Commissioner Dowding commented that when she has lived near a fire station her homeowners insurance has always decreased and her property values were not reduced. She stated she supported the project.

Vice Chairman Middleton concurred with Commissioner Dowding and stated that only half of the calls to a fire station are fire calls. He expressed his support for the annexation. He also indicated support for retention of existing Station No. 2 and having emergency services utilize that site.

Commissioner Molloy supported the project.

Commissioner Krenning spoke of the benefits of having a two unit fire house and stated he was in support of the project. Commissioner Krenning also spoke in favor of a community-oriented reuse of the existing fire station #2 facility, indicating the importance that facility had in the development and growth of the community.

Chair Meyers concurred with previous comments regarding the annexation and zoning applications. He noted that he has lived next to a fire station and they make very good neighbors. He also indicated support for a community-oriented reuse of the existing fire station # 2 property, indicating that an emergency services use or other community use would fit within the context of the Northlake Park area.

Vice Chair Middleton made a motion to make the findings listed in Section VIII of the Planning Commission staff report dated March 25, 2013 and, based on those findings, recommend that City Council approve annexation of Fire Station No. 2 Addition, subject to the condition listed in Section IX, as amended on the record, and zone the addition R1

Developing Low Density Residential. Upon a second by Commissioner Dowding the motion was unanimously adopted.

After discussion regarding keeping the current station for City use, it was decided that if Council considers selling the property, the Planning Commission could express their desire for the City to retain the property at that time.

2. 2012 Accomplishments / 2013 Goals.

At the beginning of each year, the Planning Commission reviews its accomplishments from the previous year and establishes goals for the New Year. This effort is designed to ensure that Commission agendas and related Commission activities reflect established priorities. This matter is administrative.

Commissioner Ray spoke of the importance of revitalizing the West Eisenhower corridor, including the development of standards to help guide redevelopment. Several other commissioners expressed a similar sentiment as to the importance of West Eisenhower and the need for the community to focus efforts on this area.

Mr. Paulsen stated that the city's current focus, in terms of corridor planning, is the Hwy. 402 corridor and the surrounding SE area of the city. He explained that the City Council had directed staff to pursue efforts with Johnstown to resolve policy differences. He indicated that plans for the 402 corridor would likely be pursued once the larger planning and policy matters were resolved with Johnstown and Larimer County.

Commissioner Krenning stated that the City Council had established its priorities and that the Planning Commission should not work contrary to that effort. However, he indicated that it was important that the City remember that the West Eisenhower area is important to the community and that the need to revitalize this area should not be forgotten.

After continued discussion, the Planning Commission expressed their desire for the Goals to include reference to the West Eisenhower corridor.

ADJOURNMENT

Vice Chair Middleton made a motion to adjourn. Upon a second by Commissioner Crescibene the motion was unanimously adopted.

Buddy Meyers, Chair

Vicki Mesa, Secretary



Fire Station No. 2 Annexation and Zoning

City Council
May 7, 2013



Fire Station No. 2 Presentation

1. Property Location and Description
2. Annexation and Zoning Proposal
3. Planning Commission and Staff Recommendation
4. Development Process
5. Why Relocate Fire Station #2?
6. New Fire Station Characteristics

4/17/2013

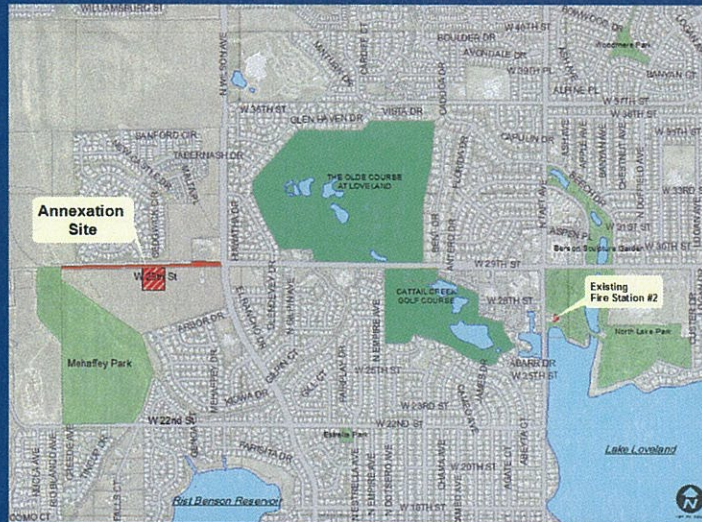
Fire Station No. 2 Addition

Location:

- West of Wilson Avenue, south side of W. 29th St.
- East of Mehaffey Park

Site:

- 6.43 acre total
- 3 acre property;
- 3.4 acres of right-of-way
- Purchased by the City of Loveland in 2012



City Council Public Hearing

May 7, 2013

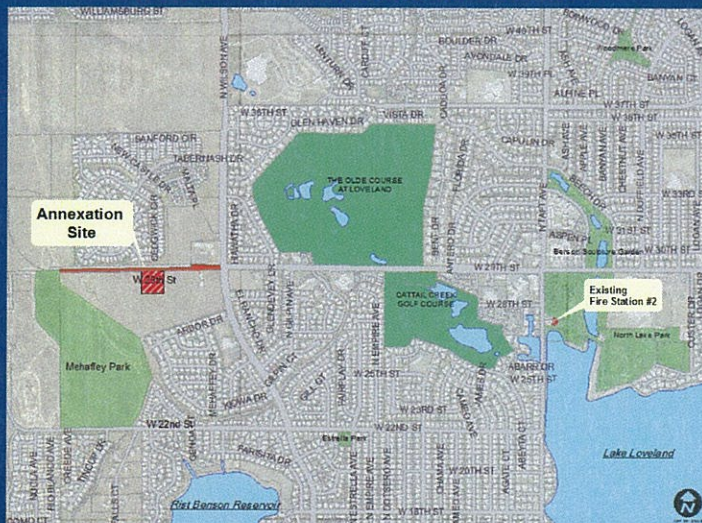
Fire Station No. 2 Addition

Request:

1. Annexation
2. Zoning to R-1

Purpose:

- Development of a new fire station to serve the northwest portion of the city
- Replace existing Fire Station #2 on Taft Avenue



City Council Public Hearing

May 7, 2013

Planning Commission and Staff Recommendation

- Recommend approval of annexation and zoning, with the annexation condition listed in staff report.
- Planning Commission expressed a desire for the City to retain the current Fire Station #2 site for emergency or public purposes.



City Council Public Hearing

May 7, 2013

Conceptual Rendering



Next Steps

- R-1 District requires Special Review process for government buildings.
- Special Review includes a neighborhood meeting; administrative approval with appeal period.

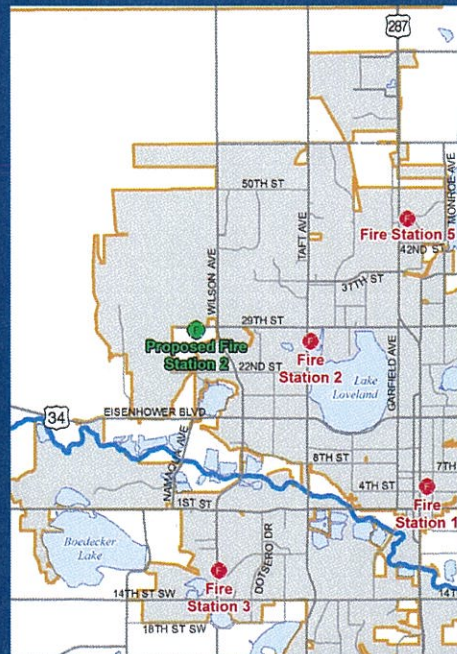
Why Relocate Fire Station #2?

- Enhanced citizen service delivery
- Response times
- Costs



Fire Station #2 Constraints

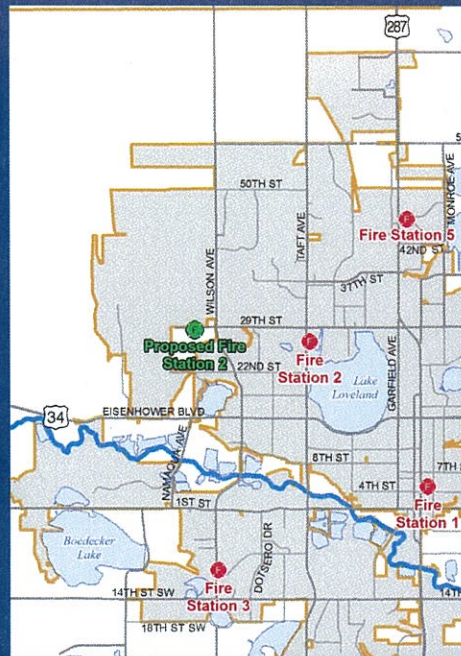
1. Location too close to Fire Stations #1 and #5.
2. Lake Loveland renders Station #2 less productive.
3. Costs greater to remodel existing fire station than to relocate station.



4/17/2013

New Fire Station #2 Location

- Goal is to enhance citizen service and improve firefighter safety.
- Research indicated the best location is near the intersection of West 29th Street and Wilson Avenue.
- New station will cover the north and northwest side of the fire district as primary responsibility.



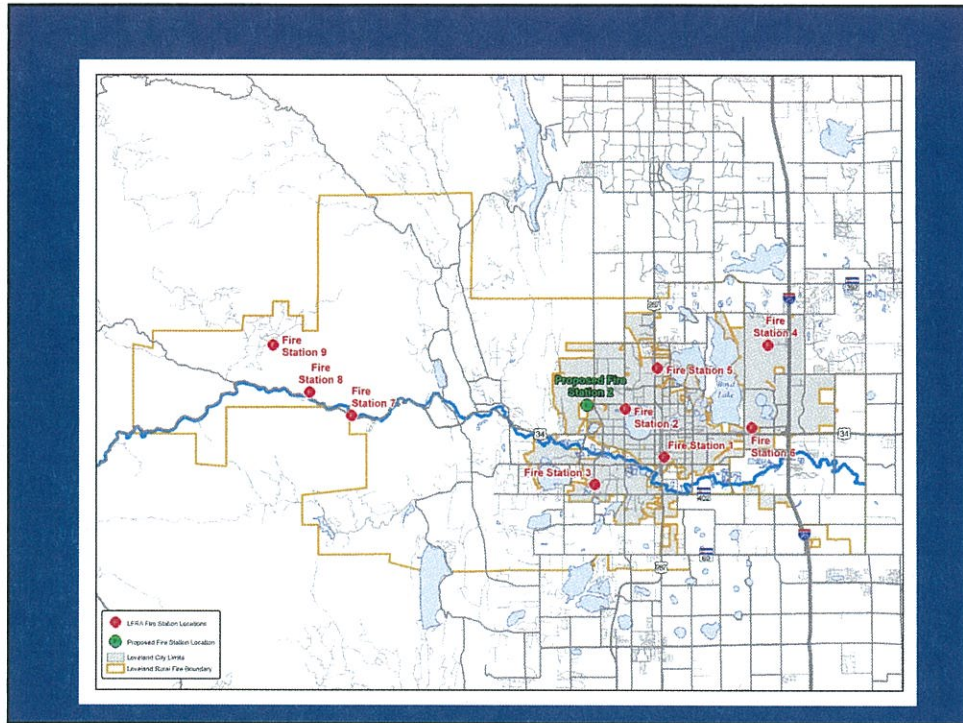
New Fire Station #2 Design

New station will be built to
compliment the neighborhood.

- ✓ Compatible Architecture
- ✓ Quality landscaping
- ✓ Appropriate art in public places theme
- ✓ Community room for neighborhood meetings



4/17/2013





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

AGENDA ITEM: 13
MEETING DATE: 5/7/2013
TO: City Council
FROM: Loveland Fire Rescue Authority (LFRA)
PRESENTER: Randy Mirowski, Fire Chief

TITLE:

An Ordinance on Second Amending City Code Chapter 15.28 Granting the City Council and the City Manager Authority to Enact Outdoor Fire Bans and Restrictions Under Certain Emergency Circumstances Within the City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance on second reading as submitted.

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 a legislative action to consider an ordinance, on second reading, amending the City Code to grant authority to both the City Manager and the City Council, under certain emergency situations, to quickly enact outdoor fire bans and restrictions within the City of Loveland. This ordinance does not include the authority to impose a ban or restrictions on the use of permissible fireworks within the City of Loveland.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

The current City of Loveland protocols for implementing bans and restrictions on outdoor fires should be improved and simplified for more effective and efficient operations. Events related to the active fire season in 2012 demonstrated the ineffectiveness of the current City Code

provisions for responding rapidly to changing wildfire environments. The ordinance proposed would give City Council and the City Manager each the authority to quickly enact an outdoor fire ban and restrictions within the City under certain emergency situations.

Should the City Manager enact a ban or restrictions on outdoor fires as authorized by the ordinance, those actions could be terminated or modified by the Council at its next regular Council meeting or at a called special meeting. In addition, the City Council can on its own initiative, enact a ban or restrictions on outdoor fires by just the adoption of a resolution. The ban and restrictions authorized under the ordinance would not include the authority to ban or restrict the use or sale of permissible fireworks within the City of Loveland. Any decisions on fireworks sales and use will continue to be brought to City Council for its consideration by ordinance.

HISTORY AND BACKGROUND:

For many years the City of Loveland and Loveland Fire Rescue Authority have generally followed the burn bans and restrictions implemented by the Larimer County Commissioners through the Sheriff's office. In recent years, extreme weather conditions, with very low relative humidity and high Haines Index numbers, have been occurring.

In 2012, several burn bans and restrictions were initiated by the County Commissioners throughout the more extreme months of the fire season (June-September). The implementation of several of these restrictions resulted in inconsistencies within the City's ordinances for burn bans and restrictions and of those being enforced by the Sheriff and the county.

The County Commissioners operate predominantly by the use of resolutions for their governing processes. The Loveland City Council, by contrast, has used ordinance adoption as the method for fire regulation. The disadvantage is that the process takes longer to implement, due to the time for second reading and the time to take effect.

In 2012, these differences came to a head during the summer season with bans being implemented in the county, but Loveland's bans and restrictions were being processed more slowly through the system. The result was confusion on the part of citizens for what would be allowed related to open burning.

To improve this procedure staff recommends passing the attached ordinance that would allow the City Manager, after he consults with the Fire Chief, to move quickly to enact a ban or restrictions on open fires. However, the ordinance also allows the City Council to adopt a resolution at its next regular Council meeting or at a called special meeting to terminate or modify the City Manager's ban and restrictions. The City Council may also enact a ban or restrictions on outdoor fires on its own initiative under the ordinance by the adoption of a resolution.

CONCLUSION:

The benefits of this model would be that a burn ban and restrictions could be enacted in a quick and effective manner when they are needed. This method also allows the City Council to become involved in this process at an early point if it chooses to do so. Although the ordinance deals with bans or restrictions for outdoor fires, it does not include fireworks. Decisions on the sale and use of permissible fireworks will continue to be brought before City Council for action.

UPDATE FROM FIRST READING:

During the presentation of this agenda item at the April 16 meeting, Council members had several questions and made requests for additional information. The questions related to the application of burn bans and restrictions in specific areas including outdoor welding and outdoor chimeneas; there was also a request to provide the exact code definition for outdoor fires. An additional request for information was received as to what LFRA's other comparison departments in the region are doing about similar issues of burn bans and restrictions in extreme fire behavior environments. An additional attachment addressing these issues is included as part of Council's packet for this meeting.

This ordinance was approved on April 16, 2013 with eight councilors voting in favor and Councilor McKean voting against.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Ordinance

International Fire Code Definitions /Regional Departments Comparison Information

FIRST READING: April 16, 2013

SECOND READING: May 7, 2013

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15.28
GRANTING THE CITY COUNCIL AND THE CITY MANAGER
AUTHORITY TO IMPOSE OUTDOOR FIRE BANS AND
RESTRICTIONS UNDER CERTAIN EMERGENCY CIRCUMSTANCES
WITHIN THE CITY OF LOVELAND**

WHEREAS, City staff recommends amending City Code Chapter 15.28 to grant both the City Council and the City Manager the authority to quickly impose outdoor fire bans and restrictions under emergency circumstances; and

WHEREAS, certain outdoor fires can represent an unacceptable risk to the public's health, safety and welfare during hot, dry or windy weather conditions; and

WHEREAS, the City is authorized under its home rule powers and C.R.S. §§ 31-15-401(q) and 31-15-601 to ban and restrict outdoor fires; and

WHEREAS, allowing outdoor fires within the City when hot, dry or windy weather conditions, or any combination thereof, are existing or are forecasted to soon occur, can create a high risk of fire danger to persons or property within the City and areas surrounding the City, as recent wildfires in Larimer County have shown; and

WHEREAS, the Council has determined that it is necessary for the public's health, safety and welfare for the Council and the City Manager to each have the legal authority in such emergency circumstances to quickly ban or restrict outdoor fires in order to minimize the risk of fire danger to persons or property within and near the City and to ensure adequate fire protection services are available to Loveland's citizens.

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

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 Chapter 15.28 of the Loveland Municipal Code is hereby amended by the addition of a new Section 15.28.025 to read as follows:

Section 15.28.025. Emergency restrictions on outdoor fires.

A. If in the judgment of the city council or of the city manager, after his or her consultation with the fire chief of the Loveland Fire Rescue Authority, a high risk of fire danger to persons or property exists or is forecasted to soon occur within the city and areas surrounding

the city as the result of hot, dry or windy weather conditions, or any combination thereof, the city council and the city manager may each ban or restrict outdoor fires within the city as provided in this section.

B. The city council may impose a ban or restrictions on outdoor fires as authorized in this section by the adoption of a resolution. Promptly after the council's adoption of any such resolution, the city clerk shall cause the resolution to be published in a Loveland daily newspaper and to be posted prominently on the city's Internet website. The date upon which the ban or restrictions shall take effect shall not be earlier than the next day after the resolution is published in the newspaper. Following this same procedure, the city council may at any time adopt a resolution terminating or modifying the ban or restrictions to be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.

C. If the city manager imposes a ban or restrictions on outdoor fires as authorized in this section, the city manager shall cause a notice to be published in a Loveland daily newspaper and posted on the city's Internet website notifying the public of the specific date and time when the ban or restriction shall take effect and it shall expressly specify the types of outdoor fires prohibited and/or the restrictions being imposed on outdoor fires. The date upon which the ban or restrictions will take effect shall not be earlier than the next day after the notice is so published. If the city manager determines, after consultation with the fire chief of the Loveland Fire Rescue Authority, that the emergency conditions no longer exist or have lessened, the city manager may, following the same procedure set forth in this paragraph, terminate or modify the ban or restrictions. Any such termination or modification shall not take effect any earlier than the next day after publication of the notice. In addition, the city council may at any time adopt a resolution terminating or modifying any outdoor fire ban or restrictions imposed by the city manager under this section. Any such resolution shall replace, supersede and preempt in all respects any outdoor fire ban and restriction imposed by the city manager under this section. The city council's resolution shall be published and posted in the same manner as any resolution adopted under paragraph B. of this section and the council's action taken in a resolution adopted under this paragraph shall be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.

D. If any provision of this chapter 15.28, this code or of any city ordinance is inconsistent or in conflict with any ban or restriction imposed by the city council or the city manager pursuant to this section, such provision shall be deemed temporarily superseded by this section and its legal effect shall be held in abeyance so long as such ban or restriction remains in legal effect under this section or until the city council or the city manager terminates or modifies the ban or restrictions as provided in this section.

E. As used in this section, "outdoor fire" shall mean the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

F. It shall be unlawful for any person to start, allow, permit or maintain any outdoor fire within the city in violation of any ban or restriction imposed under this section.

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

ADOPTED this _____ day of _____, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

Council Information Requested from April 16 Meeting

During the April 16 City Council Meeting more information was requested by Council during the discussion surrounding Agenda Item 17, *Burn Ban and Restrictions*. Two specific areas were identified by Council as needing additional information:

- What does the International Fire Code say about welding?
- What do other cities/jurisdictions include in their definition of “open fire”? (i.e., do they include chimneas and welding?)

International Fire Code

IFC 302 Define Open Burning: The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*** Other related Code regulations:**

- IFC 105.6.31 Open Burning: An operational permit is required for the kindling or maintaining of open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires.

- IFC 302 Define Recreational Fires: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Welding Operations-

The 2009 IFC (Fire Code) does not have a specific area/ chapter that addresses “Outdoor Welding” however; there is a section (Chapter 26- Welding and Other Hot Work) that does address all welding, cutting and “hot work” operations. Specific restricted areas listed in the code include:

2601.3 Restricted areas. Hot work shall only be conducted in areas designed or authorized for that purpose by the personnel responsible for a Hot Work Program. Hot work shall not be conducted in the following areas unless approval has been obtained from the *fire code official*:

1. Areas where the sprinkler system is impaired.
2. Areas where there exists the potential of an explosive atmosphere, such as locations where flammable gases, liquids or vapors are present.
3. Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust or loose combustible materials.
4. On board ships at dock or ships under construction or repair.
5. At other locations as specified by the *fire code official*.

General Fire Safety Requirements For Welding Operations:

Combustibles. Hot work areas shall not contain combustibles or shall be provided with appropriate shielding to prevent sparks, slag or heat from igniting exposed combustibles.

Fire extinguisher. A minimum of one portable fire extinguisher with a minimum rating 2-A:20B:C rating shall be readily accessible within 30 feet of the location where hot work is performed.

Precautions in hot work. Hot work shall not be performed on containers or equipment that contain or have contained flammable liquids, gases or solids until the containers and equipment have been thoroughly cleaned, inerted or purged; except that “hot tapping” shall be allowed on tanks and pipe lines when such work is to be conducted by approved personnel.

Fire watch. A fire watch shall be provided during hot work activities and shall continue for a minimum of 30 minutes after the conclusion of the work. Exception: When the hot work area has no fire hazards or combustible exposures.

Duties. Individuals assigned to fire watch duty shall have fire-extinguishing equipment readily available and shall be trained in the use of such equipment. Individuals assigned to fire watch duty shall be responsible for extinguishing spot fires and communicating an alarm.

Other Jurisdictions

The LFRA staff made contacts with more than six regional departments/communities, (Boulder, Fort Collins, Greeley, Longmont, and two fire protection districts: Berthoud FPD and Windsor-Severance FPD- all responded to requests for information). While all of these entities do enforce the International Fire Code (IFC); there are differences in how the code is applied and enforced during the time of a burn ban or fire restrictions. Some of these communities and districts (most) exempt welding operations and chimeneas from any ban or fire

restrictions. Fort Collins (PFA) does include both welding operations and the use of chimeneas during an enforced burn ban.

What our staff found during this discovery process is consistency in the adoption and use of the IFC, but during times of burn bans or burn restrictions much more variation in the specificity for enforcement exists.



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

AGENDA ITEM: 14
MEETING DATE: 5/7/2013
TO: City Council
FROM: Suzanne Janssen, Cultural Services, Art in Public Places (AIPP)
PRESENTERS: Sherri Heckel Kuhlmann (Visual Arts Commission Chairwoman),
Roger Clark (Commissioner) and Suzanne Janssen
(Public Art/Business Services Manager)

TITLE:
State of Public Arts in Loveland

RECOMMENDED CITY COUNCIL ACTION:
This presentation is for informational purposes only. No action is required.

DESCRIPTION:
Commission representatives will present information regarding the “State of the Arts” in Loveland, highlighting 2012 acquisitions, accomplishments, and 2013’s highly visible public art projects undertaken for the Art in Public Places Program.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible
Financing for the projects discussed are presently allocated within the annual budget.

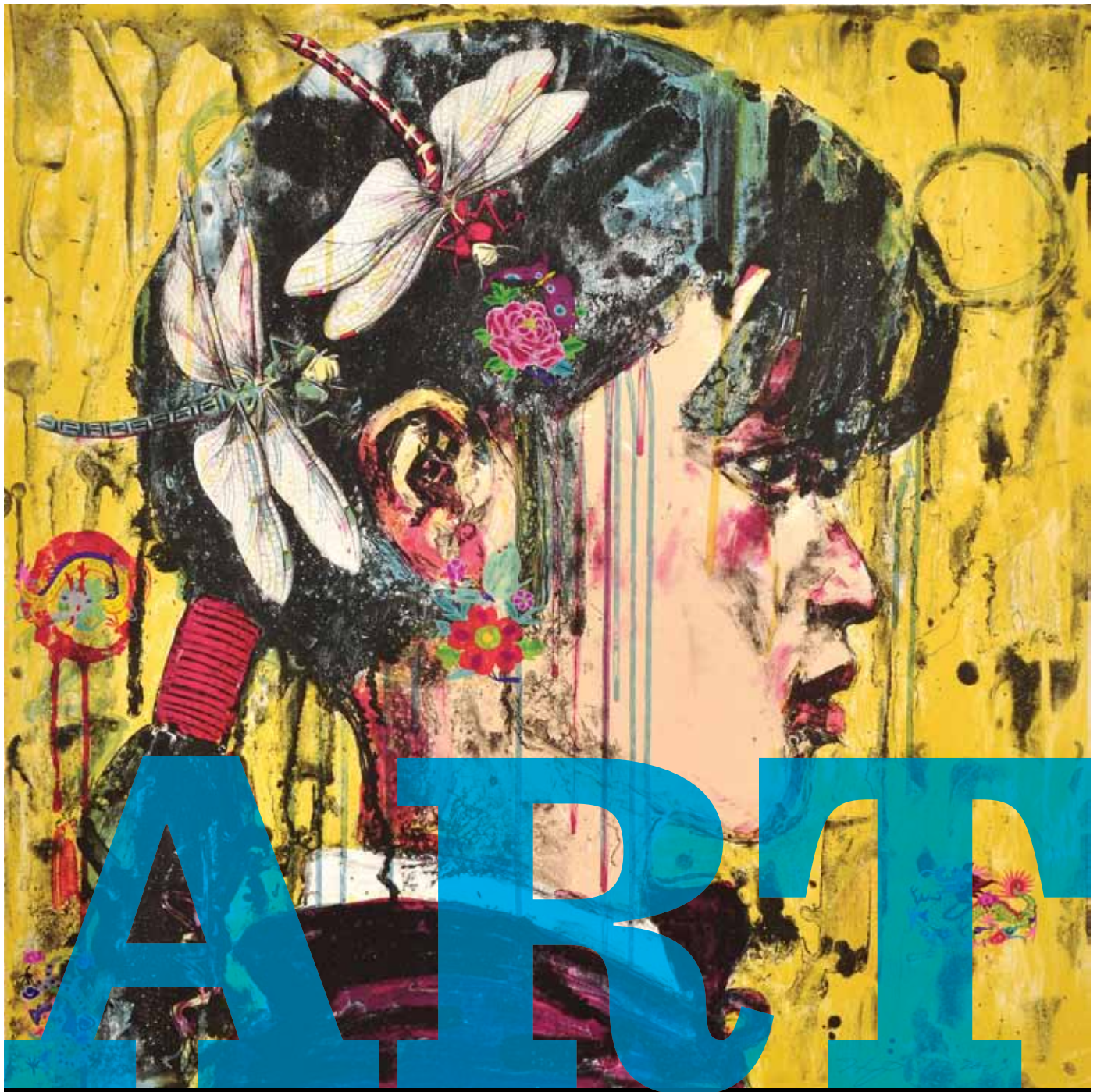
SUMMARY:
Loveland’s Art in Public Places Program continues to serve as a model for other cities through successful public/private partnerships and active community involvement. This presentation will provide City Council an update on last year’s public art activities, acquisitions and installations including, ongoing programs such as The Art Advocacy Project and *Transformations*. Additionally, Councilors will receive insight into the upcoming projects for the Service Center Expansion, Fire Station #2 Expansion, Third and Lincoln Avenue Plaza, and the I-25/Highway 34 Interchange.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Art in Public Places *Handbook of Guidelines*

PowerPoint presentation: *Building on Traditions: Public Art in Loveland*



ART

IN PUBLIC PLACES *handbook of guidelines*

visual arts commission

CITY OF LOVELAND

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INTRODUCTION

Loveland made an early commitment to the arts by becoming the first City in Colorado to adopt an Art In Public Places Ordinance in 1985. Numerous community volunteers have participated in events that have supported the arts for the past 26 years. It has truly been a grassroots effort.

The vision, hard work and collaborations of Loveland residents and organizations have created a large, diverse public art collection that creates a sense of place, provides a unique identity and serves as an economic driver.

Public art is meant to be encountered as we carry on our daily lives—on the way home or to the grocery store; in front of a bank; in a neighborhood; in parks; and in many unexpected places.

The underlying goal of the policies in this book is to enhance our public spaces.



1 *city ordinances*

City ordinances 3214 and 3227 establish the Art in Public Places program and the Visual Arts Commission. These ordinances have been in place since 1985 and have been instrumental in establishing Loveland as a model of public art in Colorado.

CITY OF LOVELAND ORDINANCE 3214

CHAPTER 12.60 *Art in Public Places**Section 12.60.010***PURPOSE**

The purpose of this chapter is to provide a means to fund the acquisition of works of art by the city, which shall become the city's collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection. (Ord. 3214 § 1 (part), 1985)

*Section 12.60.020***DEFINITIONS**

For the purpose of this chapter the following words or phrases shall be defined as set out below:

- A.** "Art in public places" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.
- B.** "Commission" means the visual arts commission created and codified in Section 2.60.260 of this code.
- C.** "Construction cost" means actual cost of any construction project with an estimated construction cost of fifty thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.

D. "Construction project" means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or other public improvement by or for the city, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements excepted by the city council from the requirement of Section 12.60.030 of this chapter after a public hearing thereon.

E. "Reserve account" means the art in public places reserve account established by this chapter.

F. "Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs. (Ord. 3214 § 1 (part), 1985)

*Section 12.60.030***FUNDS FOR WORKS OF ART**

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside

for works of art shall be paid into the reserve account.
(Ord. 3214 § 1 (part), 1985)

Section 12.60.040

ACCOUNT ESTABLISHED

There is established a reserve account within the general fund-capital to be known as the art in public places reserve account. Such reserve account shall be credited with such funds as determined by the city council and with all funds received by the city for visual art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for acquisition of works of art, maintenance and repair of works of art and expenses of administration of this chapter. (Ord. 3214 § 1 (part), 1985)

Section 12.60.050

ADMINISTRATION

The visual arts commission shall administer the provisions of this chapter relating to acquisition of works of art and display. The Loveland Museum/Gallery shall provide administrative support and assistance to the commission as necessary to accomplish the purposes of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The commission shall submit, not later than March of each year, a report of its activities for the prior year. (Ord. 3214 § 1 (part), 1985)

Section 12.60.060

GUIDELINES

The commission shall adopt guidelines:

- A.** To identify suitable art objects for city buildings;
- B.** To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- C.** To prescribe a method or methods for competitive

selection of art objects for display;

- D.** To prescribe procedures for the selection, acquisition and display of art in public places; and
- E.** To set forth any other matter appropriate to the administration of this chapter. (Ord. 3214 § 1 (part), 1985)

Section 12.60.070

SELECTION & DISPLAY STANDARDS

In performing its duties with respect to art in public places, the commission shall give special attention to the following matters:

- A.** Conceptual compatibility of the design with the immediate environment of the site;
- B.** Appropriateness of the design to the function of the site;
- C.** Compatibility of the design and location with a unified design character or historical character of the site;
- D.** Creation of an internal sense of order and desirable environment for the general community by the design and location of the work of art;
- E.** Preservation and integration of natural features for the project;
- F.** Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G.** Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design and media throughout the community. (Ord. 3214 § 1 (part), 1985)

Section 12.60.080

DISPLAY OF ART IN PUBLIC PLACES

- A.** Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial

public exposure in and around the city. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the commission. City officials responsible for the design and construction of public improvements in the city shall make appropriate space available for the placement of works of art, in consultation with the commission. The commission shall advise the department responsible for the particular public improvement of the commission's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.

- B.** All art in public places shall receive the prior review and approval of the commission. None shall be removed, altered or changed without the prior review and approval of the commission.
- C.** No work of art financed or installed either wholly or in part with city funds or with grants procured by the city shall be installed on privately owned property without a written agreement between the commission, acting on behalf of the city, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the city attorney. In addition, such written agreement shall specify that the private property owner shall assure:
 - 1.** That the installation of the work of art will be done in a manner which will protect the work of art and the public;
 - 2.** That the work of art will be maintained in good condition; and

- 3.** That insurance and indemnification will be provided as is appropriate.

D. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.

E. The director and the Loveland Museum/Gallery shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists and names of architects whenever feasible. The director shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 3214 § 1 (part), 1985)

Section 12.60.090

OWNERSHIP

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the city. (Ord. 3214 § 1 (part), 1985)

Section 12.60.100

EXEMPTIONS

The following are exempt from the provisions of this chapter:

- A.** All works of art in the collections of, or on display at, or under the auspices of, the Loveland Museum/Gallery and the Loveland Public Library; and
- B.** All works of art in display in private city offices or other areas of city-owned facilities which are not generally frequented by the public. (Ord. 3214 § 1 (part), 1985)

CITY OF LOVELAND ORDINANCE 3227

SECTION 2.60.280 *Visual Arts Commission*

There is established a visual arts commission. It shall consist of seven members appointed by the council who shall serve without compensation. The members shall serve for periods of three years each, except that the initial terms of two of such members shall expire on December 31, 1986, the initial terms of two such members shall expire on December 31, 1987, and the initial terms of three such members shall expire on December 31, 1988. All members shall be eligible for reappointment. The members shall be citizens who are actively interested in the visual arts and civic improvement. The director of the Loveland Museum/ Gallery and a member of the council shall serve as ex officio and nonvoting members. The function of such commission shall be to perform the duties set forth in Chapter 12.60 of this code, pertaining to the city's art in public places program. (Ord. 4211 § 1, 1996: Ord. 4168 § 4, 1996: Ord. 3227 § 1, 1985)





2

aquisition policy

There's something for everyone in the public art collection. On City streets or in City buildings, a panoply of art graces our community.

ACQUISITION *Policy*

BACKGROUND AND DEFINITIONS

This policy provides a framework for acquiring works of art through the Loveland Art in Public Places Program (AIPP).¹ The Visual Arts Commission (VAC) is responsible for the acquisition and maintenance of such art. The VAC's ambition for Loveland's public art collection is for the collection to represent Loveland's significance as, and aspiration to be even more so, an artistic community.

For purposes of this policy, **Art in Public Places** is defined as any visual work of art displayed for two weeks or more in (1) an open City-owned area, (2) on the exterior of a City-owned facility, (3) in the interior of a City-owned facility (in public areas), or (4) on non-City-owned property if the work of art is installed or financed (either wholly or in part) with City funds or grants obtained by the City.

The terms **work of art** and **artwork** include, but are not limited to, a sculpture, monuments, murals, frescos, reliefs, paintings, fountains, banners, mosaics, ceramics,

weaving, carving, electronic media or stained glass. They would not normally include landscaping, architectural ornamentation, or signs.

PROGRAM GOALS

The principal goals of the Loveland AIPP Program are:

- 1.** To enrich the public environment for residents and visitors through the incorporation of the visual arts;
- 2.** To nurture and enhance the attractiveness of the Loveland community;
- 3.** To enable Loveland to attain recognition on state and national levels as a leader in the visual arts;
- 4.** To increase public access to works of art and to promote understanding and awareness of the visual arts in the public environment;
- 5.** To promote diversity and pluralism in public art and to reflect a wide range of multi-cultural expression;
- 6.** To contribute to the economic vitality, quality of life, and civic pride of the Loveland community; and
- 7.** To continue to support efforts to develop Benson Park Sculpture Garden as a sculpture park of national significance.²

¹ *In November, 1985, ordinances 3214 and 3227 were passed to provide a means to fund the acquisition of works of art by the City, which shall become the City's collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection.*

Under the ordinances, 1% of the construction cost of each City project, with costs of \$50,000 or more, is placed in a reserve account for Art in Public Places (AIPP). A commission consisting of seven members, appointed by the City Council, administers the AIPP Program. For more information, see pages 4 – 7.

TYPES OF SELECTION

Selection of an artwork may be VAC, or otherwise, initiated.³ This policy applies to both. An additional Donation Policy applies to donations.

Direct Purchase: The VAC may purchase existing artwork from an artist/owner in unique circumstances (e.g. when the price presents an economic advantage) or to meet one of the AIPP program goals. The VAC may approach an artist or an artist may approach the VAC.

Artists who have finished work that they wish the VAC to consider for purchase should submit the following to the VAC:

1. A proposal sheet with the artist's name, title of the artwork, dimensions, medium, date produced, price, location, number of reproductions, restrictions on reproduction, and other information the artist deems pertinent.
2. A resume and references.
3. A maquette and/or images or the actual work for review. (Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work).
4. A cover letter explaining why the work should be added to the City's public art collection.
5. A conservation assessment describing the artwork's condition, along with a maintenance plan. (The plan should include an explanation of the expected life span of the work while placed in a public

environment, specifying the type of environment in which the artwork may be placed. It should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.)

6. The VAC may request additional information.

The VAC typically reviews direct purchases twice per calendar year; however, exceptions can be made if deemed appropriate by a majority of the Commission.

Open Competitions: Competitions are open to artists within the geographic limits and other specifications set by the VAC (which vary from competition to competition). The VAC strives to maintain balance between competitions involving local artists only and artists from a larger area. The VAC process for competitions is typically as follows:

1. The VAC provides a project description, budget, time schedule, and summary of duties and obligations;
2. The artist shall provide a maquette and site drawing (if appropriate), design, concept statement, budget, photographs, resume and references.
3. Proposals shall be considered by the jury and a final choice or choices will be presented to the VAC for acceptance. Jury composition varies and is determined by the VAC, but juries typically include a representative(s) from the designated site and VAC representatives.

² *The VAC recognizes that works of art often significantly alter public places, becoming a major new presence in the environment. In recent decades, visual art has rapidly evolved and diversified, creating at times a gap between visual art and its appreciation by the general public. The program shall endeavor to bridge this gap, by broadening community awareness of the issues involved in visual art and its historical context, and encouraging informed debate among all segments of the community.*

³ *The AIPP fund shall not be used for: 1) Reproductions or unlimited editions of original work; 2) Objects that are mass-produced; 3) Architectural rehabilitation, or historical preservation; or 4) Other works deemed inappropriate for the collection.*

4. Entry materials will be returned to the artist only if appropriate packaging, postage and insurance are included with the entry by the artist. The names of selected artists may be obtained from the Public Art/Business Services Manager.

ARTIST SELECTION CRITERIA

When evaluating the possibility of working with a particular artist, the VAC generally considers:

- The artist's experience with public art projects;
- The ability of the artist to work cooperatively and effectively with stakeholders;
- The artist's presentation;
- The technical feasibility of a proposed project and the artist's technical ability; and
- Other factors deemed by the VAC to be important.

ARTWORK AND SITE SELECTION

The VAC is charged with selecting artwork for capital projects (designated sites) and for selecting sites for purchased or donated artwork. In both cases, the VAC generally considers the following criteria in matching an artwork with a display site.

Display Standards:

1. Conceptual compatibility of the design with the immediate site environment;
2. Appropriateness of the design to the function of the site;
3. Compatibility of the design and location with a unified design character or historical character of the site;
4. Creation of a desirable environment for the general community by the design and location of the work of art;
5. Preservation and integration of natural features for the project;

6. Appropriateness of the materials and design to the expression of the artist's concept;
7. Representation of a broad variety of tastes within the community and the provisions of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community;
8. Visibility and accessibility;
9. Public safety;
10. Car and pedestrian traffic patterns, and other Right of Way considerations;
11. Site design: landscaping, irrigation, drainage, grading, lighting and seating;
12. Environmental impact such as noise, sound, light and odor;
13. Impact on operations functions of the City;
14. Compatibility with the site function;
15. Susceptibility to vandalism;
16. Costs of site preparation;
17. Existing artworks in the site area;
18. Impact on adjacent property owners; and
19. Any other criteria deemed by the VAC to be important.

DEPARTMENT INPUT

Whether (1) working to select artwork for a designated site, or (2) selecting a site for an already acquired artwork, the VAC strives to get input from relevant City departments. Relevant departments will typically be either (1) a department receiving artwork for its building/grounds, or (2) a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site.

The Cultural Services Director will contact the director of a relevant department(s) to discuss potential sites and will invite the director to serve on any formal selection committee. The VAC encourages participation by the relevant department director. Selection processes,

which are determined by the VAC, vary by project. The Cultural Services Director will ask the director of the relevant department to provide any concerns he or she has about the sites and/or their impact on department operations before a selection process begins.

POST-SELECTION PROCESS

Once a site has been selected, an installation plan will be developed by the Cultural Services Staff with input from the artist, donor, and contractor when appropriate. After installation, the designated representative(s) of the VAC and the relevant department director will meet to inspect the site.

At the time of an acquisition, whether by donation or purchase, the proposed budget for an artwork should cover costs of installation, which may include (1) plinths or other display components; (2) site development; and (3) an identification plaque.

CONTRACTS

Following the final selection of an artwork or artist, a written contract shall be prepared by the Cultural Services Staff and approved by the City Attorney. Executed contracts shall be filed with the City Clerk.

PUBLIC DISCLOSURE

Currently, VAC meetings are held on the second Thursday of each month at 5:00 p.m. in the conference room of the Loveland Museum/Gallery, unless a special meeting is called. VAC meetings are posted according to City regulations and are open to the public.

VAC agendas and minutes are provided to the Loveland Daily Reporter-Herald to facilitate public input.

Generally, a legal notice, including a photograph of the proposed donation is run in the newspaper to allow citizen comment. Feedback received is provided to the

VAC prior to the second and final reading regarding the proposed installation. Under some circumstances, second reading may be waived.





3

donation policy

Donations have become the hallmark of Loveland's public art collection—primarily through the Loveland High Plains Arts Council purchases for Benson Sculpture Park. Approximately 72% of the collection has been acquired through generous donations from arts organizations, artists and private donors.

DONATION *Policy*

BACKGROUND AND DEFINITIONS

The City of Loveland's collection of more than 330 public works of art consists in large part of donations from arts organizations and private parties. Needless to say, donations are an important part of the collection. The Loveland Art in Public Places (AIPP) program has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork. To ensure the quality of the collection, the City's Visual Arts Commission (VAC) uses the guidance in this policy to decide whether a proposed donation is appropriate for addition to the City's collection. The VAC accepts only those works that will, in its discretion, further the goals of the AIPP program.

PROCESS FOR CONSIDERATION

The VAC requests that individuals or entities interested in donating an artwork follow these steps:

- 1.** Submit a complete official donation application to the Loveland Public Art/Business Services Manager. This form may be obtained from the City website or from the Public Art/Business Services Manager.
- 2.** Provide a maquette and/or images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.
- 3.** Include a cover letter explaining that you are offering the artwork to the City as a gift and explain why

the work should be added to the City's public art collection.

- 4.** Provide a copy of the artist's resume or biography; information about the artist's significance; and digital images showing a sampling of the artist's work.
- 5.** Provide information about the artwork's provenance, exhibition history, and a current estimate of value. Include a letter of authenticity from the artist, if possible.
- 6.** Provide a conservation assessment describing the artwork's condition, along with a maintenance plan. The plan should include an explanation of the expected life span of the work while placed in a public environment, stipulating the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.
- 7.** The VAC may request additional information.

Funds to maintain artworks in the City's collection are limited. Therefore, when accepting a gift into the City's collection, the VAC may require that the donor sign a maintenance agreement or establish a maintenance endowment to ensure an adequate quality of care for the artwork. The Commission is unlikely to consider any donation that requires immediate or extensive maintenance.



The VAC typically reviews gifts twice per calendar year (in January and July); however, exceptions can be made if deemed appropriate by a majority of the Commission. After review, the VAC may choose to accept or decline a gift, or to table an offer.

REVIEW CONSIDERATIONS

In reviewing a potential donation, the VAC typically considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the City's existing public art collection, and budget. The VAC may consider other factors contained in its Acquisition Policy.

PUBLIC DISCLOSURE

Currently, VAC meetings are held on the second Thursday of each month at the Loveland Museum/Gallery, unless a special meeting is called. VAC meetings are posted according to City regulations and are open to the public.

VAC agendas and minutes will be provided to the Loveland Daily Reporter-Herald to facilitate public input during the process and a copy of the minutes will be sent to those who present a proposal. Generally, a legal notice, including a photograph of the proposed donation will be run in the newspaper to allow citizen comment regarding the donation.

BENSON PARK SCULPTURE GARDEN & MUSEUM PLAZA SCULPTURE GARDEN

The disclosure process described above may be modified by the VAC for artworks acquired for placement in the Benson Park Sculpture Garden or the Museum Pod Sculpture Garden.



4

deaccessioning policy

Occasionally a piece of art needs to be removed from the public art collection (deaccessioned).

DEACCESSIONING *Policy*

INTRODUCTION

Deaccessioning is a procedure for withdrawing a work of art from the City of Loveland's public collection

The Loveland Visual Arts Commission (VAC) is responsible for deciding whether any piece(s) should be deaccessioned. Deaccessioning occurs only for good reason, in the VAC's discretion.

BASIS FOR DEACCESSIONING

The VAC may deaccession an artwork for one or more of the following reasons:

- The artwork endangers public safety;
- The artwork has been determined to be in unsatisfactory condition;
- The artwork lacks a suitable display site;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is attached to a structure slated for destruction, remodeling or repair (so that it is not practical to keep the artwork);
- The artwork is or has become incompatible with the rest of the collection;
- The City wishes to replace the artwork with a piece of more significance by the same artist;
- The artwork requires excessive maintenance or has faults of design or workmanship.
- The artwork is fraudulent or not authentic;
- The City cannot properly care for or store the artwork; or
- For any other reason articulated by the VAC, in its discretion.

PROCESS/DISPOSITION

The VAC will review the pieces in the City's Art in Public Places collection - at least every five years - to determine whether any piece(s) should be deaccessioned. In addition, the City reserves the right to deaccession an artwork at any time deemed appropriate by the VAC.

Deaccessioning may only be considered during a monthly or a special meeting of the VAC. A majority of commissioners in a quorum must approve deaccessioning for two consecutive votes. After the first vote, a public announcement of the plan to deaccession must be made to permit public input prior to the second vote. After the second vote, the artwork shall be officially deaccessioned from the City collection.

The VAC may consider the following options for disposition of a deaccessioned artwork:

- 1.** Return to the artist;
- 2.** Sale or trade;
- 3.** Destruction (which shall be reserved for works deteriorated or damaged beyond reasonably-priced repair);
- 4.** Donation; or
- 5.** Any option deemed appropriate by the VAC.

5

maintenance policy

The City is committed to the documentation, preservation, and maintenance of this collection. The Visual Arts Commission (VAC) is responsible for this process.

MAINTENANCE *Policy*

GOAL

The goal of the Public Art Maintenance Policy is to maintain the City’s collection of publicly owned artwork to ensure Loveland citizens’ long-term enjoyment of the collection. The Public Art Maintenance Policy spells out the documentation, preservation, and maintenance processes that will support that goal. The Public Art Maintenance Policy will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection

DEFINITIONS

- A. Art in public places** (see R.60.020.,LMC). The term “art in public places” refers to any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, inside any City-owned facility in areas designated as public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or with grants the city has procured.
- B. Work of art or artwork** (see R.60.020.,LMC). The term “work of art or artwork” refers to, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving, and work of/piece of stained glass. The term “work of art” would not normally include landscaping, architectural ornamentation, or signs.
- C. Documentation.** Documentation includes, but

is not limited to, periodic condition reports, records of actual maintenance performed and an assessment of those efforts, photographs, artist’s maintenance recommendation, methods and materials information, potential problems with the work, finishes information (e.g., patiner’s name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties and professional and other knowledgeable opinions regarding preservation and maintenance. The documentation may also include the artist’s resume, artwork history, where the work has been exhibited, and a personal interview with the artist.

- D. Preservation.** Preservation includes placement; installation; security; regularly scheduled maintenance and emergency repairs (with consideration to the natural process of aging).
- E. Maintenance.** Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. This plan will include measures to assess the ongoing effectiveness of preservation.

PROCESS

- 1. Documentation.** The initial documentation will occur before a piece is accepted into the City collection. A standardized form will be used for this purpose. The VAC, appropriate City departments (Facilities & Maintenance, Parks & Recreation),

City Commissions, outside contractors, service people and experts may be asked to review this documentation. Documentation will reside in the records of the Cultural Services Department. The Business Services Coordinator will be responsible for creating and maintaining the documentation. The VAC will use the projected cost of maintenance as one consideration in its final determination of acceptance and placement. Although documentation and maintenance recommendation alone will not be used to specifically exclude artwork from the City collection, but the recommendation may play a role in that final determination. (A documentation fund established in the VAC budget will pay for documentation not obtained at acquisition.)

- 2. *Maintenance documentation.*** When an artwork is accepted into the City collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g., timing, type of maintenance) and identify any maintenance issues that may require special attention. Each medium will require knowledgeable people to develop maintenance criteria. In addition, the maintenance criteria may include future historic and aesthetic considerations for each piece. The maintenance documentation may be reviewed and revised as needed.
- 3. *Inspection and Condition Report.*** In February of each year, the Business Services Coordinator will initiate an inspection and condition report. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection for each piece. The inspection and condition report will become part of the permanent documentation of the specific piece and will reside with the Cultural

Services Department of the City.

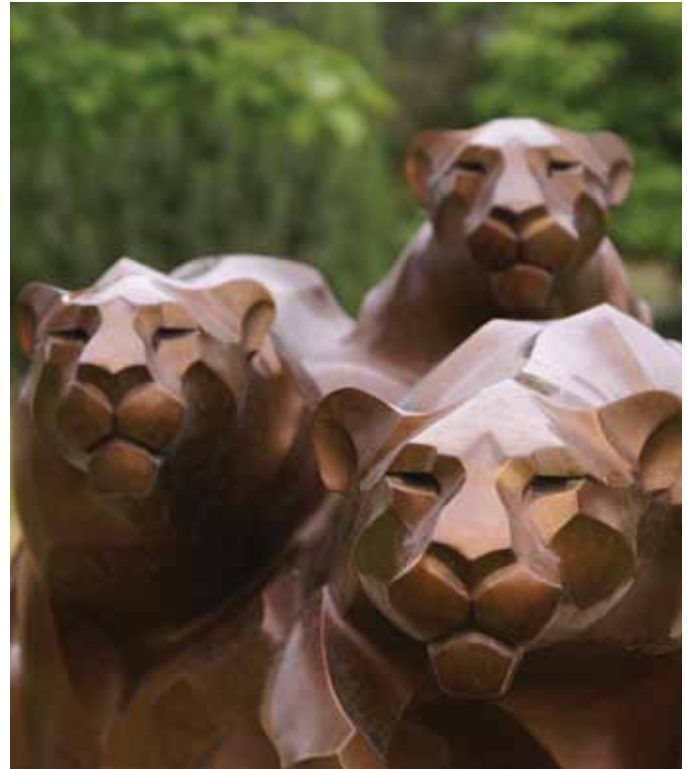
- 4. *Regular maintenance.*** Paid professionals and/or trained and supervised volunteers will perform regular maintenance according to the maintenance schedule and condition report for each specific piece during the second and third quarters of each year. The Business Services Coordinator will initiate and coordinate the regular maintenance activities. Each exterior piece, not receiving hot wax or special treatment, will receive a cold wax treatment.
- 5. *Special Maintenance.*** Paid professionals/craftspeople or knowledgeable volunteers will perform maintenance that requires specialized tools, equipment, or knowledge on an “as needed” basis. The VAC will use the condition report and/or site visits to determine need.
- 6. *Emergency Maintenance or Repair.*** Paid professionals/craftspeople or knowledgeable volunteers will perform emergency maintenance or repair on an “as needed” timely basis as determined by the Director of Cultural Services..

IMPLEMENTATION

- 1. *Policy Implementation.*** The Business Services Coordinator, City Staff, and interested persons will implement and monitor the Public Art Maintenance Policy and will report to the VAC each quarter, or more often if needed, on the status of art work maintenance. The Business Services Coordinator will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy. (Changes adopted in March 2004)
- 2. *Funding.*** Funding for maintenance will be established through a budget developed by the Business Services Coordinator and presented to the VAC each November. Funds will come from the VAC Art in Public Places budget. Maintenance funding

will take precedent over art purchases. (Changes adopted in March 2004)

- 3. *Contract Services.*** Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.
- 4. *Quality Control.*** The VAC believes in regulating the quality of maintenance to an established standard. Therefore the VAC will work over time to collect maintenance data (e.g. Lacquer vs. waxing, annual vs. biannual maintenance, professional vs. volunteer, etc.) The VAC and the Business Services Coordinator will use this data to develop specific quality standards and devise ways to measure if the standards are met. Once established, the standards will be used to collect relevant data, analyze that data, and create corrective action plans as needed. The Business Services Coordinator will identify specific areas of comparison (e.g. using multiple contractors and comparing the results of their work) and documenting specific maintenance challenges and failures (and their solutions). (Changes adopted in March 2004)
- 5. *Policy Review.*** Annually in November, VAC members and/or the Business Services Coordinator will recommend changes to the Public Art Maintenance Policy to the VAC. (Changes adopted in March 2004)
- 6. *Attachments.*** Forms that will be used to implement the policy will be attached as exhibits to the policy and modified as needed during the annual policy review process.



6 *placement in the public right-of-way policy*

This policy is a framework to guide art installations that may bound the public right-of-way or be placed in the right-of-way, such as over bridges and underpasses or within roundabouts or other “island” installations in the roadway.

PLACEMENT IN THE PUBLIC RIGHT-OF-WAY *Policy*

GOAL

The goal of this policy is to develop a framework for the consideration of art work that will enhance the community, the travel corridor or the right-of-way. The policy does not rule out any particular application, as every installation should be weighed related to the location, the factors noted below, as well as the other impact values.

Leadership for consideration of all projects and installations rests primarily with the City of Loveland Visual Arts Commission. Staff liaison support is provided through the Cultural Services Department, and in cases that impact the ROW Cultural Services will guide the process of securing collaborative support from other departments.

Public Works can and will provide support, professional expertise, and advisement as needed for installations selected by the Visual Arts Commission. Primary contact will be through the Public Works Director and any staff member who will be supporting the project(s). In installations that involve CDOT ROW Cultural Services and Public Works will develop a joint plan to address the separate contract, review, and inspection requirements necessary with these projects; this may include cost considerations for project management if the size of the installation is large.

The City of Loveland utilizes the **Manual of Uniform Traffic Control Devices (MUTCD)** when determining uses, signage, visual sightline requirements, and other issues that impact the ROW. The MUTCD is nationally accepted as the primary standard for these requirements.

INSTALLATIONS ADJOINING THE ROW

When considering installations along the ROW the following factors shall be considered by Public Works in making a determination about a particular installation.

- 1.** ADA requirements
 - A.** For example: does the installation impact the egress of handicapped individuals
- 2.** Impact on flow of pedestrians, bicycles, or traffic
 - A.** For example: does the installation cause undue interruption of the flow of individuals on a sidewalk or cross walk
- 3.** Safety Impacts
- 4.** Maintenance requirements that may be created by the installation

INSTALLATIONS WITHIN THE ROW

When considering installations in the ROW the following factors shall be considered by Public Works in making a determination about a particular installation.

- 1.** ADA requirements
- 2.** Impact on flow of pedestrians, bicycles, or traffic
- 3.** Safety Impacts

- A.** Does the installation cause undue distraction for drivers, so that vehicles are more likely to cause accidents from slowing or disorientation?
 - B.** Does the installation cause a blockage of sightlines such that safety for drivers, pedestrians, or cyclists is compromised?
 - I.** These sightlines will be different in each installation so size may be a factor at certain locations. For example in an installation at a traditional intersection location close to the sightlines at the corners may create a significant hazard; or within roundabout installations that create blind spots for drivers related to pedestrians will create a significant hazard.
 - II.** Height of installations is not generally an issue except when a foundation structure is required that may limit visibility for pedestrians in wheelchairs or may cause drivers to “rubber neck” for better viewing.
 - C.** In installations that are within the ROW project planners must be sensitive to pieces that may draw pedestrians into the traffic flow for viewing. In roundabout situations this is a critical factor as these traffic designs are developed to keep speeds relatively high and do not have clear locations for drivers to stop, generally roundabout islands are not designed in such a manner as to accommodate pedestrian traffic. If a piece is designed into a roundabout prior to construction it may be possible to create and place design elements that can accommodate these issues. It is also recommended that placement of recognition for pieces (artist signatures, piece descriptions, etc.) are placed outside of the roundabouts flow of traffic versus on the island itself.
- 4.** Maintenance requirements that may be created by the installation.

COLLABORATIVE EFFORTS

In cases where the Visual Arts Commission is seeking to locate a piece adjoining the ROW or within the ROW, prior to final selection, the Public Works Department requests a sketch drawing with estimated measurements be provided. The earlier in the process that detailed information can be provide the better staff will be able to identify potential issues. Public Works staff will review the particular piece for the factors noted above. If the department has particular issues with one or several factors Public Works will provide a detailed description of the issues to Cultural Services, with recommendations on possible adjustments that may remedy the noted issues.

In the event that a particular installation is felt by staff to be “provoking” enough to potentially cause distraction to drivers, that will be noted but final decision on a particular piece and the “distraction factor” still lies with Cultural Services and the Visual Arts Commission.

POST-INSTALLATION

In cases where issues are identified and a project moves ahead without clear resolution of specific items, Public Works and Cultural Services will work collaboratively to develop a post-installation monitoring plan for traffic flow, accident data, and other factors to determine if future alterations to the installation are necessary. If alterations are identified COL staff will work with the Visual Arts Commission to develop possible remedies to alleviate the noted impacts.

The crux of this policy is to provide visual arts planners with general guidelines to consider when developing installations that impact the ROW. The City of Loveland is fortunate in having expertise in the areas of visual arts provided by the commission and Cultural Services

staff, this expertise is complimented by the knowledge and experience in Public Works related to ROW management. The goal of this collaborative experience is to support the maintenance and growth of the public and private art collections within the City of Loveland and to enhance our community's quality of life.



VISUAL ARTS COMMISSION *Contact Information*

COMMISSIONERS

Roger Clark
 Joshua Emrich
 Angela Canada Hopkins
 Nancy Jakobsson
 Lynn Kincanon
 Alyson Kincade
 Sherry Heckel Kuhlmann
 Margaret Rosborough
 Andrew Svedlow

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 jansss@ci.loveland.co.us





visual arts commission

CITY OF LOVELAND



City Council Presentation

P-218
May 7, 2013

Building on Traditions

Public Art in Loveland

28 Years Ago

In 1985, Loveland City Council passed 2 ordinances to provide a means to:

- ❖ fund acquisitions of art
- ❖ provide a selection process
- ❖ provide for maintenance and repair of the art



Art in Public Places

1% of the construction cost of each City capital project, with costs of \$50,000 or more, is placed in a reserve account for Art in Public Places (AIPP).

A commission consisting of nine members, appointed by City Council, administers the AIPP Program.



Art in Public Places

An important aspect of Loveland's identity as an art town

- ❖ Quality of Life
- ❖ Economic Impact



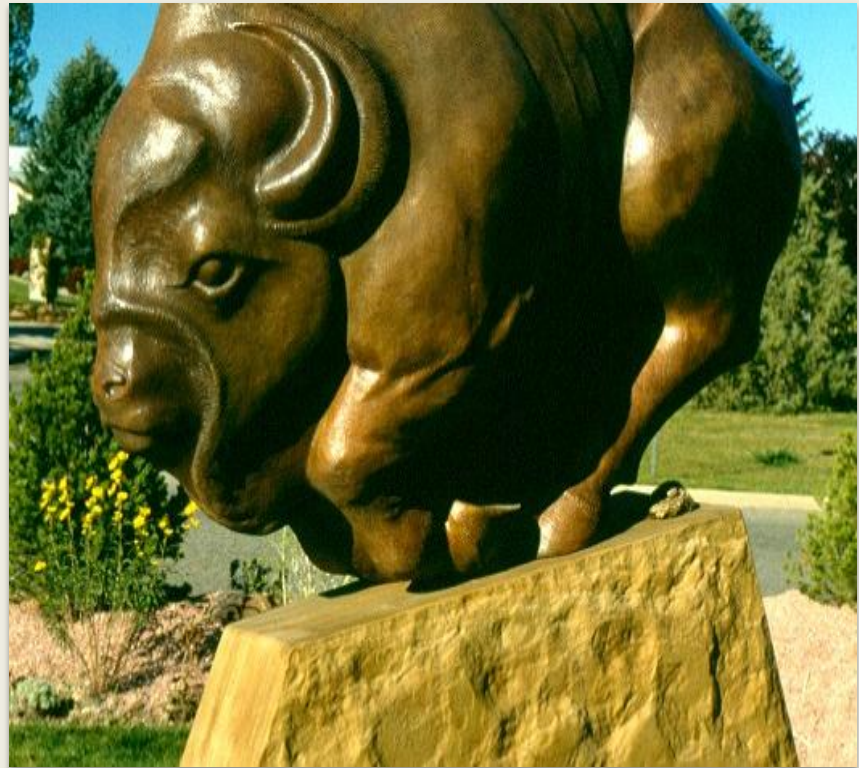


In 1985, the first task undertaken was to adopt procedures for selection, acquisition and display of artworks and provide a means to preserve the City's investment in art.



Acquisition Policy

There's something for everyone in the public art collection. On City streets or in City buildings, a panoply of art graces our community.



Donation Policy

Donations have become the hallmark of Loveland's public art collection—primarily through the Loveland High Plains Arts Council purchases for Benson Park Sculpture Garden.



Deaccessioning Policy

Occasionally a piece of art needs to be removed from the public art collection (deaccessioned).



Maintenance Policy

The City is committed to the documentation, preservation and maintenance of this collection. The Visual Arts Commission (VAC) is responsible for this process.

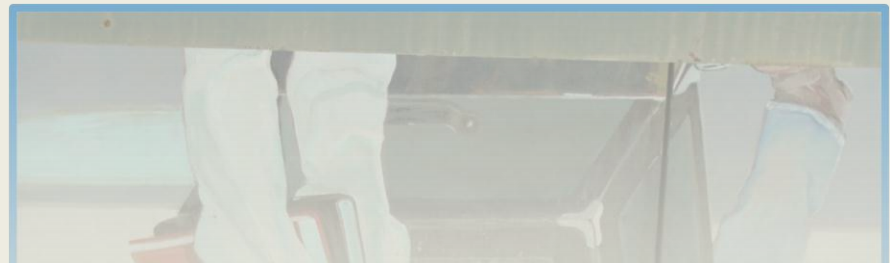
Public Participation

All VAC meetings are posted and open to the public.

Meetings are held on the 2nd Thursday of each month at 5:00 p.m. at the Museum/Gallery.

All VAC agendas and minutes are provided to:

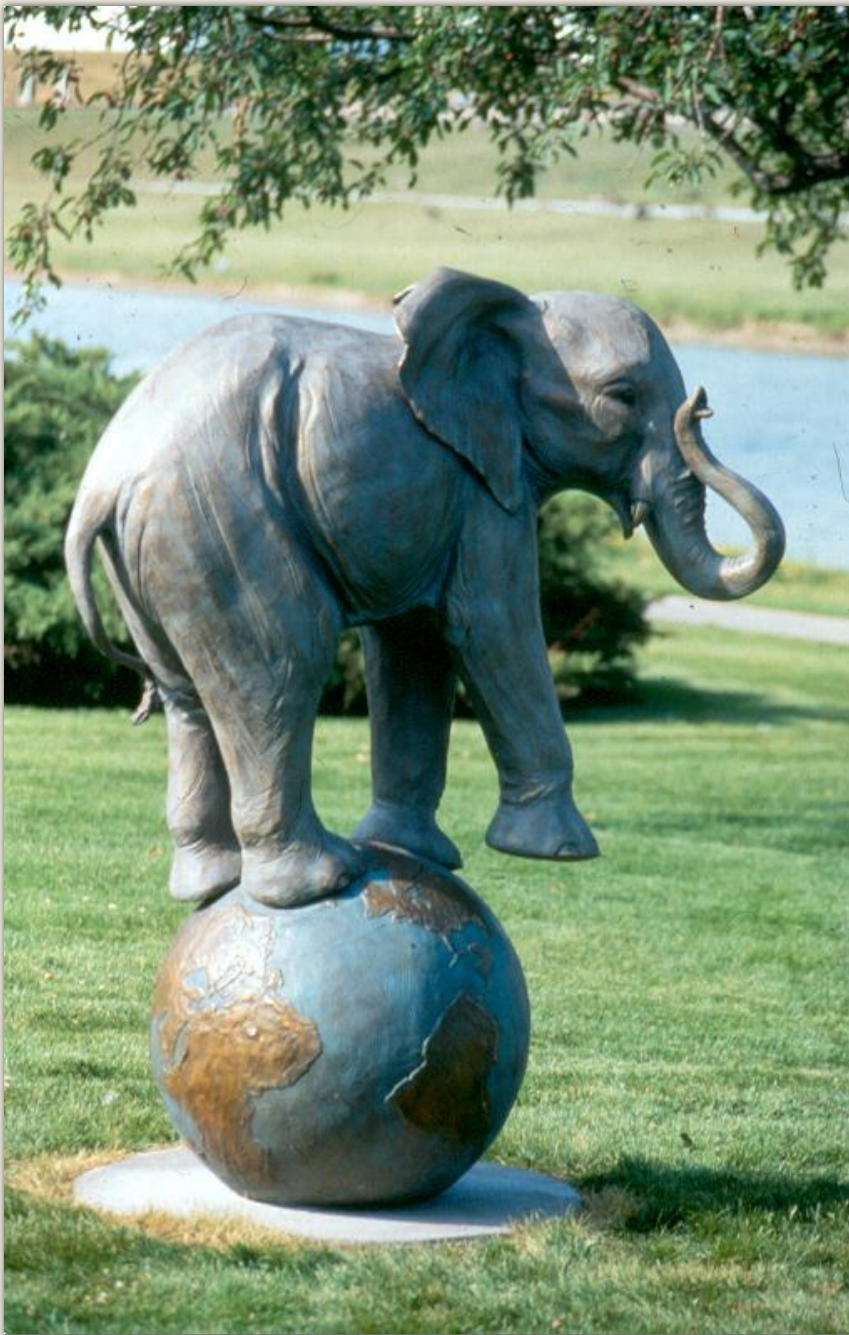
- Loveland Reporter-Herald
- City of Loveland Website
- Public Library Reference Desk



Public and Departmental Input on Artwork Selection Panels

City staff, stakeholders and Loveland residents actively participate in the selection process for artists and the artwork selected for sites.





Public Participation

Following a successful first reading, a Legal Notice is run in the Loveland Reporter-Herald to solicit public comment on proposed donations, purchases and placement.

Comments received are read and considered by the commission prior to second reading.

MAINTENANCE

Sculptures are reviewed by a conservator on a rotating basis, based upon past maintenance history.

Sculptures are maintained annually.





Benson Park Donations

Each year, proceeds from the annual sculpture show are used to purchase sculptures to be donated to the City.

2012 Donations to Benson Sculpture Garden





2012 Donations

Rialto Theater Center

P. 231

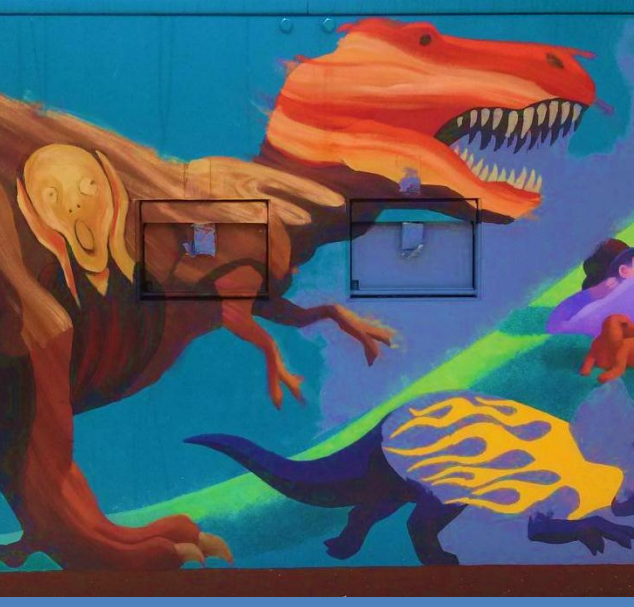
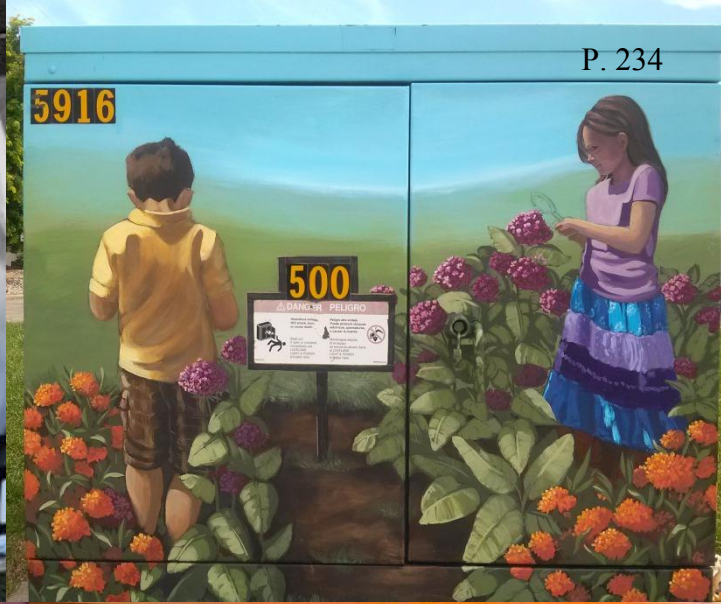
Untitled (Triptych) by Roy Wilce
Donated by Home State Bank

2012 City Purchases

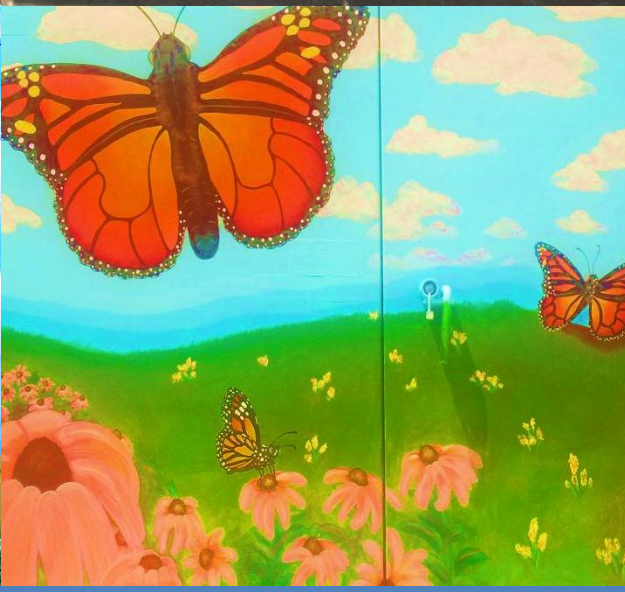
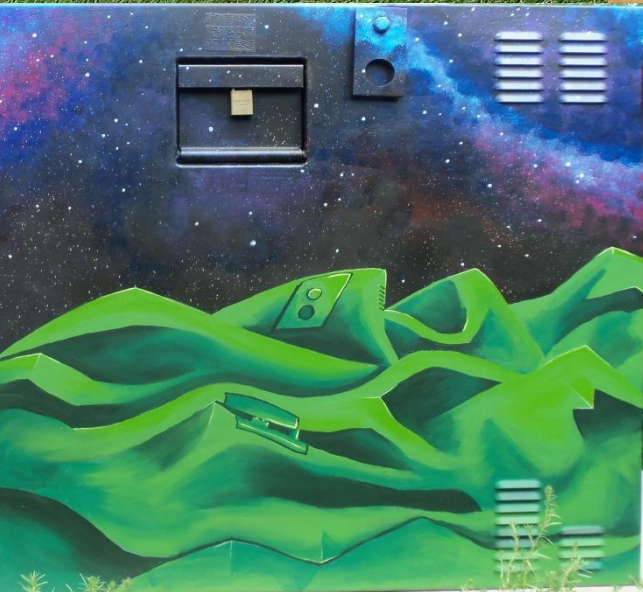
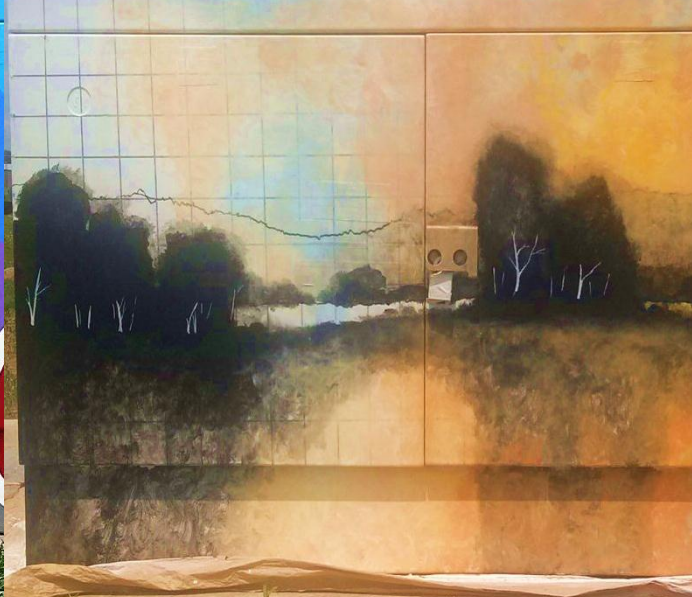


TAAP (The Art Advocacy Project) 2012





Transformations Project 2012



Transformations Project 2012

2012 Commissioned Artwork

Rialto Theater Center





2012-2014 Projects
Installation spring 2014

P. 237

Mehaffey Park

Three art elements honoring western expansion



COMPASS SCULPTURE:

Same design with 8' and 12' height options (see budget).

It would work as standalone art in a row with benches in landscape as proposed on hill.



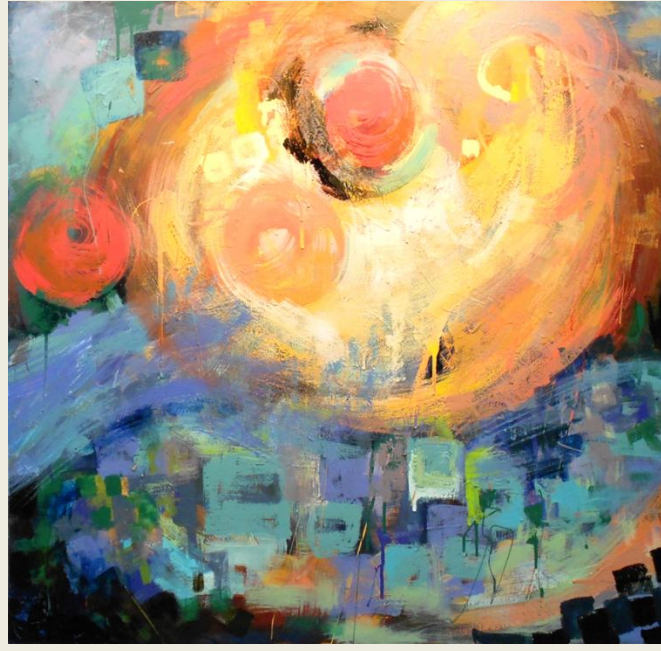
Mehaffey Park

Three art elements honoring western expansion
and the Overland Trail

2013 Donations to Benson Sculpture Garden

P. 239





The Art Advocacy Project, 2D 2013 Projects @ Loveland Library

P. 240





TAAP 2013 – Downtown Sculpture





2013 Projects Underway
Donation/Purchase

P. 243

Mountain Comrades by Dan Ostermiller

50% Donation by Gary and Judy Long



Transformations Project

2013 Projects Underway
Painting begins June 2013

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2013 Projects Completed
April 13, 2013

P. 245

Replanting of *Grove*

by Danielle Miller and Roger Clark



Foundations: A Journey Through American Sculpture Exhibition





kenney associates inc
architects landscape architects urban designers planners

2013 Projects Underway
Installation summer 2013

P. 247

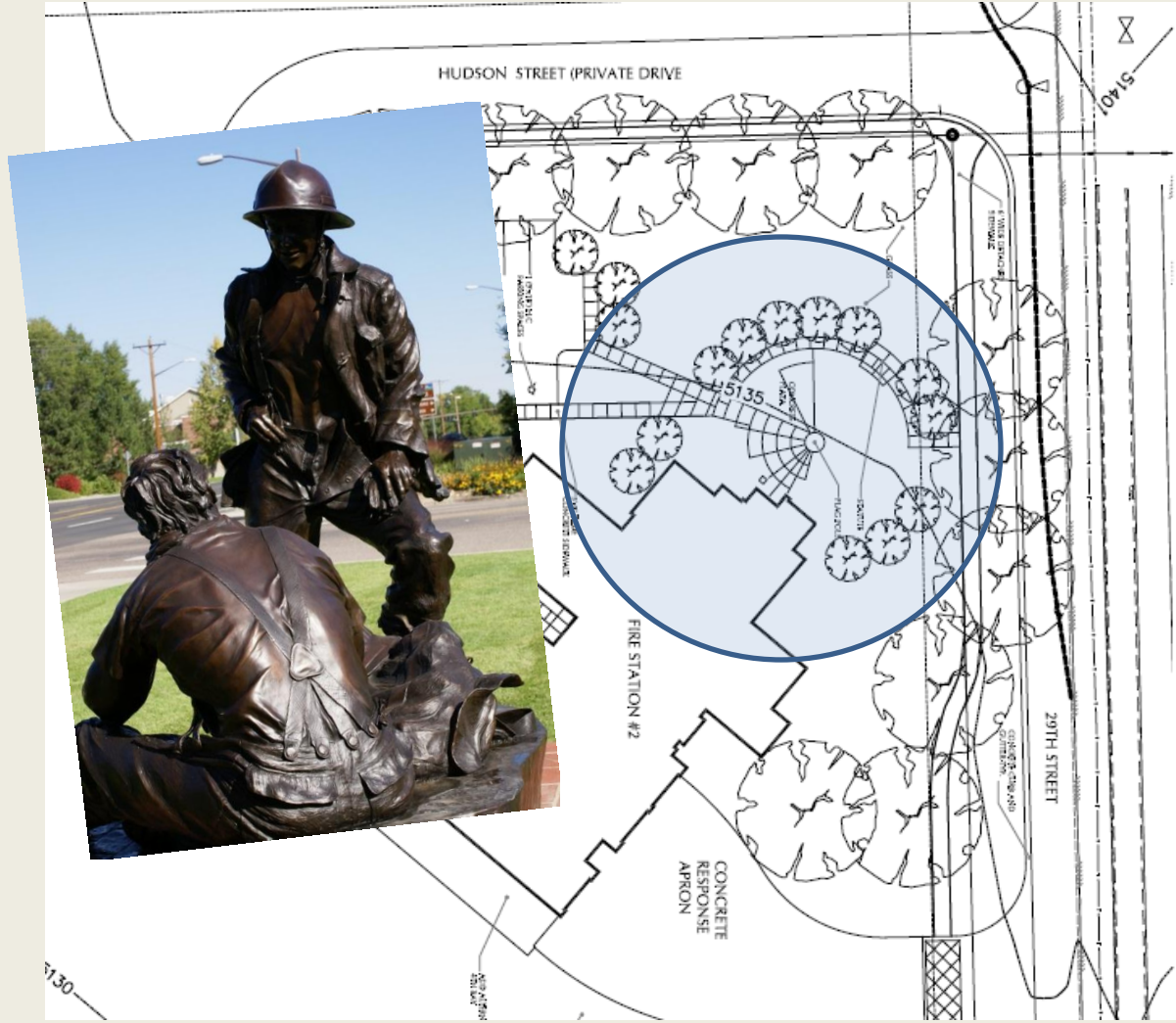
3rd Street and Lincoln Avenue Lot



2013 Projects Underway
Installation spring 2014

P. 248

Service Center Expansion Project



2013 Projects Underway
Installation spring 2014

P. 249

Fire Station #2 Expansion Project



2013 Projects Underway
Installation spring 2014

P. 250

I-25/Highway 34 Interchange





CITY OF LOVELAND
CULTURAL SERVICES DEPARTMENT/RIALTO THEATER
228 East Fourth Street • Loveland, Colorado 80537
(970) 962-2120 • FAX (970) 962-2422 • TDD (970) 962-2620

AGENDA ITEM: 15
MEETING DATE: 5/7/2013
TO: City Council
FROM: Cultural Services, Finance Department
PRESENTER: Jan Sawyer, Brent Worthington

TITLE:

One Year Report on the Rialto Theater Center

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

Report on the first year of operation of the Rialto Theater Center and the Facilities Maintenance Agreement between the City of Loveland Rialto Bridge, LLC.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

The Rialto Bridge Project was completed in February 2012, and the Rialto Theater Center has completed its first full year of operation. The attached 2012 Rialto Theater Center Report is presented to update Council on the status of the use, revenue, expenses, and operation of the facility.

The RTC Report also contains information about the Rialto Bridge Condominium Association. At the inception of this project, the City and the Developer agreed to share and allocate Facility Management costs. The original allocation methodology has been analyzed and revised to reflect lower costs associated with the unfinished and untenanted 3rd floor unit.

REVIEWED BY CITY MANAGER:

William D. Cabell

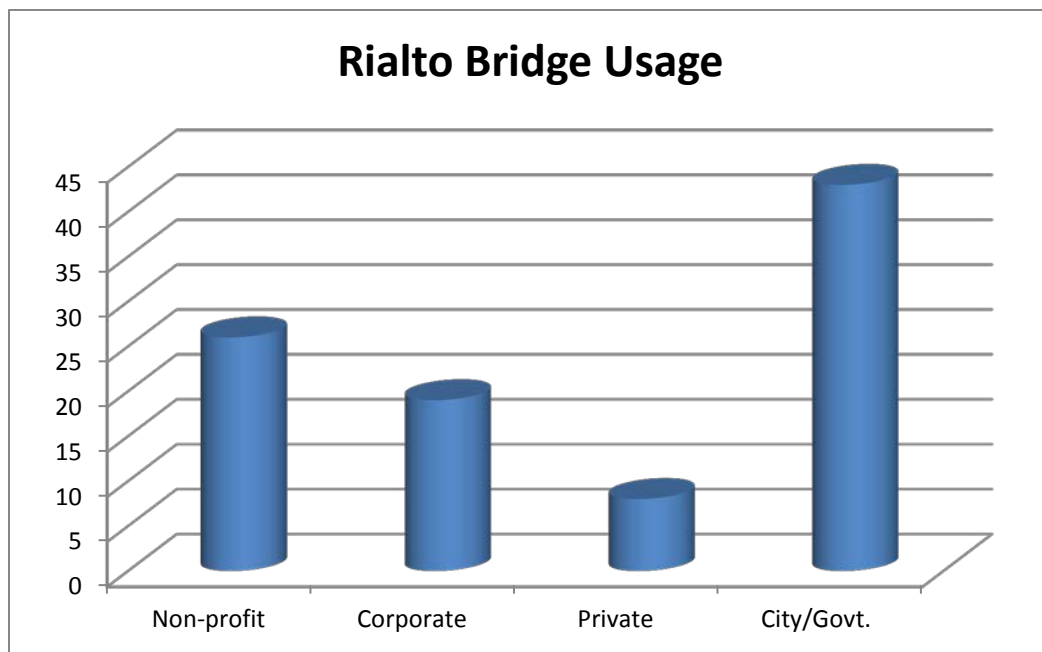
LIST OF ATTACHMENTS:

2012 Rialto Theater Center Report
PowerPoint Presentation

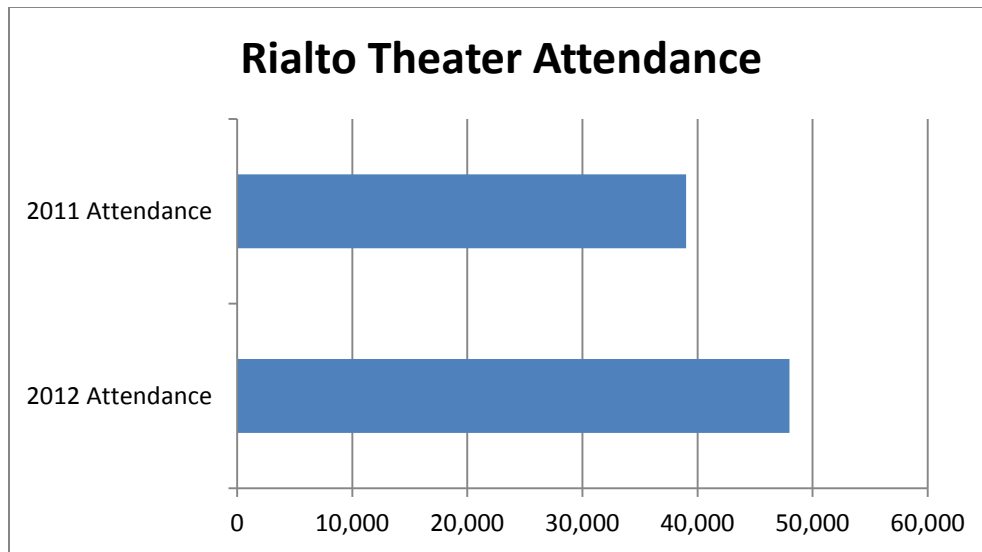
Rialto Theater Center 2012 Report

A little over a year ago, the Rialto Theater Center (RTC) was filled with the sounds of construction, as the finishing touches were being completed on the Rialto Bridge project. Since April 2012, the RTC has been filled with the sounds of celebration, performance and business.

Reaction to the new community spaces in the RTC has been overwhelmingly positive. Community organizations have held successful fund-raising galas in the facility. Private citizens have held wedding receptions, anniversary and birthday parties, baby showers and memorial services in the Devereaux and Hach Rooms. Corporations have presented product roll-outs, held client appreciation events and sales meetings in the facility. TEDx Front Range will be holding their event in the RTC for the second time in May. In all, 96 events were held in the new spaces during the nine months the building was operational in 2012.



Attendance at the Rialto Theater was also the highest it has been since the venue reopened in 1996. The theater was used 315 times in 2012, bringing the total number of events in the RTC during 2012 to 411.



Awards & Honors

The Rialto Theater Center is becoming recognized as one of the premiere performance and event venues in Northern Colorado. The Rialto Bridge public/private partnership has been recognized with the following honors, so far:

- 2012 Honor Award from the American Institute of Architects, Colorado North
- 2012 Finalist for Best Project Under \$5 million from the Colorado Association of General Contractors
- Selected for presentation by Jan Sawyer at the League of Historic American Theaters national conference July 2013
- Second round finalist in the U.S. Conference of Mayors 2013 City Livability Awards.

The Building

The building itself has functioned very well in its first year of operation. As with any new construction, there have been minor modifications needed in certain areas, for example, re-keying doors and installing additional card key access to enhance security.

All punch-list items discovered during the first year of operation have been corrected and completed under warranty, including replacement of all of the windows on the north side of the Devereaux Room in January 2013, due to failure of the silicone seals within those windows in the fall of 2012.

2011 Financial Projections vs. Actual Performance

The following chart illustrates the financial performance of the Rialto Bridge project compared to projections presented in April 2011.

	FY 2011 as Presented April 2011			FY 2012 as presented April 2011			Actual FY 2012		
	Rialto	Bridge	Total	Rialto	Bridge	Total	Rialto	Bridge	Total
Expenses	\$350,220	N/A	\$350,220	\$360,000	\$135,382	\$495,382	\$432,050(1)	\$181,716(2)	\$613,766
Revenue									
Rentals	\$ 82,516	N/A	\$ 82,516	\$103,050	\$ 77,500	\$180,550	\$ 82,714	\$ 12,057	\$ 94,771
Operations	\$ 52,124	N/A	\$ 52,124	\$ 62,000	\$ 56,375	\$118,375	\$ 80,984	\$ 39,045(3)	\$120,029
Concession	\$ 21,383	N/A	\$ 21,383	\$ 26,500	\$ 1,500	\$ 28,000	\$ 28,187	\$ 250	\$ 28,437
TOTAL	\$156,023	N/A	\$156,023	\$191,550	\$135,375	\$326,925	\$ 191,885	\$ 51,352	\$ 243,237
General Fund Support	\$194,197	N/A	\$194,197	\$168,450	\$ 7	\$168,457	\$240,165	\$ 130,364	\$370,529

(1) Includes \$67,200 added to Personnel Services for cost allocation of .74 FTE from Museum Division to Rialto Division

(2) \$117,910 General Operating and \$63,806 Facilities Management Support

(3) Received \$105,000 donation from the Rialto Theater Guild; not included in table

Differences in the 2011 projected revenues versus the 2012 actuals can be attributed to several factors.

- It was assumed that the project would be completed in November 2011. In actuality, it was not completed until March 2012 and was not fully furnished, equipped and rentable until April 2012. Both expense and revenue figures were based on a full 12 months of operation. The facility was in operation for 9 months in 2012.
- It was assumed that the private space would be totally occupied for the entire year. The restaurant tenant did not open for business until March 2012 and the office space on the third floor is still vacant, as of April 2012.
- Revenue from the sale of alcohol and outside concessions was calculated at 7% for a twelve month period. The Contract for Food and Beverage Service signed December 6, 2011 between the City and Next Door Food and Drink provides for 0% fee for the first six months of sales (which began March 1, 2012) and 5% for the next six months. Beginning March 1, 2013 the percentage increased to 10% of gross sales. In 2014 the percentage increases to 12% and in 2015 to 15%, where it will remain for the duration of the Contract.
- Room rental projections assumed 15 wedding receptions in the twelve month period for a total of \$22,500 in revenue. In this first year of operation, we have realized that weddings and receptions are difficult to accommodate in the facility for several reasons. The Devereaux room is not large enough to hold more than 80 people at banquet tables. With the moveable wall opened, the Devereaux and Hach Rooms can accommodate 100 people comfortably for a dinner. Noise bleed from the new building into the theater has also become an issue. Having a DJ, dancing and crowd noise audible during performances in the theater has become problematic. Staff is currently taking steps to determine what can be done to mitigate these sound bleed issues.

Rialto Bridge Condominium Association

With the opening of the Rialto Bridge complex, a Facilities Management Agreement was drafted, to be signed by the City, the Developer, and all members of the Condo Association. A fundamental part of the agreement was the City's commitment to provide accounting and budget support, and facilities management services to the Association (for common areas) and Unit Owners (for their units). The agreement included a charge for the Facilities Management costs at a rate of \$5.00 per square foot and a repair and replacement reserve at a rate of \$1.00 per square foot.

At this time, the 3rd Floor Condo Unit owned by the Developer (which was proposed to be leased or sold as office space) is unleased and unfinished. Staff has worked with the Developer to negotiate a more reasonable Facilities Management Fee, below the fully loaded \$5.00/sf applied to the finished units, as utility usage is minimal, and other maintenance costs are virtually non-existent. A more reasonable FM fee of \$1.50/sf has been identified. This is sufficient to cover the lower utility usage.

Another item of negotiation, incorporated into the new agreement, was to allow the Developer to defer the payment of the Facilities Management cost and the reserve payment on the unfinished 3rd floor, until such time as a tenant is secured and a Certificate of Occupancy is issued, or December 31, 2013, whichever comes first. The developer will be asked to secure this deferral with a Bank Letter of Credit.

Looking to the Future

In this first year of operation, staff has come to realize that, at this time, the event side is best suited to weekday and evening usage by business and non-profit renters and to weekend use by organizations holding ancillary events to their performances in the theater. A Marketing Plan has been developed and implemented which contains strategies to increase rentals by business, non-profit and performing arts organizations in 2013. While wedding receptions may not be held with the frequency originally envisioned, the Devereaux Room does work very well for smaller receptions and parties on weekends, where the ambient noise can be contained within the room.

The first year of operation of the new Rialto Theater Center has been exciting and challenging. The staff will be putting concerted effort and available resources toward increasing awareness and rentals of the new facility to maximize its revenue potential in the coming years.



Rialto Theater Center 2012 Operations Report



Demo & Donuts May 2011



Groundbreaking June 2011





The new Rialto Theater Center completed February 29, 2012



Ribbon Cutting April 11, 2012



Grand Opening Gala April 12, 2012

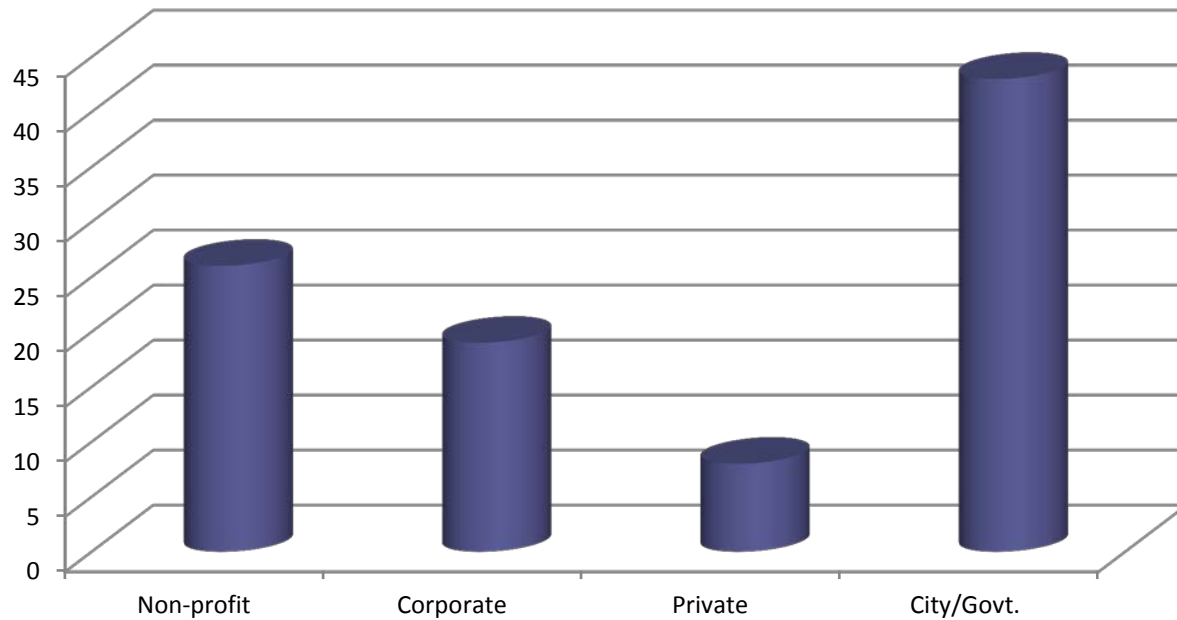


Community Open House April 13, 2012



Aaron Neville Concert April 14, 2012

Rialto Bridge Usage



Events held in the new spaces in 2012 = 96
Rialto Theater Center total number of uses = 411



2011 Financial Projections vs. Actual Performance

The following chart illustrates the financial performance of the Rialto Bridge project compared to projections presented in April 2011.

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General Fund Support	\$194,197	N/A	\$194,197	\$168,450	\$ 7	\$168,457	\$240,165	\$ 130,364	\$370,529

(1) Includes \$67,200 added to Personnel Services for cost allocation of .74 FTE from Museum Division to Rialto Division

(2) \$117,910 General Operating and \$63,806 Facilities Management Support

(3) Received \$105,000 donation from the Rialto Theater Guild; not included in table

Recent marketing efforts to increase RTC rentals

YOUR NEXT EVENT WILL RECEIVE A STANDING OVATION IF HELD AT

THE RIALTO THEATER CENTER

THE PERFECT PLACE FOR:

- BUSINESS MEETINGS & EVENTS
- HOLIDAY PARTIES
- WEDDINGS
- ANNIVERSARY & GRADUATION CELEBRATIONS
- FUNDRAISING EVENTS



CONTACT:
 Brittany Koonce
 Scheduling Coordinator
 (970) 962-2115
Brittany.Koonce@cityofloveland.org


Rialto

THEATER CENTER

FACILITY RENTAL GUIDE

THE PERFECT PLACE FOR:

- BUSINESS MEETINGS & EVENTS
- HOLIDAY PARTIES
- WEDDINGS
- ANNIVERSARY & GRADUATION CELEBRATIONS
- FUNDRAISING EVENTS



Give Your Event a Star-Studded, Encore Performance!

The Rialto Theater Center is pleased to offer special pricing in our new event spaces to our valued user groups!

Our new event spaces are perfect for pre or post performance receptions, fundraisers or even cast parties!



Organizations/individuals renting the Rialto Theater Center receive:

40% Discount
 for a ticketed event on the same date
 OR
20% Discount
 for a non-ticketed event on the same date

For information about pricing and availability contact:
 Brittany Koonce at
 (970) 962-2115 or
Brittany.koonce@cityofloveland.org



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

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

AGENDA ITEM: 16
MEETING DATE: 5/7/2013
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Brent Worthington

TITLE:

March 2013 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2013.

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 and health claims as of March 31, 2013. Citywide Revenue (excluding internal transfers) of \$54,230,420 is 102.7% of year to date (YTD) budget or \$1,421,454 over the budget. Sales Tax collections are 103.7% of the YTD budget or \$326,456 over budget. Building Material Use Tax is 130.9% of YTD budget, or \$103,110 over budget. Sales and Use Tax collections combined were 106.1% of YTD budget or \$593,342 over budget. When the combined sales and use tax for the current year are compared to 2012 for the same period last year, they are higher by 10.5% or \$979,003.

Citywide total expenditures of \$42,592,613 (excluding internal transfers) are 78.9% of the YTD budget or \$11,420,932 under the budget.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Snapshot report for March 2013

Presentation

SnapShot

Monthly Financial Report

March 2013

A Snapshot In Time

- ◇ Citywide Revenue, excluding transfers between funds, \$54.2 million (2.7% above budget projections)
- ◇ Sales & Use Tax Collection, \$10.3 million (6.1% above budget projections)
- ◇ Citywide Expenditures, excluding transfers between funds, \$42.6 million (21.1% below budget projections)
- ◇ Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$11.6 million
- ◇ General Fund Revenue, excluding transfers between funds, \$19.0 million (8.4% above budget projections)
- ◇ General Fund Expenditures, excluding transfers between funds, \$11.7 million, (11.2 % below budget projections)
- ◇ General Fund Revenues exceed Expenditures by \$5.0 million

Citywide
Revenues &
Expenditures 2-3

General Fund
Revenues &
Expenditures 4-5

Capital
Projects 5

Tax Totals &
Comparison 6-9

Sales Tax SIC
& Geo Codes 10-12

Health Care
Claims 13

Activity
Measures 14

The Sales Tax Basics

March 2013	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2013	\$ 8,911,000	\$ 448,160	\$ 333,460	\$ 9,692,620
Actual 2013	\$ 9,237,456	\$ 611,937	\$ 436,569	\$ 10,285,962
% of Budget	103.7%	136.5%	130.9%	106.1%
Actual 2012	\$ 8,527,098	\$ 572,206	\$ 207,656	\$ 9,306,960
Change from prior year	8.3%	6.9%	110.2%	10.5%

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 ongoing processes designed to ensure that the City retains a healthy financial outlook.

Although sales and use tax revenue is greater in 2013 than in 2007 year-to-date, inflation adjustment of the revenue shows that collections in 2013 have not significantly grown above 2007 levels when inflation is taken into account, emphasizing the importance of continuing the strategy implementation.

Citywide Revenues & Expenditures

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Combined Statement of Revenues and Expenditures March 2013					
REVENUE		Current Month	YTD Actual	YTD Revised Budget	% of Budget
General Governmental					
1	General Fund	\$ 7,224,580	\$ 18,970,388	\$ 17,499,877	108.4%
2	Special Revenue	468,302	1,643,305	2,524,290	65.1%
3	Other Entities	3,543,201	6,105,537	6,446,058	94.7%
4	Internal Service	1,385,262	4,107,756	4,141,380	99.2%
5	Subtotal General Govt Operations	\$ 12,621,344	\$ 30,826,986	\$ 30,611,605	100.7%
6	Capital Projects	1,116,400	2,705,149	1,586,134	170.5%
Enterprise Fund					
7	Water & Power	5,929,560	17,837,911	17,593,180	101.4%
8	Stormwater	369,091	1,106,356	1,083,970	102.1%
9	Golf	118,074	431,845	509,890	84.7%
10	Solid Waste	437,530	1,322,174	1,424,187	92.8%
11	Subtotal Enterprise	\$ 6,854,255	\$ 20,698,286	\$ 20,611,227	100.4%
12	Total Revenue	\$ 20,592,000	\$ 54,230,420	\$ 52,808,966	102.7%
	Prior Year External Revenue		49,962,016		
	Increase From Prior Year		8.5%		
13	Internal Transfers	259,539	2,390,232	6,081,530	39.3%
14	Grand Total Revenues	\$ 20,851,538	\$ 56,620,653	\$ 58,890,496	96.1%
EXPENDITURES					
General Governmental					
15	General Fund	\$ 4,214,036	\$ 11,495,493	\$ 12,840,851	89.5%
16	Special Revenue	742,586	1,748,035	2,090,203	83.6%
17	Other Entities	3,523,531	5,059,291	5,664,104	89.3%
18	Internal Services	729,147	3,349,783	4,532,565	73.9%
19	Subtotal General Gov't Operations	\$ 9,209,300	\$ 21,652,603	\$ 25,127,723	86.2%
20	Capital	2,994,710	5,764,628	11,633,266	49.6%
Enterprise Fund					
21	Water & Power	4,523,379	13,254,056	15,080,870	87.9%
22	Stormwater	316,708	590,807	474,907	124.4%
23	Golf	225,827	466,620	586,157	79.6%
24	Solid Waste	371,286	863,900	1,110,622	77.8%
25	Subtotal Enterprise	\$ 5,437,200	\$ 15,175,382	\$ 17,252,556	88.0%
26	Total Expenditures	\$ 17,641,210	\$ 42,592,613	\$ 54,013,545	78.9%
	Prior Year External Expenditures		41,757,077		
	Increase (-Decrease) From Prior Year		2.0%		
27	Internal Transfers	259,539	2,390,232	6,081,530	39.3%
28	Grand Total Expenditures	\$ 17,900,748	\$ 44,982,845	\$ 60,095,075	74.9%
** Based on seasonality of receipts and expenditures since 1995.					

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

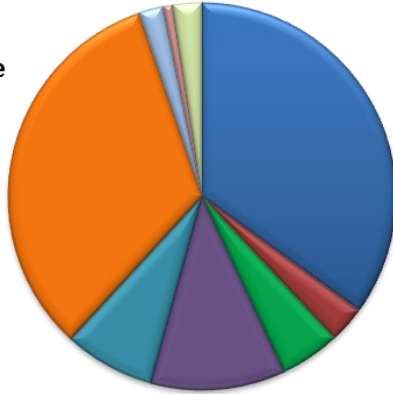
General Government Capital Projects Fund: Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

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.

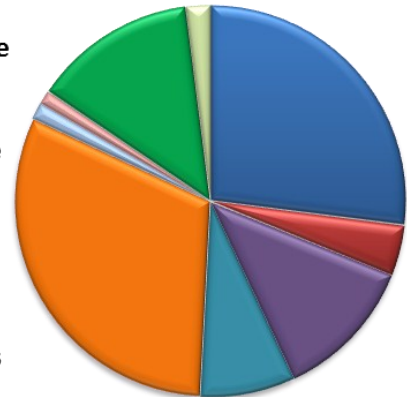
YTD Operating Revenues of \$54.2 Million

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



YTD Operating Expenditures of \$42.6 Million

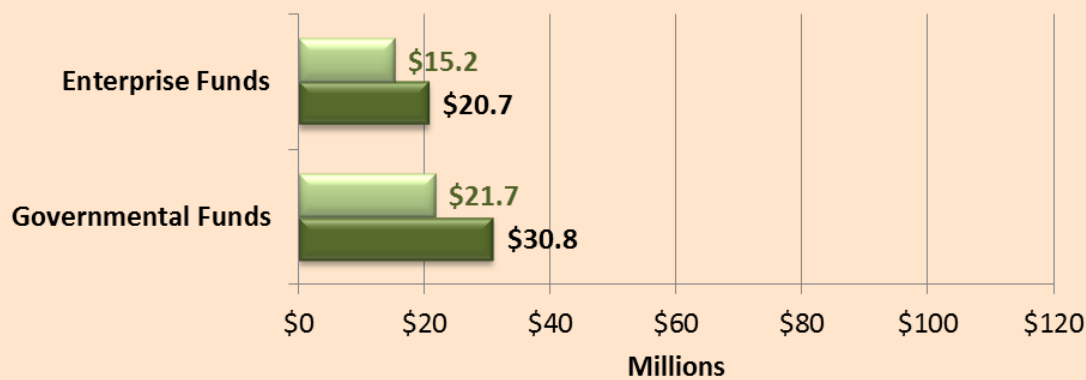
- General Fund
- Special Revenue
- Other Entities
- Internal Service
- Utilities
- Stormwater
- Golf
- Capital Projects
- Solid Waste



By Comparison, Excluding Transfers

Expenditure Actual

Revenue Actual



- ◆ General Fund Revenue, excluding transfers between funds, \$19 million (8.4% above budget projections)
* 11.2% above 2012 YTD
- ◆ General Fund Expenditures, excluding capital and transfers between funds, \$11.5 million (10.5% below budget projections)
* 5.5% below 2012 YTD
- ◆ Water & Power Revenue, excluding transfers between funds, \$17.8 million (1.4% above budget projections)
* 5.5% above 2012 YTD
- ◆ Water & Power Expenditures, excluding transfers between funds, \$13.3 million (12.1% below budget projections)
* 4.2% above 2012 YTD
- ◆ Other Entities Fund Revenue, excluding transfers between funds, \$6.1 million (5.3% below budget projections)
* 15.4% above 2012 YTD
- ◆ Other Entities Expenditures, excluding capital and transfers between funds, \$5.1 million (10.7% below budget projections)
* 6.4% below 2012 YTD

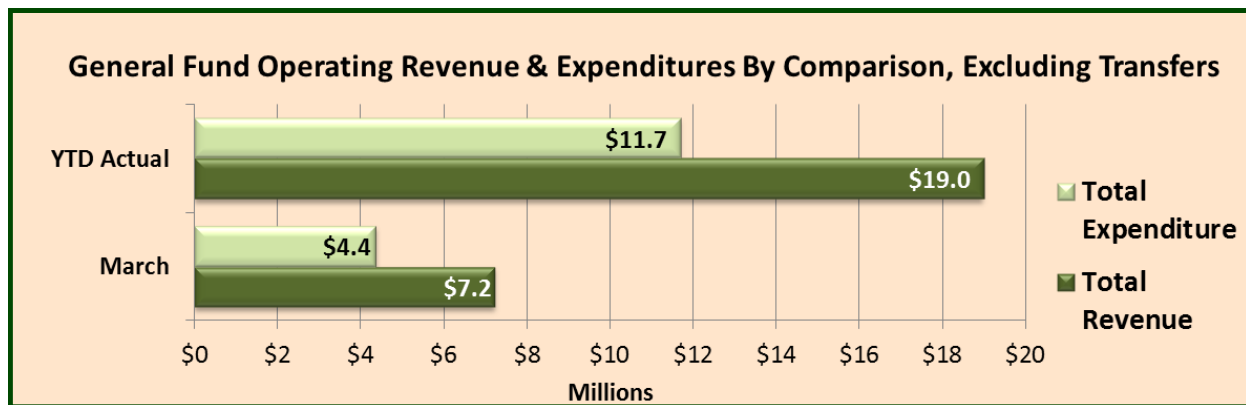
General Fund Revenues & Expenditures

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General Fund Revenue & Expenditures March 2013				
REVENUES	Current Month	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property tax	\$ 1,944,477	\$ 2,231,323	\$ 1,811,670	123.2%
3 Sales tax	2,622,808	9,237,456	8,911,000	103.7%
4 Building use tax	187,222	436,570	333,460	130.9%
5 Auto use tax	223,317	611,937	448,160	136.5%
6 Other taxes	285,937	921,013	725,140	127.0%
7 Intergovernmental	136,530	141,782	56,020	253.1%
8 License & permits				
9 Building permits	220,522	467,532	330,630	141.4%
10 Other permits	41,385	94,858	59,463	159.5%
11 Charges for services	938,252	3,017,840	2,878,513	104.8%
12 Fines & forfeitures	81,081	211,615	266,510	79.4%
13 Interest income	33,525	94,481	85,020	111.1%
14 Miscellaneous	509,525	1,503,981	1,594,291	94.3%
15 Subtotal	\$ 7,224,580	\$ 18,970,388	\$ 17,499,877	108.4%
16 Interfund transfers	6,560	69,700	69,700	100.0%
17 Total Revenue	\$ 7,231,140	\$ 19,040,088	\$ 17,569,577	108.4%
EXPENDITURES				
Operating Expenditures				
18 Legislative	\$ 9,569	\$ 27,712	\$ 34,947	79.3%
19 Executive & Legal	174,415	426,886	527,850	80.9%
20 Economic Development	(3,183)	258,707	278,176	93.0%
21 Cultural Services	124,388	331,494	409,365	81.0%
22 Development Services	204,468	502,361	646,818	77.7%
23 Finance	289,880	755,300	914,682	82.6%
24 Fire & Rescue	-	4,975	-	0.0%
25 Human Resources	68,027	187,941	222,626	84.4%
26 Information Technology	380,900	819,367	1,183,363	69.2%
27 Library	211,680	586,427	634,514	92.4%
28 Parks & Recreation	603,058	1,476,151	1,926,235	76.6%
29 Police	1,375,393	3,566,502	3,672,182	97.1%
30 Public Works	392,161	1,014,728	1,112,884	91.2%
31 Non-Departmental	538,271	1,728,046	1,600,690	108.0%
32 Subtotal Operating	\$ 4,369,027	\$ 11,686,597	\$ 13,164,331	88.8%
33 Internal Transfers	244,878	2,304,394	3,714,150	62.0%
34 Total Expenditures	\$ 4,613,905	\$ 13,990,991	\$ 16,878,481	82.9%

Monthly Financial Report

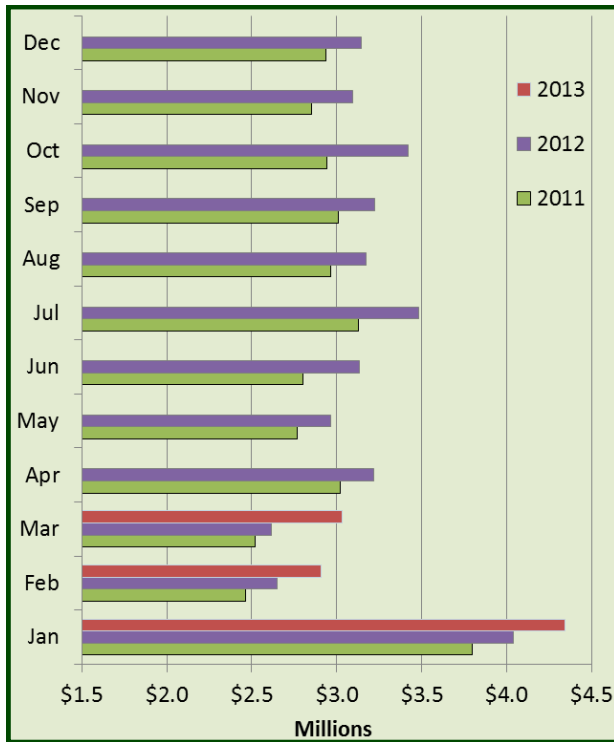
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Capital Projects \$500,000+

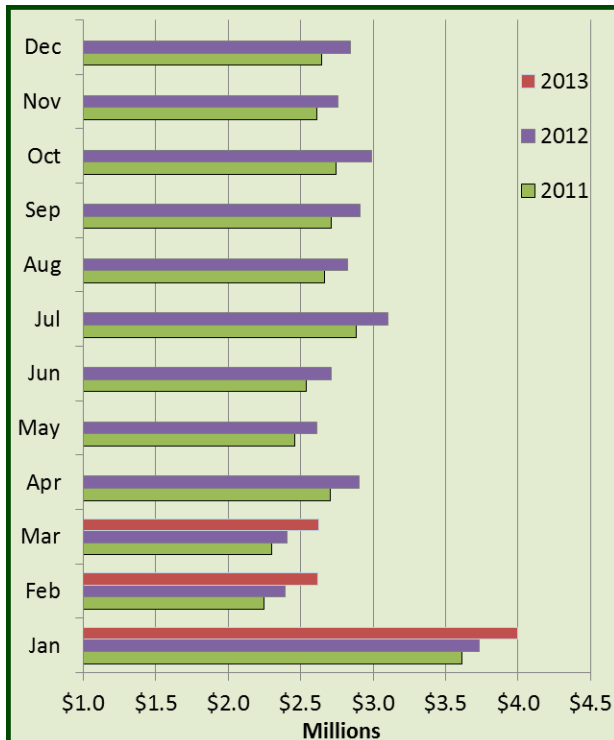
Project Title	2013 Budget	2013 Expenditures	Remaining 2013 Budget	% of 2013 Budget (Exp/Bud)
Water Capital				
Floc/Sed #1 and #2 Retrofit	\$ 600,000	\$ -	\$ 600,000	0.00%
Water Treatment Plant Phase II Expansion (38 MGD)	2,423,200	11,900	2,411,300	0.49%
Filter Plant No. 2 Pipe Gallery Improvements	908,240	682,591	225,649	75.16%
W 29th St. & W 1st St. Water Line Replacement	725,910	-	725,910	0.00%
Raw Water Capital				
Windy Gap Firming Project	618,000	-	\$ 618,000	0.00%
Purchase of Colorado-Big Thompson Project (CBT)	500,000	-	\$ 500,000	0.00%
Wastewater Utility Capital				
Digester Mixing System	1,200,000	-	\$ 1,200,000	0.00%
Digester Building Code Compliance	900,000	-	\$ 900,000	0.00%
Power Capital				
East Sub to Crossroads Sub on Railroad	1,379,732	551,790	827,942	39.99%
Horseshoe Sub along Hwy 287 to 29th St.	1,338,299	65	1,338,234	0.00%
Airport Sub North to Crossroads and South to Kendall Pkwy	683,260	2,223	681,037	0.33%
Callisto (vault 2716) East along 5th, North on Boyd Lake to railroad xing	570,000	-	570,000	0.00%
SW219 on old railroad North on VanBuren, East on 22nd to SW126	670,250	-	670,250	0.00%
Crossroads Substation - purchase new transformer	600,000	-	600,000	0.00%
Crossroads Substation - new switgear & transformer install	512,900	-	512,900	0.00%
Stormwater Capital				
29th and Monrie Outfall (Dry Creek)	1,050,000	-	1,050,000	0.00%
MeHaffey Park Regional Detention Pond	556,273	10,349	545,924	1.86%
Streets Transportation Program				
2013 Street Rehabilitation	4,441,844	99,403	4,342,441	2.24%
Fiber Optic Network to Signals and Other Facilities	1,071,125	26,394	1,044,731	2.46%
All Other				
Facilities Maintenance Capital Projects	500,000	52,245	447,755	10.45%
Open Lands Acquisition	2,520,800	95,456	2,425,344	3.79%
Fire Station 2 Relocation	3,534,480	16,438	3,518,042	0.47%
Service Center Phase III	11,235,080	280,923	10,954,157	2.50%
Vehicle Wash	\$1,200,000	\$ -	\$1,200,000	0.00%





Sales & Use Tax

	2011	2012	2013	2013 Budget	+ / - Budget
Jan	\$ 3,799,760	\$ 4,039,678	\$ 4,345,836	\$ 4,136,490	5.1%
Feb	2,465,447	2,649,229	\$ 2,906,780	\$ 2,528,010	15.0%
Mar	2,517,162	2,618,052	\$ 3,033,347	\$ 3,028,120	0.2%
Apr	3,022,770	3,215,437		\$ 3,286,040	
May	2,769,526	2,966,032		\$ 2,991,970	
Jun	2,800,184	3,136,014		\$ 3,127,370	
Jul	3,129,254	3,480,123		\$ 3,495,310	
Aug	2,961,686	3,171,055		\$ 3,154,400	
Sep	3,008,637	3,225,155		\$ 3,211,640	
Oct	2,944,433	3,421,098		\$ 3,327,150	
Nov	2,853,360	3,092,095		\$ 3,091,770	
Dec	2,933,671	3,142,793		\$ 3,141,380	
	\$35,205,889	\$38,156,762	\$10,285,962	\$38,519,650	
YTD	\$ 8,782,369	\$ 9,306,959	\$10,285,962	\$ 9,692,620	6.1%

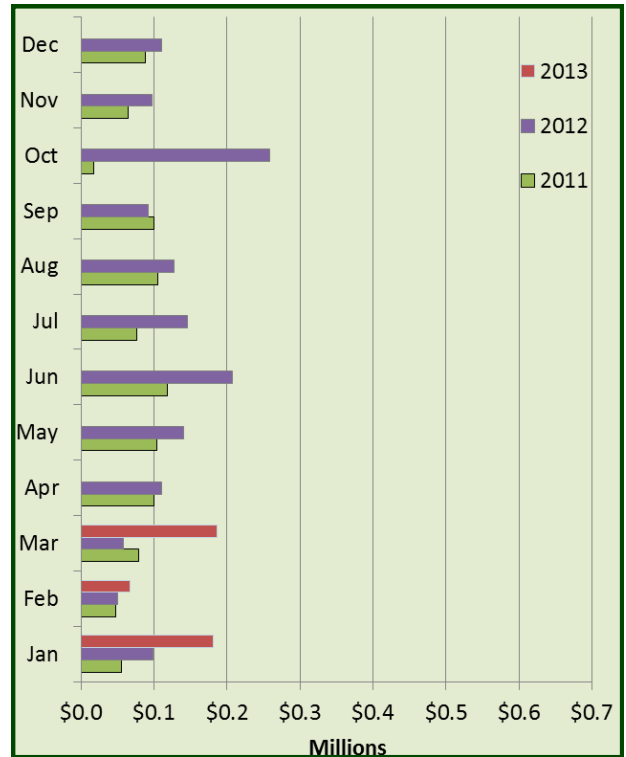


Retail Sales Tax

	2011	2012	2013	2013 Budget	+ / - Budget
Jan	\$ 3,613,881	\$ 3,733,309	3,995,194	\$ 3,909,960	2.2%
Feb	2,249,749	2,390,409	2,619,453	2,285,380	14.6%
Mar	2,299,237	2,403,380	2,622,808	2,715,660	-3.4%
Apr	2,702,024	2,905,558		3,008,620	
May	2,462,213	2,614,500		2,710,640	
Jun	2,536,541	2,711,906		2,878,350	
Jul	2,882,075	3,105,564		3,210,310	
Aug	2,667,674	2,823,319		2,866,890	
Sep	2,710,738	2,909,008		2,909,990	
Oct	2,746,866	2,991,033		3,035,070	
Nov	2,610,980	2,757,932		2,824,870	
Dec	2,647,162	2,841,959		2,863,910	
	\$32,129,139	\$34,187,876	\$9,237,456	\$35,219,650	3.7%
YTD	\$ 8,162,867	\$ 8,527,098	\$9,237,456	\$ 8,911,000	3.7%

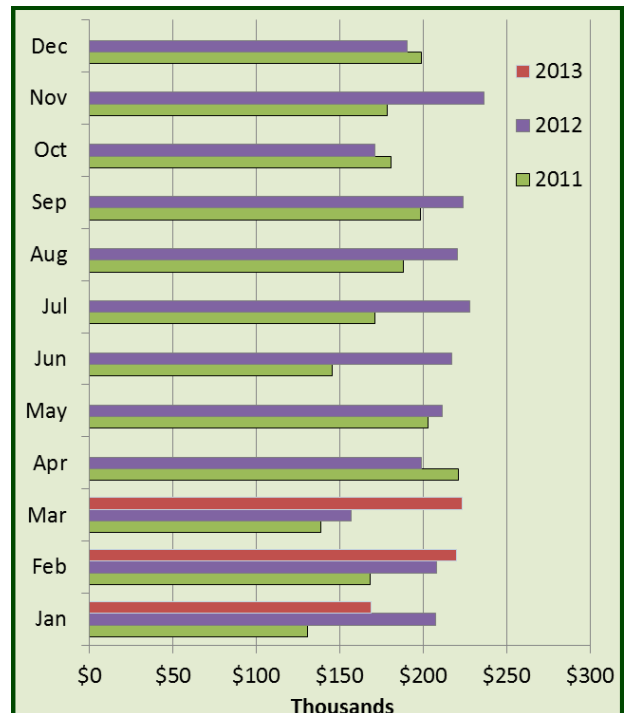
Building Materials Use Tax

	2011	2012	2013	2013 Budget	+ / - Budget
Jan	\$ 55,542	\$ 99,108	\$181,907	\$ 85,270	113.3%
Feb	47,621	50,703	67,440	83,620	-19.3%
Mar	79,590	57,845	187,222	164,570	13.8%
Apr	99,569	111,197		110,120	
May	104,373	140,470		104,700	
Jun	118,318	207,024		100,770	
Jul	76,488	146,570		108,080	
Aug	105,871	127,261		104,580	
Sep	99,544	92,415		117,480	
Oct	17,021	259,279		96,490	
Nov	64,211	97,778		100,250	
Dec	88,033	110,414		124,070	
	\$956,181	\$1,500,063	\$436,569	\$1,300,000	
YTD	\$182,753	\$ 207,656	\$436,569	\$ 333,460	30.9%



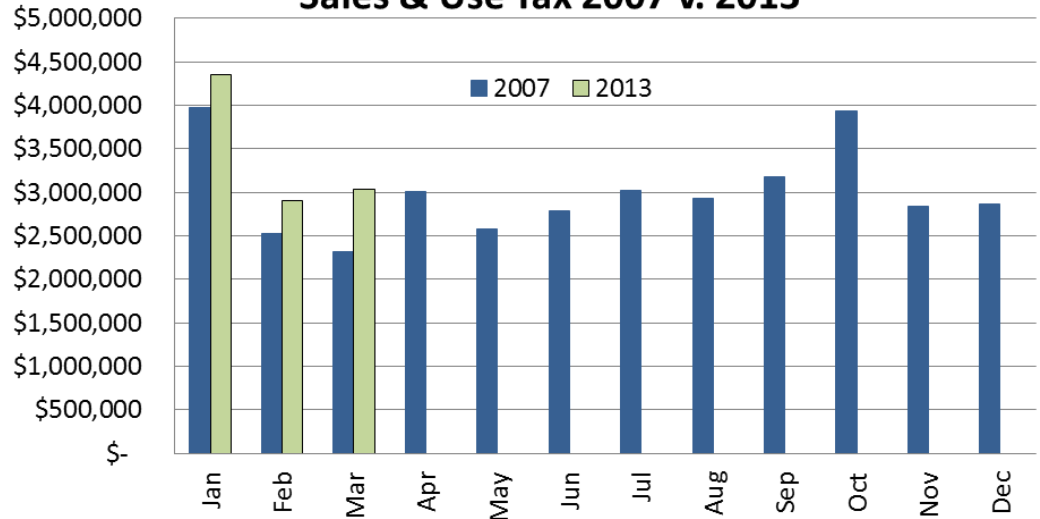
Motor Vehicle Use Tax

	2011	2012	2013	2013 Budget	+ / - Budget
Jan	\$ 130,337	\$ 207,261	\$ 168,734	\$ 141,260	19.4%
Feb	168,077	208,117	219,886	159,010	38.3%
Mar	138,335	156,828	223,317	147,890	51.0%
Apr	221,177	198,682		167,300	
May	202,940	211,062		176,630	
Jun	145,325	217,084		148,250	
Jul	170,691	227,989		176,920	
Aug	188,141	220,475		182,930	
Sep	198,355	223,732		184,170	
Oct	180,546	170,786		195,590	
Nov	178,169	236,385		166,650	
Dec	198,476	190,420		153,400	
	\$2,120,569	\$2,468,822	\$ 611,937	\$2,000,000	
YTD	\$ 436,749	\$ 572,206	\$ 611,937	\$ 448,160	36.5%



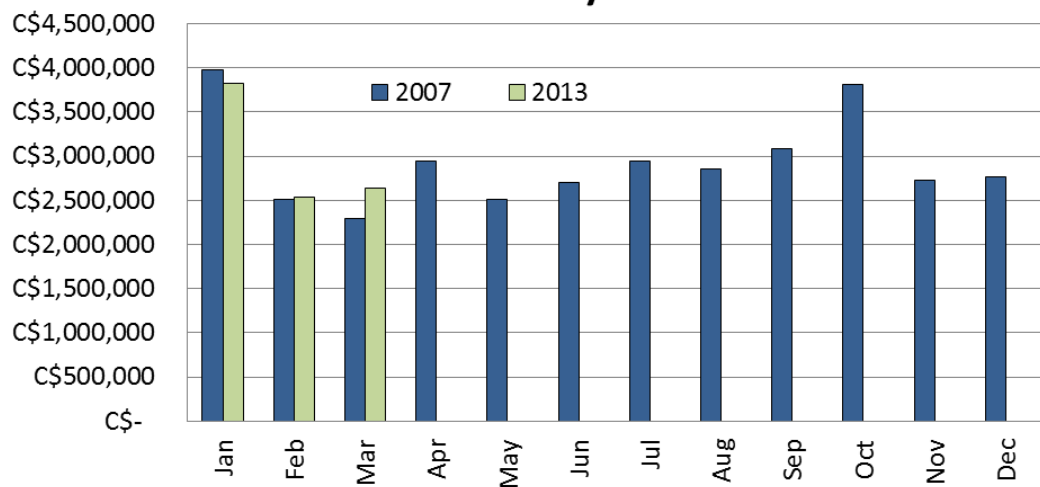
	2007	2013
Jan	\$ 3,972,513	\$ 4,345,836
Feb	2,520,486	2,906,780
Mar	2,319,579	3,033,347
Apr	3,003,780	
May	2,581,830	
Jun	2,781,786	
Jul	3,022,815	
Aug	2,931,667	
Sep	3,176,883	
Oct	3,936,330	
Nov	2,835,420	
Dec	2,869,916	
	\$35,953,006	\$10,285,962

Sales & Use Tax 2007 v. 2013



	2007	2013
Jan	\$ 3,972,513	\$ 3,819,987
Feb	2,507,072	2,534,302
Mar	2,286,415	
Apr	2,941,724	
May	2,513,134	
Jun	2,702,532	
Jul	2,937,441	
Aug	2,854,102	
Sep	3,084,330	
Oct	3,813,494	
Nov	2,730,719	
Dec	2,765,797	
	\$ 3,972,513	\$ 6,354,289

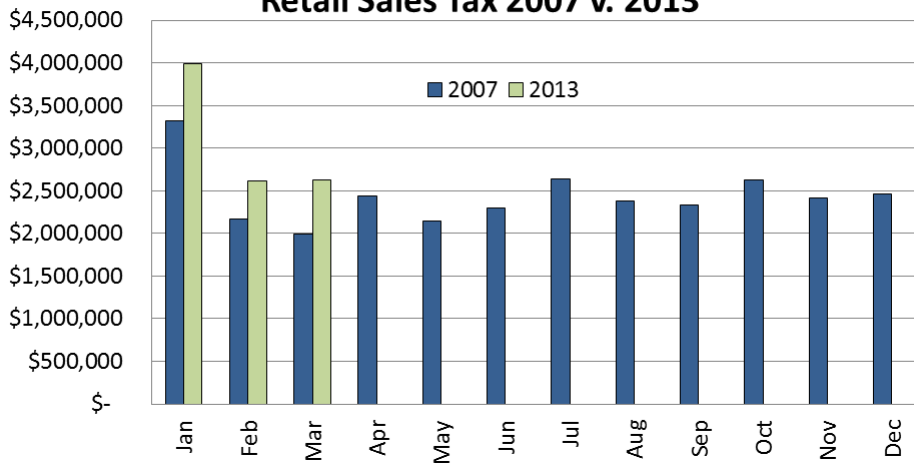
Sales & Use Tax 2007 v. 2013 in Constant January 2007 Dollars



Monthly Financial Report

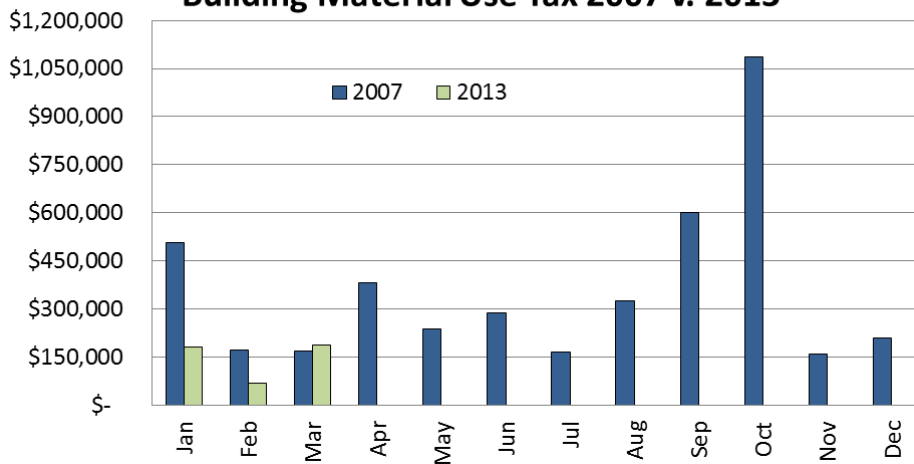
P. 278

Retail Sales Tax 2007 v. 2013



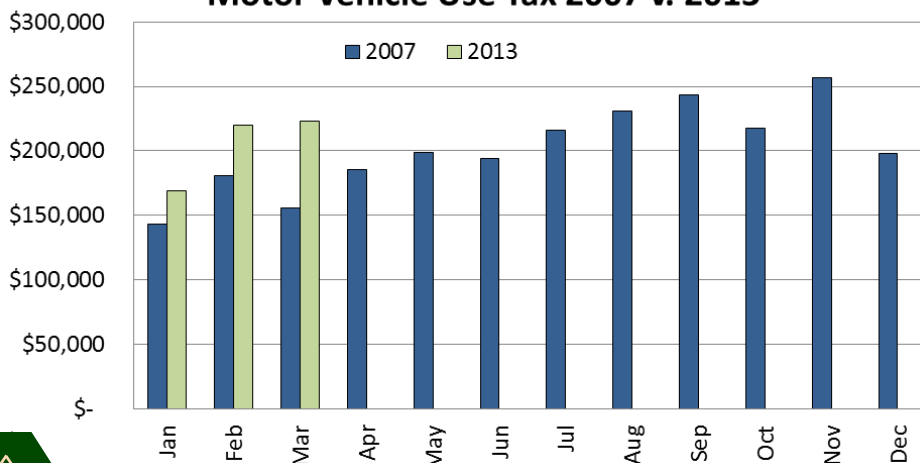
	2007	2013
Jan	\$ 3,324,067	\$ 3,995,194
Feb	2,167,873	2,619,453
Mar	1,994,635	2,622,808
Apr	2,437,958	
May	2,146,685	
Jun	2,300,533	
Jul	2,640,223	
Aug	2,376,534	
Sep	2,332,844	
Oct	2,632,667	
Nov	2,419,051	
Dec	2,464,559	
	\$29,237,629	\$ 9,237,456

Building Material Use Tax 2007 v. 2013



	2007	2013
Jan	\$ 505,441	\$ 181,907
Feb	171,835	67,440
Mar	169,579	187,222
Apr	380,285	
May	236,140	
Jun	287,300	
Jul	166,446	
Aug	324,125	
Sep	600,704	
Oct	1,086,325	
Nov	159,382	
Dec	207,723	
	\$ 4,295,285	\$ 436,570

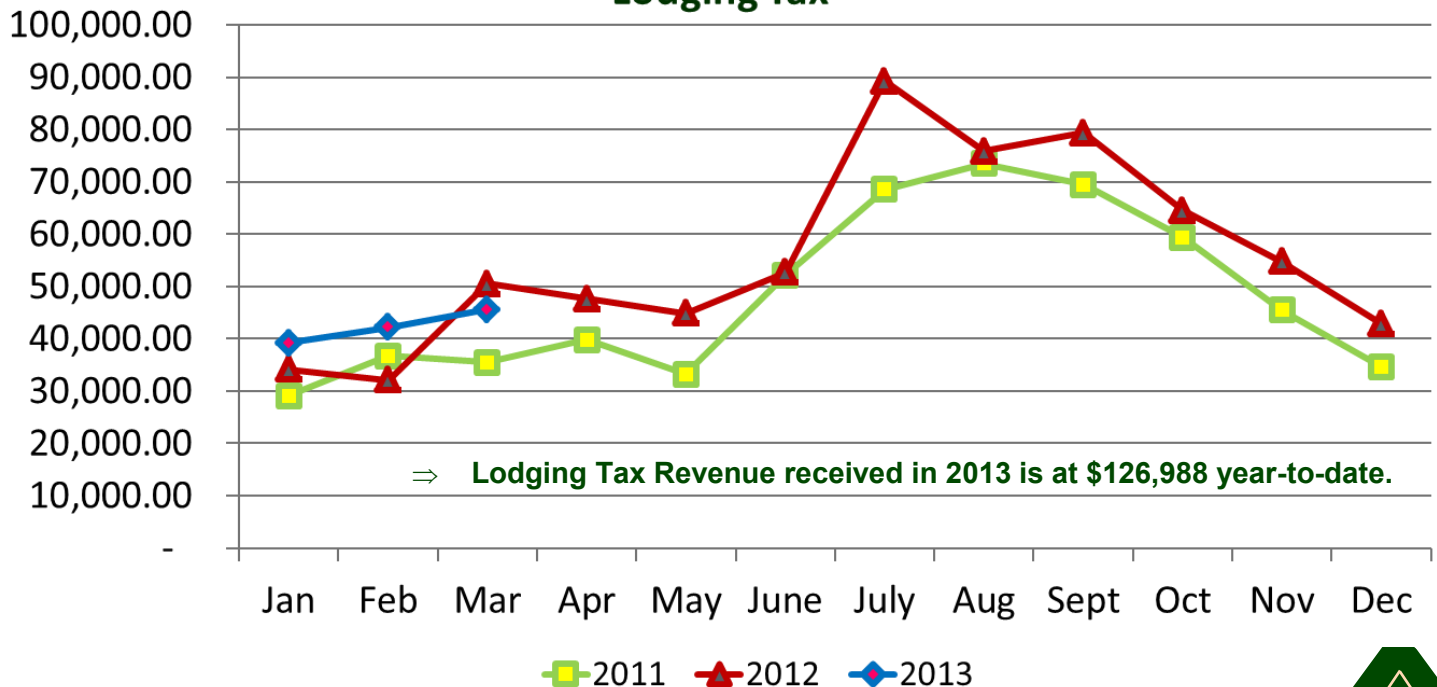
Motor Vehicle Use Tax 2007 v. 2013



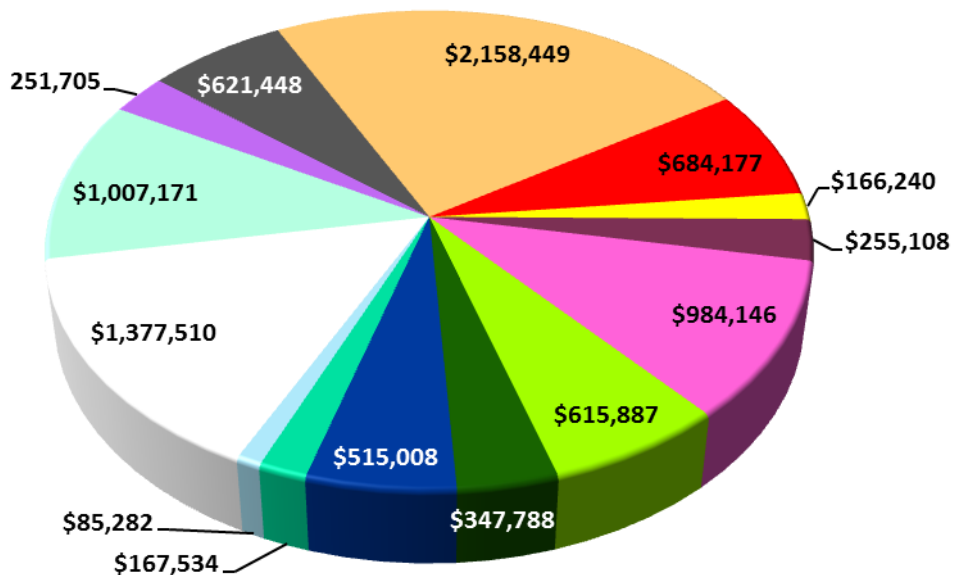
	2007	2013
Jan	\$ 143,005	\$ 168,734
Feb	180,778	219,886
Mar	155,365	223,317
Apr	185,537	
May	199,005	
Jun	193,953	
Jul	216,146	
Aug	231,008	
Sep	243,336	
Oct	217,338	
Nov	256,987	
Dec	197,634	
	\$ 2,420,092	\$ 611,937

Description	YTD 2013	YTD 2012	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 2,077,945	\$ 1,986,949	\$ 90,996	4.6%	22.5%	22.5%
Restaurants & Bars	1,093,992	998,036	95,956	9.6%	11.8%	34.3%
Grocery Stores & Specialty Foods	1,046,310	954,884	91,426	9.6%	11.3%	45.7%
Clothing & Clothing Accessories Stores	660,456	611,632	48,824	8.0%	7.1%	52.8%
Sporting Goods, Hobby, Book & Music Stores	591,325	454,133	137,192	30.2%	6.4%	59.2%
Motor Vehicle Dealers, Auto Parts & Leasing	556,364	483,131	73,233	15.2%	6.0%	65.2%
Utilities	550,700	558,055	(7,355)	-1.3%	6.0%	71.2%
Building Material & Lawn & Garden Supplies	490,620	419,919	70,701	16.8%	5.3%	76.5%
Broadcasting & Telecommunications	331,651	330,976	675	0.2%	3.6%	80.1%
Used Merchandise Stores	284,640	266,626	18,014	6.8%	3.1%	83.2%
Beer, Wine & Liquor Stores	208,327	188,518	19,809	10.5%	2.3%	85.4%
Consumer Goods & Commercial Equipment Rental	179,266	139,726	39,540	28.3%	1.9%	87.4%
Health & Personal Care Stores	164,893	147,573	17,320	11.7%	1.8%	89.2%
Hotels, Motels & Other Accommodations	160,059	155,648	4,411	2.8%	1.7%	90.9%
Electronic Shopping & Mail-Order Houses	155,888	136,375	19,512	14.3%	1.7%	92.6%
Furniture & Home Furnishing Stores	122,032	117,774	4,259	3.6%	1.3%	93.9%
Electronics & Appliance Stores	109,982	166,327	(56,345)	-33.9%	1.2%	95.1%
Office Supplies, Stationery & Gift Stores	87,354	90,557	(3,202)	-3.5%	0.9%	96.0%
Gasoline Stations with Convenience Stores	59,051	53,758	5,293	9.8%	0.7%	96.7%
All Other Categories	306,599	266,501	40,098	15.0%	3.3%	100.0%
Total	\$ 9,237,456	\$ 8,527,098	\$ 710,358	8.3%	100.0%	

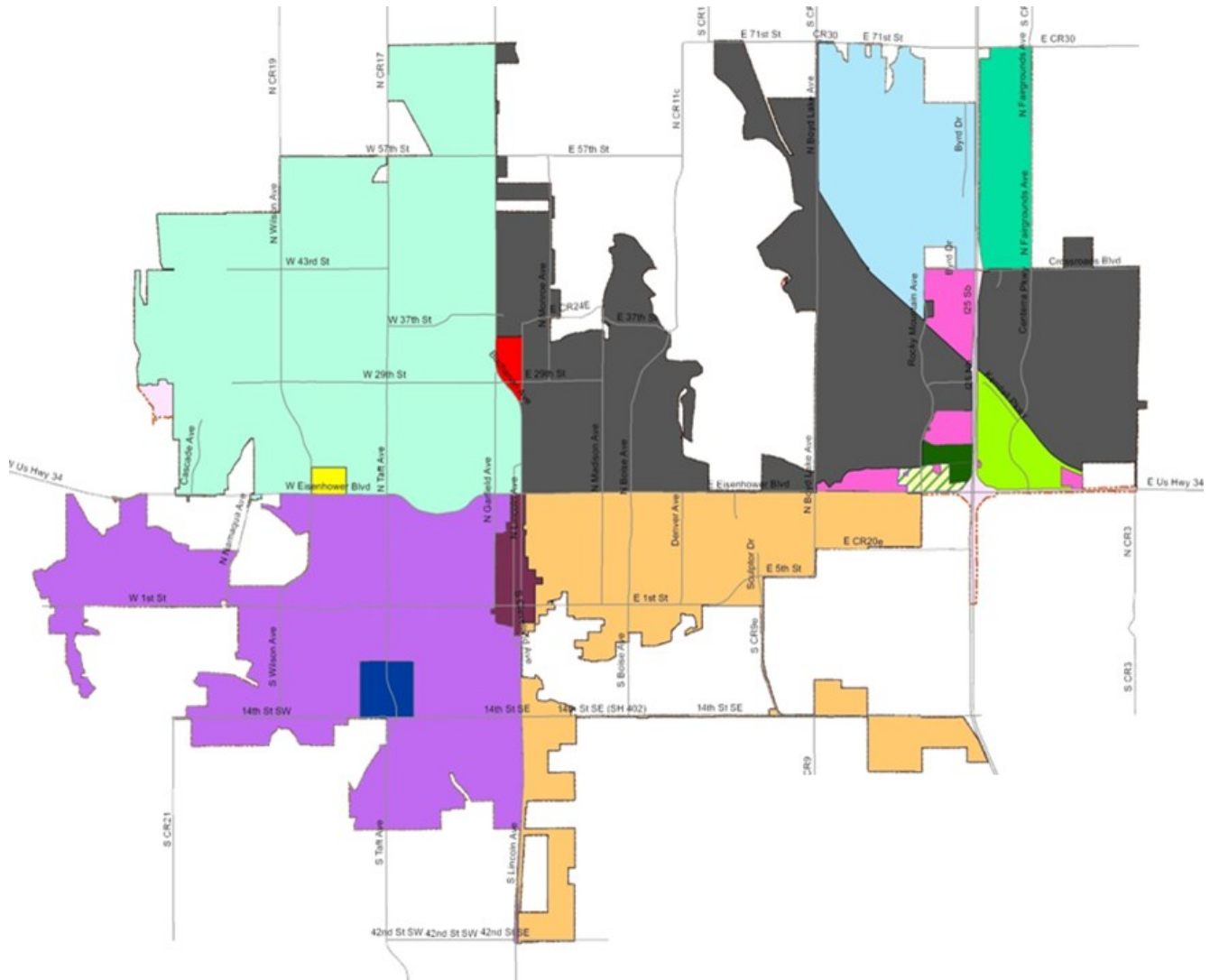
Lodging Tax



Geographical Area		YTD 2013	YTD 2012	Change
South East Loveland		\$2,158,449	\$2,009,305	7.4%
North West Loveland		1,007,171	942,856	6.8%
Centerra		984,146	841,060	17.0%
Orchards Shopping Center		684,177	579,916	18.0%
North East Loveland		621,448	575,761	7.9%
Promenade Shops		615,887	636,875	-3.3%
Thompson Valley Shopping Center		515,008	476,547	8.1%
Outlet Mall		347,788	334,697	3.9%
Downtown		255,108	229,360	11.2%
South West Loveland		251,705	234,507	7.3%
The Ranch		167,534	160,134	4.6%
Columbine Shopping Center		166,240	155,072	7.2%
Airport		85,282	73,803	15.6%
All Other Areas		1,377,510	1,277,205	7.9%
Total		\$9,237,456	\$8,527,098	8.3%



Map →



For a larger view of this map, please visit:

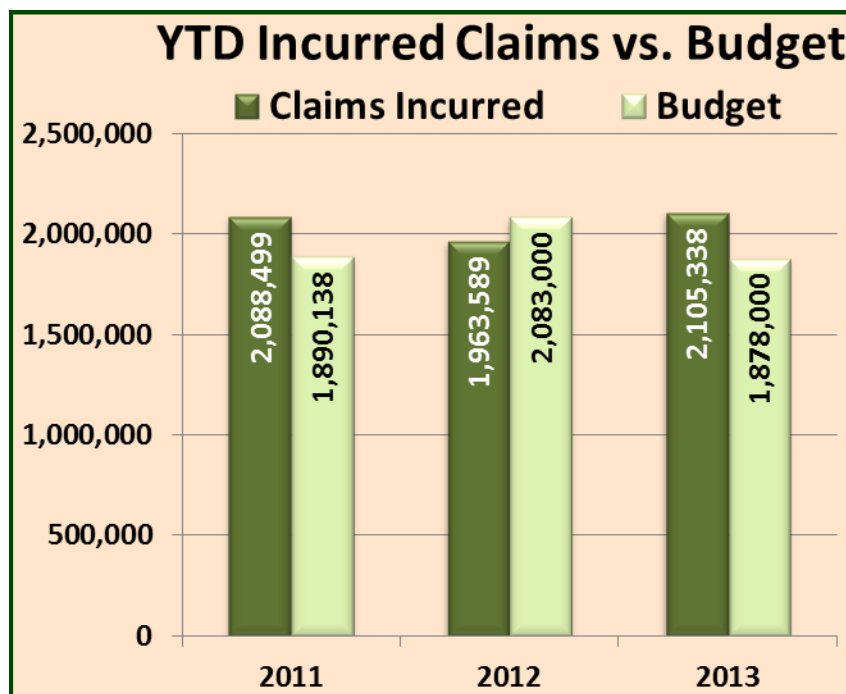
- ⇒ www.cityofloveland.org
- ⇒ Departments
- ⇒ Finance
- ⇒ Administration
- ⇒ Financial Reports
- ⇒ View Monthly Financial Reports
- ⇒ “Click here” below monthly SnapShot links

click + magnifier to zoom

Claims Incurred					\$ Over / (Under) Budget	% Over / (Under) Budget
		OAP	HRA	Total	Budget	
2013	March	450,528	170,009	620,537	626,000	(5,463)
	YTD	1,604,766	500,572	2,105,338	1,878,000	227,338
2012	March	1,091,380	176,159	1,267,539	694,333	573,206
	YTD	1,700,073	263,516	1,963,589	2,083,000	(119,411)
Change	March	(640,852)	(6,150)	(647,002)		
	% March	-58.7%	-3.5%	-51.0%		
	YTD	(95,307)	237,056	141,749		
	% YTD	-5.6%	90.0%	7.2%		

⇒ OAP—Open Access Plan

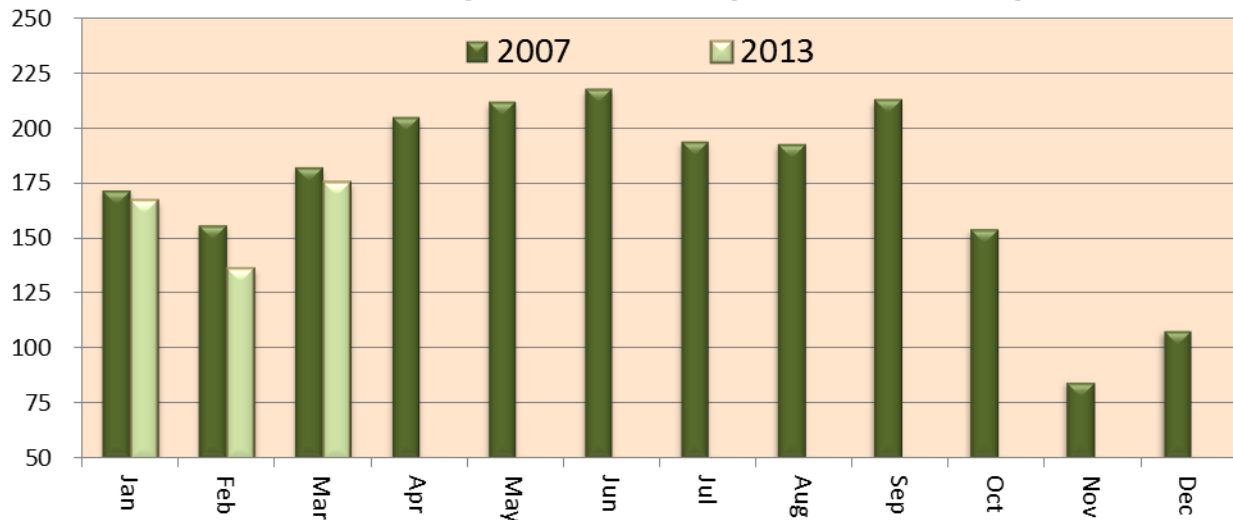
⇒ HRA—Health Reimbursement Arrangement



Comparison of YTD Claims Over \$25k				
March	2010	2011	2012	2013
# of claims	13	13	13	12
YTD Cost of high claims	\$1,448,774	\$721,453	\$620,274	\$612,323

⇒ 2013 # of StopLoss claims: 0
(claims over \$150k paid by StopLoss Carrier)

Building Permit Comparison History



Measures	Mar. 2011	Mar. 2012	Mar. 2013	2011 YTD	2012 YTD	2013 YTD
# of Building Permits	164	188	175	389	485	478
Building Permit Valuations	\$ 6,515,635	\$ 8,364,821	\$ 27,701,671	\$ 15,852,056	\$ 22,917,508	\$ 44,123,982
# of Certified Occupancies	14	29	39	50	57	77
Net # of Sales Tax Licenses	10	18	(35)	(10)	(118)	(367)
New Residential Electric Meter Sets	54	16	37	150	39	72
# of Utility Bills Sent	35,472	35,912	36,507	106,327	107,833	109,343
Rounds of Golf	7,693	9,592	3,645	10,751	11,341	7,634
\$ Average Health Claim Costs/Emp.	\$ 1,026.16	\$ 989.96	\$ 953.21	\$ 3,330.61	\$ 3,100.97	\$ 3,262.16
KWH Demand (kH)	92,678	88,578	91,251	295,617	277,716	282,538
KWH Purchased (kwh)	56,297,383	57,317,504	59,202,465	173,339,631	176,926,247	177,377,942
Gallons of Water Sold	135,946,375	139,790,498	139,059,750	417,884,826	423,231,868	428,049,107
# of Workers' Comp Claims 2013	12	8	8	30	29	26
\$ of Workers' Comp Claims Paid 2013	\$ 5,348.00	\$ 58,589.04	\$ 26,180.00	\$ 10,963.00	\$ 172,555.86	\$ 75,192.95
# of Total Open Claims	17	19	12	Not Cumulative		
\$ of Total Open Claims	\$ 70,372	\$ 455,617	\$ 249,273	Not Cumulative		
\$ of Lodging Tax Collected	\$ 35,518.99	\$ 50,575.89	\$ 45,625.88	\$ 101,432.67	\$ 116,820.54	\$ 126,988.00

For more information regarding this report contact:

Brent Worthington, Finance Director

970.962.2300 or

brent.worthington@cityofloveland.org

**Financial Sustainability
Strategies Can Be
Found At:**

CityofLoveland.org

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

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





Snapshot

March
2013

Brent Worthington
Finance Director

Presented
May 7, 2013

March 2013 Snapshot

- Citywide Revenue
 - \$54.2 million, excluding transfers
 - 2.7% above budget projections

- Citywide Expenditures
 - \$42.6 million, excluding transfers
 - 21.1% below budget projections

- Citywide revenues exceed expenditures by \$11.6 million.

March 2013 Snapshot

- General Fund Revenue
 - \$19.0 million YTD, excluding transfers
 - 8.4% above YTD Budget
 - 11.2% above same period last year
- Sales and Use Tax Revenue
 - \$10.3 million YTD
 - 6.1% above budget projections
 - 10.5% above same period as last year
- Sales Tax only
 - \$9.2 million YTD
 - 3.7% above budget projections
 - 8.3% above same period last year

March 2013 Snapshot

Sales & Use Tax 2007 v. 2013



March 2013 Snapshot

Sales & Use Tax 2007 v. 2013 in Constant January 2007 Dollars



March 2013 Snapshot

- General Fund Expenditures
 - \$11.7 million YTD, excluding transfers
 - 11.2% below budget projections

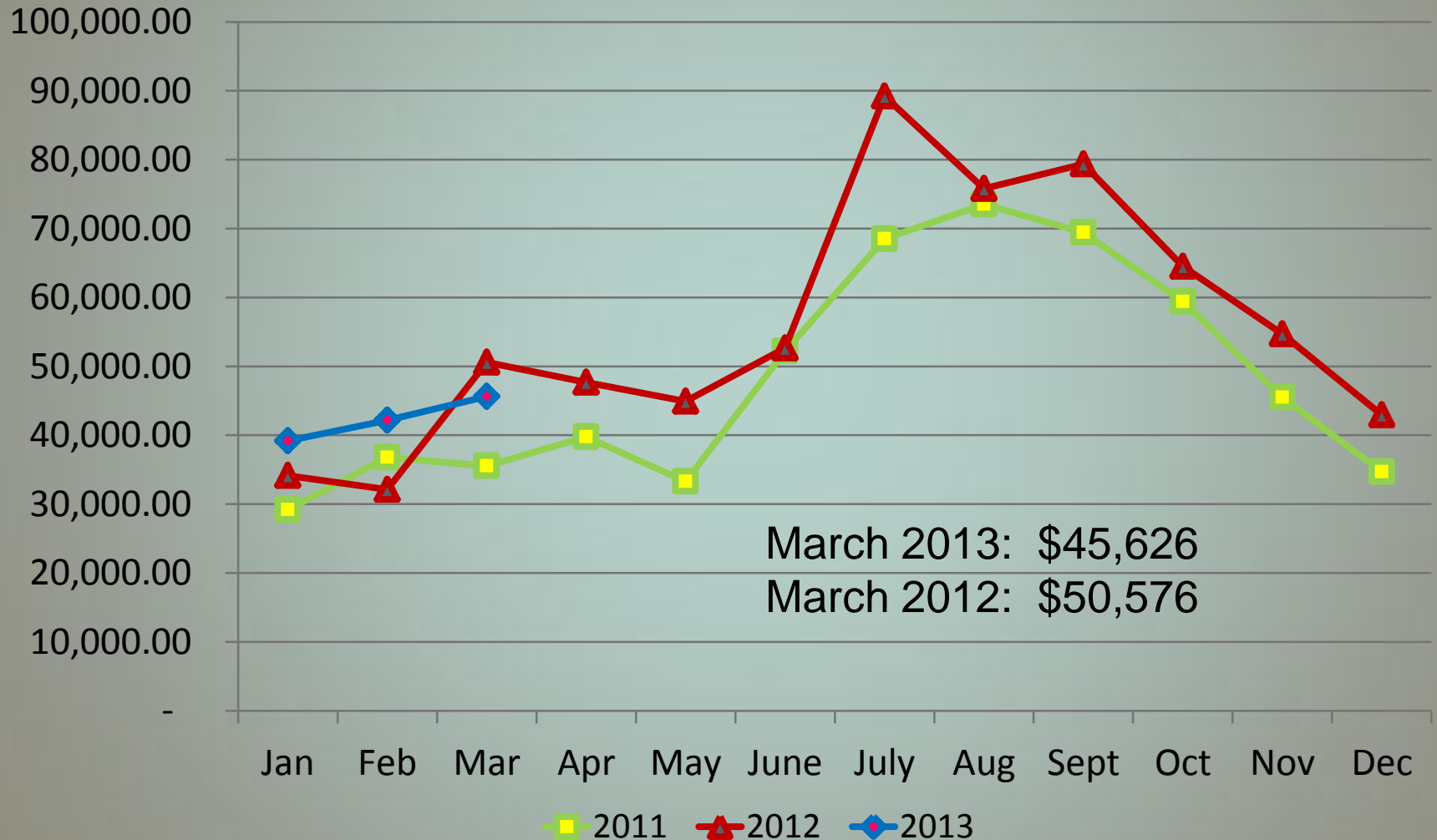
- General Fund Revenues Exceed Expenditures by \$5.0 million

- Health Claims
 - March Claims \$620,537
 - 0.9% below March budget projections
 - 2013 YTD increased from \$1.9 mil to \$2.1 mil from same time as last year (7.2%)

March 2013 Snapshot

- Other highlights
 - Lodging tax YTD is \$126,988 (8.7% higher than 2012 YTD).

Lodging Tax Comparison





March 2013 Snapshot

Questions?

Brent Worthington
Finance Director

Presented
May 7, 2013

**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: 17
MEETING DATE: 5/7/2013
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE:

Investment Report for March 2013

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

The budget estimate for investment earnings for 2013 is \$2,760,560. Through March, the amount posted to the investment account is \$554,071 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$127,441. Based on the monthly statement, the estimated annualized 1.05% yield on the securities held by US Bank was up from last month and under the annual target rate of 1.20% for 2013. Reinvestment rates have been near record low levels, much lower than the budget projection.

SUMMARY:

At the end of March, the City's portfolio had an estimated market value of \$216.8 million. This is about \$2.3 million more than a month ago. Of this amount, US Bank held (including accrued interest) \$186.6 million in trust accounts; other funds are held in local government investment pools, in operating accounts at Wells Fargo Bank, and a few miscellaneous accounts. Interest rates trended significantly lower in 2012 and despite an upward move in December and January; they are projected to remain low for years. Investments are in US Treasury Notes, high-rated US Agency Bonds, high-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 \$2.1 million annually.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Investment Focus March 2013



Investment Focus

Monthly Investment Report

March 2013

What's in here?

Focal Points	1
Gain / Loss	
Rate Trends	2
Cash Statement	3
Portfolio size	4
Investment types	
Transactions /	5
Maturity	
Future Scan	6

Focal Points

- * **2013 targets for the City's portfolio: 1) the interest rate target is **1.2%**; 2) the earnings goal = **\$2,760,420**.**
- * **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- * **Revenue posted to accounts = **\$554,071** – **18.7% under target**. So far this year, the portfolio has **\$50,650 in realized gains**.**
- * **Each 1% of the total portfolio amounts to about \$2.1 million.**
- * **The month end market value shows the unrealized loss was a bit higher, estimated to be **\$469,874** at the end of March.**

March Job Growth Slows to a Trickle

"Employers added fewer jobs in March than in any month in almost a year, a dark cloud after several months of slowly improving conditions in labor markets. Just 88,000 jobs were created last month, far below February's 268,000 gain."

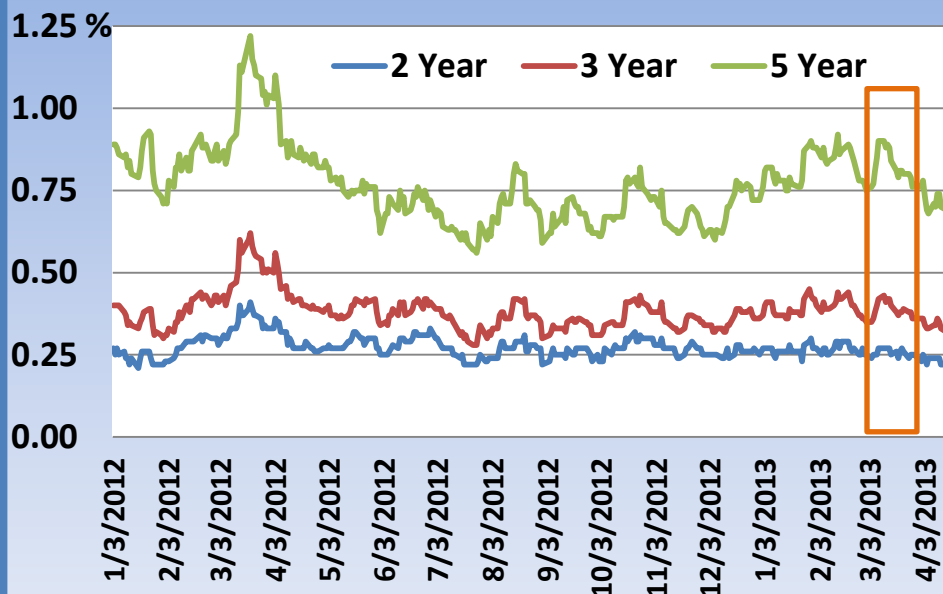
A small decrease in the unemployment rate was due to 500,000 workers leaving the job market, not job growth.

(Source: Brenda Cronin, in *The Wall Street Journal* April 6-7, 2013.)

Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 7,650,041	\$7,650,041	--
Investment Pools	22,579,274	22,579,274	--
Money Markets	<u>22,192,440</u>	<u>22,192,440</u>	--
Subtotal	\$ 52,421,755	\$ 52,421,755	--
Notes and Bonds	<u>164,834,979</u>	<u>164,365,105</u>	\$ (469,874)
Total Portfolio	\$ 217,256,734	\$ 216,786,860	\$ (469,874)
Data Sources	(Morgan Stanley)	(US Bank)	

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

Treasury rate trends / Job numbers weak



Interest rates on U.S. Treasuries finished the month of March exactly the same when compared to the end of February.

Despite the lack of a rate shift during the month, the value of securities in the portfolio decreased slightly.

Labor Lost

The unemployment rate ticked down last month, in part because many people left the work force.

UNEMPLOYMENT RATE



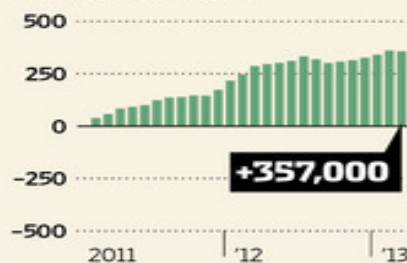
Note: Data are seasonally adjusted. Source: Labor Department

In March, government, manufacturers and retailers shed jobs while builders added them. A look at the sectors' cumulative gains or losses since the start of 2011, in thousands.

GOVERNMENT



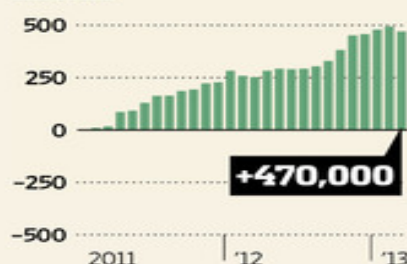
MANUFACTURING



CONSTRUCTION



RETAIL



The Wall Street Journal

Cash Position Summary

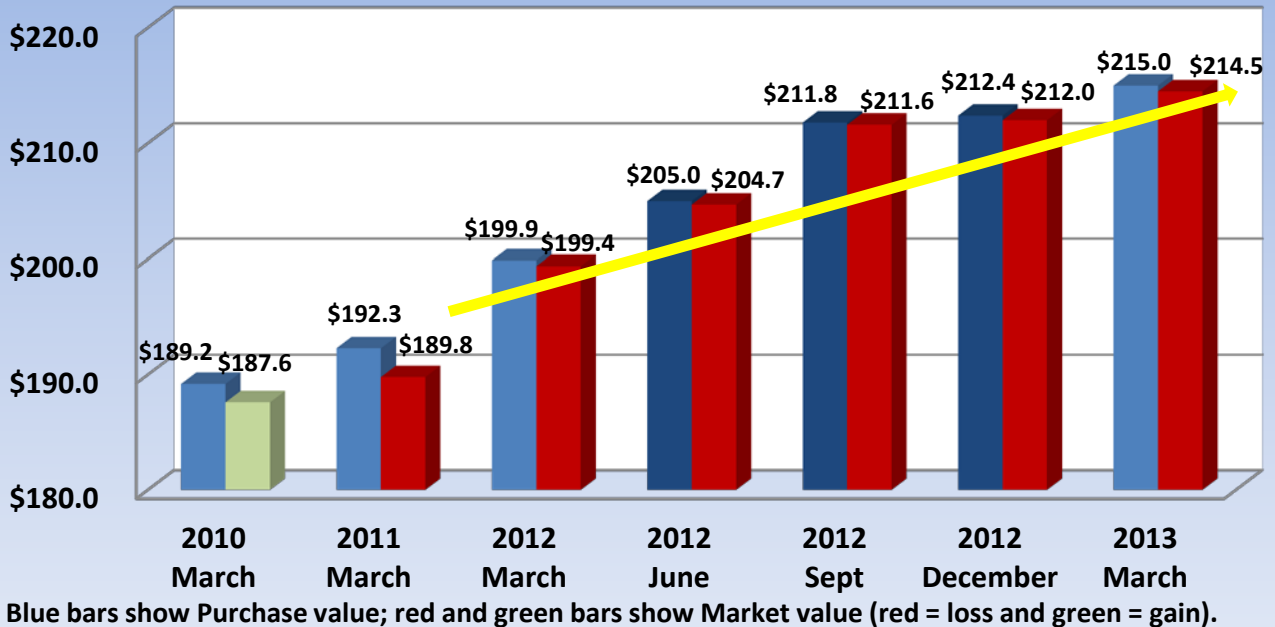
Cash & Reserves (unaudited)

		2013 Beginning	YTD Activity	Month End Total
Restricted Reserves		Due to rounding, column and row totals may not add exactly.		
1	Capital Expansion Fees	\$ 35,226,830	\$ 2,773,019	\$ 37,999,849
2	Water System Impact Fees	8,945,821	(376,736)	8,569,085
3	Raw Water Revenue – Windy Gap	20,940,043	285,129	21,225,172
4	Wastewater System Imp. Fees	5,131,782	351,758	5,483,539
5	Storm Drain System Imp. Fees	1,469,674	52,920	1,522,594
6	Power Plant Investment Fees	8,211,002	570,470	8,781,473
7	Cemetery Perpetual Care	2,629,094	28,164	2,657,258
8	Other Restricted	30,489,353	1,020,722	31,510,075
9	Total Restricted	\$ 113,043,599	\$ 4,705,446	\$ 117,749,046
Committed/ Assigned				
10	General Fund	\$ 11,224,908	\$ 677	\$ 11,225,585
11	Enterprise Funds	4,998,736	(346,507)	4,652,229
12	Internal Service Funds	19,553,388	648,626	20,202,014
13	Total Reserves	\$ 35,777,032	\$ 302,795	\$ 36,079,828
14	Total Restricted and Reserved	\$ 148,820,632	\$ 5,008,242	\$ 153,828,874
Unassigned Balance				
15	General Fund	\$ 23,685,948	\$ 2,613,075	\$ 26,299,023
16	Airport	1,384,130	(303,965)	1,080,165
17	Internal Service – Vehicle Maint	245,629	(16,731)	228,899
18	Enterprise Funds	37,097,373	(1,802,342)	35,295,031
19	Total Unrestricted	\$ 62,413,080	\$ 490,038	\$ 62,903,118
20	TOTAL CASH	\$ 211,233,712	\$ 5,498,279	\$ 216,731,992

Monthly Investment Report

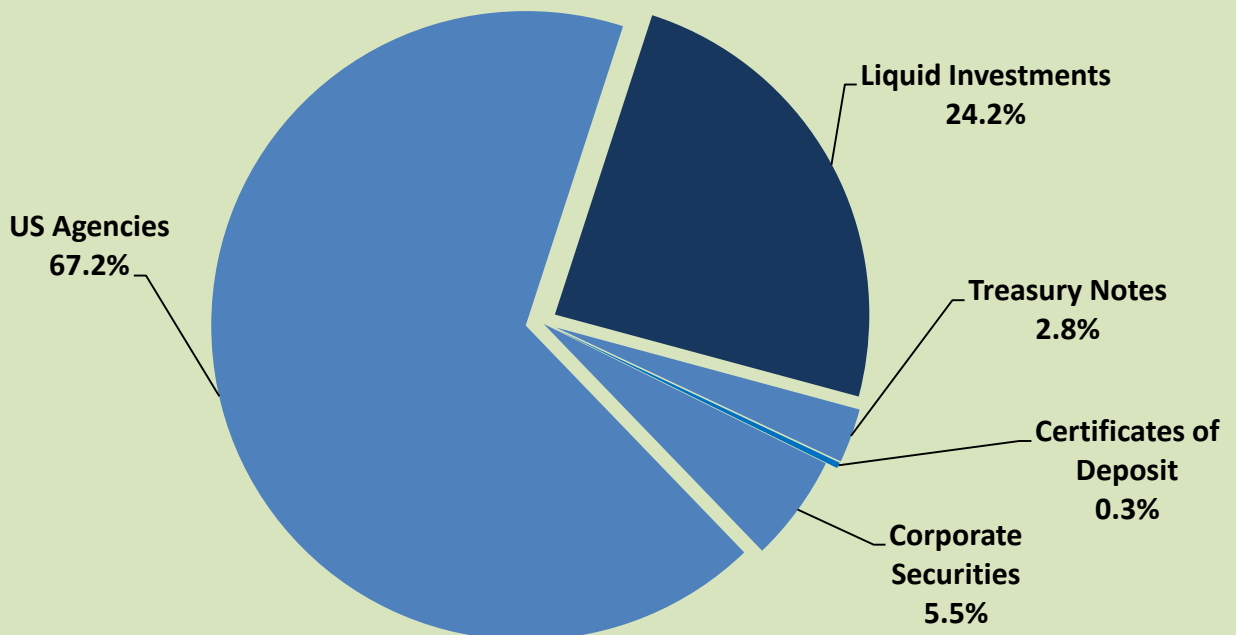
Portfolio Size / Types of Investments

Portfolio Size since March 2010



Portfolio by Type of Investment

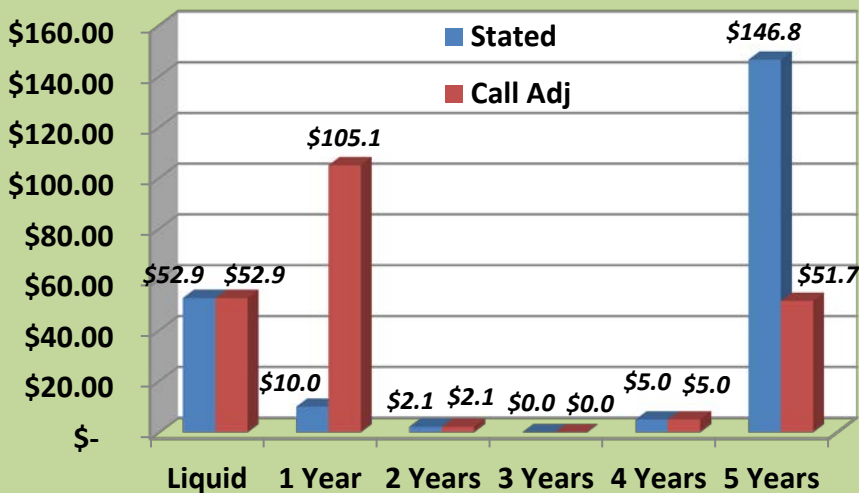
March 2013 – Market Value of \$216.8 million



Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
<u>Purchases</u>				
US Treasury Note	02/28/2018	\$ 5,000,000	\$ 4,996,000.00	0.750%
Discover Bank CD	03/13/2018	250,000	249,750.00	1.300%
Goldman Sachs CD	01/30/2018	250,000	248,625.00	1.200%
Bank Baroda NY CD	03/08/2018	250,000	250,250.00	1.400%
Fed National Mortgage Assn.	03/27/2018	<u>5,000,000</u>	<u>5,000,000.00</u>	0.800%
		\$ 10,750,000	\$ 10,744,625.00	
<u>Matured</u>				
none this month				
<u>Called</u>				
			<u>Call Value \$</u>	
Federal Farm Credit Bank	03/08/2017	\$ 5,000,000	\$ 5,000,000.00	1.250%
<u>Sales</u>				
none this month				
			<u>Gain \$</u>	

Portfolio by Estimated Maturity Term
(in millions - Total = \$216.8 at the end of March)



The target rate for 2013 is 1.2%. Rates are now up slightly ahead of near record lows. For March, the portfolio proceeds were below the earnings target level for 2013.

To support earnings, or to reposition the portfolio, bonds may be sold. So far this year, gains of \$50,650 have been realized through sales.

The blue bars show the stated term; red bars show the calls. Many of the five year bonds will be called early.



Future Scan: The FED stays the course, recovery still weak

- ❖ The **Federal Open Market Committee** (“**FOMC**” or “**Fed**” or “**Committee**”) met on March 19-20. The asset purchase plan remains in place, at least through mid-year. Short-term rates look safe until 2015.
 - “The monthly March jobs report, released after the March 19-20 Fed meeting, showed a significant slow-down in job creation. While the unemployment rate ticked down to 7.6% from 7.7%, the rate decreased largely because a huge number of people stopped looking for work.”
 - “A few members felt that the risks and costs of purchases, along with the improved outlook since last fall, would likely make a reduction in the pace of purchases appropriate around midyear with purchases ending later this year. Several others thought that if the outlook for the labor market conditions improved as anticipated, it would probably be appropriate to slow purchases later in the year and to stop them by year-end.”
 - “The Fed’s easing measures have been credited for propelling the Dow Jones Industrial Average and the S&P 500 Index into record territories. But when the Fed does turn off the spigot, or reduces it to a trickle, the outcome could be painful.” (Source: *Money Morning*, Diane Alter, April 10, 2013.)
- ❖ **Economic Policy Institute: *From free-fall to stagnation—an overview of the state of the U.S. economy***
 - “The economy, particularly the labor market, remains far from normal. Output was roughly \$1 trillion below full employment levels. 9.1 million jobs are needed to restore prerecession labor market health.”
 - “The gap between actual and potential economic output and labor market health is almost entirely a function of deficient economic demand—households, businesses, and governments are not spending enough to keep all workers and productive capacity employed.”
 - “Too many near- and medium-term forecasts assume a return to full employment relatively quickly. . . These forecasts have consistently proved overly optimistic.”
 - “Even with the lame-duck budget deal, the U.S. economy is projected to remain depressed, with GDP between \$941 billion and over \$1.0 trillion below full employment output at the end of 2013. . . Furthermore, real growth rates in 2013 are projected to slow below 2.0 percent, to the point of renewed labor market deterioration.” (Source: Josh Bivens, Andrew Fieldhouse, & Heidi Shierholz, February 14, 2013.)
- ❖ The March 2013 Colorado Employment Situation was released on April 19, 2013. Using non-seasonally adjusted employment data, **Colorado’s unemployment rate** for March was estimated to be 7.3% compared to the national unemployment rate of 7.6%. Larimer County was at 6.0%. Boulder County dipped to 5.4% and Weld County was up to 8.1%. Data for cities were down from a month ago. Loveland’s unemployment rate is estimated to be 6.9%, lower than February’s 7.6% and down from 8.2% one year ago. Monthly data shows Fort Collins at 5.8%, Boulder at 5.1%, and Greeley down to 8.2%. (March **and** February charts are on pages 7 & 8.)
- ❖ **Recession Outlook:** “Data for March reflect an economy that has lost some steam. . . In addition to headwinds from government spending cuts, the private sector economy may struggle to maintain its momentum. . . The biggest challenge remains weak demand, due to nervous consumer sentiment and slow income growth.” (Source: *The Conference Board*, Ken Goldstein, April 18, 2013.)

For more information regarding this report, please contact:

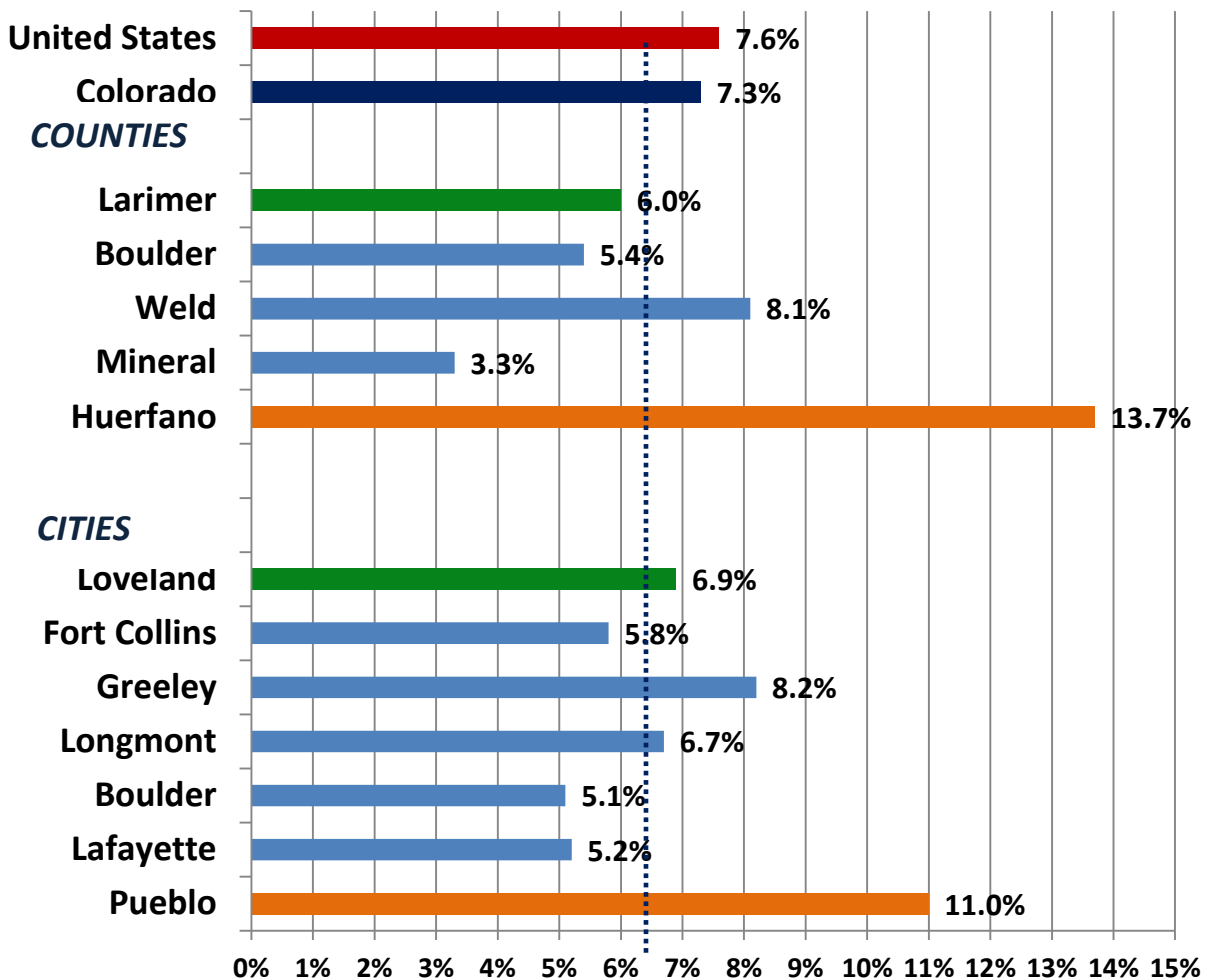
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Updated Colorado Labor Data

- ❑ Loveland's workforce **contracted** in **March**, down 147 jobs from February.
- ❑ Compared to one year ago in March, there are 694 **more** jobs.

Unemployment Rates

Data not adjusted for seasonality



Updated Colorado Labor Data

- ❑ Loveland's workforce **expanded** in **February**, up 192 jobs from January.
- ❑ Compared to one year ago in February, there are 457 **more** jobs.

Unemployment Rates

Data not adjusted for seasonality

