

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2015
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.

**5:00 P.M. RECEPTION FOR BILL STARKS- Municipal Building Main Lobby
6:30 P.M. REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION: YEARS OF SERVICE AWARD (Bill Starks)

PRESENTATION: MISS LOVELAND VALENTINE 2015 (Ellen Colpitts)

PROCLAMATION DECLARING THIS FEBRUARY 3, 2015 AS KIWANIS INTERNATIONAL DAY (Gaylen Williams and Becky Chrisman)

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

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit comments to no more than three minutes.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

1. A Motion to Approve the City Council Meeting Minutes for the January 6, 2015 Regular Meeting

This is an administrative action to approve the City Council meeting minutes for the January 6, 2015 Regular Meeting.

2. A Motion to Approve the City Council Meeting Minutes for the January 13, 2015 Study Session and Special Meeting Minutes.

This is an administrative action to approve the City Council meeting minutes for the

January 14, 2015 Study Session and Special Meeting.

2. CITY MANAGER (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZEN FINANCE ADVISORY COMMISSION, OPEN LANDS ADVISORY COMMISSION, PARKS AND RECREATION COMMISSION, SENIOR ADVISORY BOARD, AND VISUAL ARTS COMMISSION

1. A Motion to Appoint Nicole Gruet to the Citizens' Finance Advisory Commission for a Term Effective Until December 31, 2017
2. A Motion to Appoint Jean Whittaker to the Open Lands Advisory Commission for a Term Effective Until December 31, 2018
2. A Motion to Appoint Joe Waneka as the Thompson School District Representative to the Parks and Recreation Commission for a Term Effective Until December 31, 2017
2. A Motion to Appoint Debby Ahrens to the Senior Advisory Board for a Term Effective Until December 31, 2017
3. A Motion to Appoint Julie Bender and to Reappoint Nancy Jakobsson and Mary Jo Morgan to the Visual Arts Commission, each for a Term Effective Until December 31, 2017

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Open Lands Advisory Commission, Parks and Recreation Commission, Senior Advisory Board and Visual Arts Commission.

3. CITY CLERKS (presenter: Terry Andrews)

SPECIAL MEETING ON FEBRUARY 10, 2015

A Motion Calling for a Special Meeting to be Held at 6:30 p.m. in the Council Chambers, Following the Regularly Scheduled Study session on February 10, 2015. The purpose of the Special Meeting is to Discuss Three Items; 1) RTA (Regional Tourism Act) Application; 2) Discussion and Possible Direction Regarding the Presiding Municipal Judge Position Description; and 3) Consideration of a Motion Regarding the Appointment of One or More Deputy Municipal Judges. This Meeting may Include Executive Sessions on Any or All of These Three Items. Council Agrees to Waive Their Right for Notice Delivered to Their Homes.

This is an administrative action to call for a Special Meeting, which may include Executive Sessions per 24-6-402 C.R.S. The purpose of this Special Meeting is to discuss an application submittal to the State of Colorado under the Regional Tourism Act (RTA) and for a report on the information evaluated by consultants Jo Mattoon and John Hartman regarding the Presiding Municipal Judge Position as requested by City Council. If previously directed, staff will bring a motion, regarding the appointment of one or more Deputy Judges to this meeting for City Council consideration.

4. DEVELOPMENT SERVICES (presenter: Noreen Smyth)

PUBLIC HEARING

FOX POINTE FIRST SUBDIVISION EMERGENCY ACCESS EASEMENT VACATION
A Motion to Approve and Order Published on First Reading an Ordinance Vacating an Emergency Access Easement across Tract F of the Fox Pointe First Subdivision, City of Loveland, County of Larimer, State of Colorado

This is a legislative action to consider adoption of an ordinance on first reading vacating an emergency access easement. The 24 ft. wide by 18 ft. long easement is located on vacant land in the Fox Pointe First Subdivision, north of the Orchards commercial development. The applicant, Traditions at Loveland LLC, has also submitted a site development plan application to construct a 161,176 sq. ft., 155 unit independent senior housing development on the property and an accompanying amended plat application. The amended plat includes new emergency access easements in locations suitable for the development, making the existing emergency access easement established with the

Fox Pointe First Subdivision unnecessary.

5. **WATER & POWER** (presenter: Greg Dewey)

CONVERSION OF COLORADO BIG THOMPSON UNITS

A Motion to Approve Resolution #R-12-2015 of the Loveland City Council Authorizing an Application to, and Contract with, the Northern Colorado Water Conservancy District for Beneficial Use of 10 Acre-Feet of Colorado Big Thompson Project Water

This is an administrative action to adopt a resolution approving the conversion of 10 Colorado Big Thompson ("C-BT") units acquired during 2014 from a Temporary Use Permit to a Permanent Section 131 Contract. The units were purchased in 2014. No additional costs are associated with the conversion.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT

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

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

6. **MUNICIPAL COURT** (presenter: Bill Starks)

IGA FOR TEEN COURT WITH THOMPSON R-2J

A Motion to Adopt Resolution #R-13-2015 Approving an Intergovernmental Agreement between the City of Loveland, a Home Rule Municipality, and the Thompson School District R-2J for Operation of the Loveland Municipal Teen Court Program

This is an administrative action. On July 22, 2014 Council directed staff to move forward with the implementation of "Teen Court". Teen Court is an alternative sentencing mechanism, where a juvenile first-time offender admits guilt and agrees to be sentenced by their peers based on restorative justice principles. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson Valley School District. This resolution approves an IGA between the City and the School District, not to exceed \$3,000 per year. The funds are to cover a portion of the administrative costs as well as, provide snacks for the participants incurred by the School District. The School District has approved the IGA. Council approved the funds for this purpose in the 2015 Budget.

7. **CULTURAL SERVICES** (presenters: Susan Ison, Rich Harris)

RIALTO THEATER CENTER AMENDMENTS TO RATES, CHARGES AND FEES

A Motion to Approve Resolution #R-14-2015 Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and

Power Department and the Stormwater Enterprise with Respect only to the Rialto Theater Center Rates, Charges and Fees

This is an administrative action. The Rialto Theater Center (RTC) Business Plan was presented to City Council August 19, 2014. It was determined that the increase in Rates & Fees required to reach the Sustainability Goals were unacceptable to many of the community groups who rent the RTC. Subsequently, we have had six meetings with representatives from the user groups: September 23rd, October 15th, October 24th, November 14th, December 1st and January 8th. Representatives from the Loveland Choral Society, Loveland Opera Theater, Moon Theater Company, Thompson Education Foundation and Lifetree Film Festival attended some or all of the meetings. At the last meeting, in January 2015, the Rates & Fees were reviewed. After considerable discussion between RTC staff and representatives from the performing arts community, this proposal was prepared for consideration. Adoption of new Rates and Fees should increase the amount of revenue collected.

8. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)

REGIONAL TOURISM ACT APPLICATION SUPPORT

A Motion to Approve Resolution #R-15-2015 Authorizing the Submission of an Application to the Colorado Office of Economic Development for the Approval of a Regional Tourism Project within the City of Loveland and the Surrounding Vicinity

This is an administrative action to approve a resolution granting authorization to the non-profit Go NoCo to submit an application to the Colorado Office of Economic Development for a Northern Colorado Regional Tourism project(s). The application is due on February 17, 2015. It is anticipated that awards will be announced in November 2015. The Larimer County Board of Commissioners approved a resolution of support on December 30, 2014. The Town of Windsor Council approved a resolution of support on January 26, 2015.

9. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)

PUBLIC UPDATE ON REGIONAL TOURISM ACT APPLICATION AND EXECUTIVE SESSION

A Public Update on the Regional Tourism Act Application and a Possible Executive Session to Discuss Confidential Commercial and Financial Information Protected Under the Open Meetings Law and City Charter and/or Colorado Open Records Act

This is an administrative action. Since July of 2014, the City of Loveland, Town of Windsor and Larimer County have been developing an application to the State of Colorado Economic Development Commission for the award of a Regional Tourism Act Grant. This session will update the public on the status of the application and potential projects. The application is due February 17, 2015.

BUSINESS FROM CITY COUNCIL

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

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN



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(970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620
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PROCLAMATION

WHEREAS Kiwanis International is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and

WHEREAS The members of the Kiwanis Club of Loveland Big Thompson and Loveland Golden K Kiwanis Club are devoted to improving the world, one child and one community at a time by seeking primacy to the human and spiritual rather than the material values of life; and

WHEREAS In addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and

WHEREAS The first Kiwanis club started its service in Detroit, Michigan, USA, in 1915; and

WHEREAS Kiwanis International celebrates its Centennial Anniversary of the founding of the Detroit Kiwanis Club No. 1; and

WHEREAS The service provided by the Kiwanis Club of Loveland Big Thompson and Loveland Golden K Kiwanis Club will continue to have a positive impact on our community and citizens.

NOW, THEREFORE, we the City Council of Loveland do hereby proclaim this February 3, 2015 as Kiwanis International day, and hereby call upon all citizens of Loveland thereof to render support to the members of this organization and to make themselves aware of Kiwanis International, whose members this day are providing meaningful service to our homes, schools and community.

Signed this 3rd day of February, 2015

Cecil A. Gutierrez
Mayor

**MINUTES
LOVELAND CITY COUNCIL MEETING
THE WATER ENTERPRISE BOARD OF DIRECTORS
TUESDAY, JANUARY 6, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF 2014 FINANCE AWARD: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR) Brent Worthington received award.

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

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Councilor McKean requested item #12 be moved to the end of the meeting.

Councilor Clark moved to approve the consent agenda with the exception of item #12. The motion was seconded by Councilor Farley, which carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

1. A Motion to Approve the City Council Meeting Minutes for the December 2, 2014 Regular Meeting was approved.

This is an administrative action to approve the City Council meeting minutes for the December 2, 2014 Regular Meeting.

2. A Motion to Approve the Study Session Meeting Minutes for the December 9, 2014 Study Session was approved.

This is an administrative action to approve the Study Session Meeting Minutes for the December 9, 2014 Study Session.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION, FIRE AND
RESCUE ADVISORY COMMISSION, GOLF ADVISORY BOARD, LIBRARY BOARD,

OPEN LANDS ADVISORY COMMISSION, PARKS AND RECREATION COMMISSION,**PLANNING COMMISSION, AND TRANSPORTATION ADVISORY BOARD****RECOMMENDED CITY COUNCIL ACTION:**

1. A Motion to Reappoint Jason Napolitano to the Citizens' Finance Advisory Commission for a Term effective until December 31, 2017 was approved.
2. A Motion to Appoint Leo Wotan as a City Commission Member on the Fire and Rescue Advisory Commission for a partial term effective until June 30, 2017 was approved.
3. A Motion to Reappoint Hope Chrisman and Robert Walkowicz and to appoint Charlie Dyer to the Golf Advisory Board, each for term effective until December 31, 2017 was approved.
4. A Motion to Appoint Chuck Weirauch as an alternate member on the Golf Advisory Board for a term effective until December 31, 2015 was approved.
5. A Motion to Appoint Eric Harting and Treva Edwards-Heiser to the Library Board, each for a term effective until December 31, 2019 was approved.
6. A Motion to Appoint Sue Mullins and Shawn Waaler as alternate members on the Library Board, each for a term effective until December 31, 2015 was approved.
7. A Motion to Reappoint Lori Bell and Andy Hawbaker and to appoint Nathan Thompson to the Open Lands Advisory Commission, each for a term effective until December 31, 2018 was approved.
8. A Motion to Appoint Jean Whittaker as an alternate member on the Open Land Advisory Commission for a one year term effective until December 31, 2015 was approved.
9. A Motion to Reappoint Twyla Dennis and Brian Steckelberg to the Parks and Recreation Commission, each for a term effective until December 31, 2017 was approved.
10. A Motion to Reappoint Buddy Meyers, Rob Molloy and Michele Forrest to the Planning Commission, each for a term effective until December 31, 2017 was approved.
11. A Motion to Appoint Lou Price to the Transportation Advisory Board for a partial term effective until December 31, 2015 was approved.
12. A Motion to Appoint Christian Matthews as an alternate member on the Transportation Advisory Board for a term effective until December 31, 2015 was approved.

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Fire and Rescue Advisory Commission, Golf Advisory Board, Library Board, Open Lands Advisory Commission, Parks and Recreation Commission and Planning Commission.

3. ECONOMIC DEVELOPMENT**(presenter: Marcie Erion)****EDISON WELDING INSTITUTE SUPPLEMENTAL APPROPRIATION INCENTIVE**

A Motion to Approve and Order Published on Second Reading Ordinance #5909 Enacting a Supplemental Appropriation to the 2015 City of Loveland Budget for a Services Contract with Edison Welding Institute, Inc. was approved.

This is an administrative action. The City of Loveland proposes to enter into a Services Contract with Edison Welding Institute, Inc., dba "EWI" to perform a regional manufacturing and technology needs assessment and the EWI Colorado business plan. This item was brought before Council at the October 7, 2014 regular meeting as an informational item. At that time, City Council provided direction to staff to bring a funding ordinance for the EWI contract to Council for formal consideration. The first reading of this ordinance was approved unanimously at the December 16, 2014 regular meeting and City Council also directed staff to add language to the Services Contract to address confidentiality of the assessment. This language has been added to the contract under

the Special Provisions section. The ordinance funding reduces the flexibility to fund other projects. The \$300,000 would come out of the Economic Development Incentive Fund in 2015. The current balance in the incentive fund for 2015 is \$450,000 with an additional rollover of \$762,790, making the current available balance \$1,212,790.

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

POSTING LOCATION FOR MEETING NOTICES

A Motion to Approve Resolution #R-1-2015, Establishing the Location for the Posting of City of Loveland Meeting Notices for 2015 was approved.

This is an administrative action. Approval of the Resolution will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the City of Loveland's written notices in the year 2015. The Resolution also designates the City's Fire Administration Building as an Emergency Posting location if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause.

5. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the 2015 Pro Challenge Cycling Race and for Completion of the Regional Tourism Authority (RTA) Application was approved.

This is an administrative action. The ordinance on first reading appropriates Lodging Tax Funds: \$75,000 for consultants to develop the application for the Regional Tourism Act to the State Economic Development Commission, and \$100,000 in funding associated with hosting the US Pro Cycling Challenge event. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. No specific adverse impacts to projects are projected. The current balance of the Lodging Tax reserves is \$1,004,604.

6. **AIRPORT** (presenter: Jason Licon)

IGA FOR AIRPORT GOVERNANCE

A Motion to Adopt Resolution #R-2-2015 Approving an Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport was approved.

This action carries out one part of the Airport Strategy adopted by the City Council in December 2014. Adoption of the amended and restated IGA modifies the governance structure of the Airport by changing the Airport Steering Committee to an Airport Commission, with changes in membership but still appointed by the City Councils of Loveland and Fort Collins. The new Airport Commission will have expanded powers but selected powers continue to be reserved to the two City Councils. The benefits of the change are streamlined decision-making and greater involvement of Airport stakeholders. Approval of the Fort Collins City Council is also required to implement the change. This action has been reviewed previously in two joint City Council study sessions with Fort Collins (April and November 2014), and is recommended by the Airport Steering Committee. The budgetary impact would initially be neutral, however it is expected that this change would create an enhanced confidence level for potential investors that would positively impact future airport finances.

7. **WATER & POWER** (presenter: Bob Miller)

AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT WITH PLATTE RIVER POWER AUTHORITY FOR SCADA SERVICES

A Motion to Adopt Resolution #R-3-2015 Approving an Amended and Restated Intergovernmental Agreement Between the City of Loveland, Colorado and Platte

River Power Authority for SCADA Services was approved.

This is an administrative action. On January 7, 2014 City Council approved an Intergovernmental Agreement (IGA) that allowed Platte River Power Authority (PRPA) to provide SCADA Services to Loveland in its 7 substations. A few months ago Estes Park approached PRPA requesting SCADA services for their two substations. PRPA proposed to amend the existing agreement with Loveland and develop a new agreement with Estes Park. An amended and restated IGA for SCADA services with PRPA and Loveland was adopted by the PRPA Board of Directors on December 11, 2014. The cost distribution for this service was amended to read that Loveland is responsible for 7/9's of the cost and Estes Park will be responsible for the other 2/9's. This agreement will result in a reduced cost to Loveland for this service with the inclusion of Estes Park.

8. FIRE & RESCUE (presenter: Mark Miller)

COLORADO FIREFIGHTER HEART & CIRCULATORY BENEFITS TRUST AGREEMENT

A Motion to Adopt Resolution #R-4-2015 Approving the Execution of the Trust Agreement for the Colorado Firefighter Heart and Circulatory Benefits Trust was approved.

New state law (Senate Bill 14-172) requires heart and circulatory benefit coverage by January 1, 2015 for all full time firefighters that have been with the organization 5 years. A Trust has been established to provide the benefit and administer claims. The Loveland Fire Rescue Authority (LFRA) Board voted to support the City Risk Manager's recommendation to join the trust to comply with the requirement. Due to the need for coverage starting January 1, the City Manager has used his administrative authority to execute the Intergovernmental Agreements (IGA) to join the Trust. Council is asked to affirm the administrative action at this time. The cost of coverage for LFRA's 51 firefighters @ \$175 each or \$8,925. However, the amount is expected to be fully reimbursed by the State's Division of Local Affairs (DOLA), so the net cost should be zero. The expenditure will be recorded in the Loveland Fire Rescue Authority Fund, where an existing appropriation can be allocated to this purchase and it would be subject to the cost sharing provisions of the intergovernmental agreement between the City of Loveland and the Loveland Rural Fire Protection District.

9. PARKS & RECREATION (presenter: Keven Aggers)

PARK IMPROVEMENTS IGA BETWEEN THE CITY OF LOVELAND, THE LAKES AT CENTERRA METRO DIST #1 AND THOMPSON R2J SCHOOL DISTRICT

A Motion to Adopt Resolution #R-5-2015 of the Loveland City Council to Approve an Amended Intergovernmental Agreement Between the Lakes at Centerra Metropolitan District No.1, the Thompson R2J School District and the City of Loveland Concerning Public Park Improvements was approved.

This is an administrative action extending the Lakes Metro District and School District construction completion dates to June 30, 2015 for the Lakes Metro District park improvements and to September 30, 2016 for the School District park improvements, which extensions are needed due to project and weather delays and to ensure realistic deadlines are in place. The proposed First Amendment is consistent with informal discussions among Parks & Rec, the School District and The Lakes at Centerra Metropolitan District No.1 (McWhinney) that took place in November. This amendment only changes completion dates and will not affect the original budget impact where no supplemental funding is required under the agreement, as it will be funded up to \$1 million from the future collection of Park CEF's from residential development within the Lakes at Centerra Development.

ADJOURNED AS CITY COUNCIL AND CONVENED AS THE WATER ENTERPRISE BOARD OF DIRECTORS

10. **CITY MANAGER** (presenter: Alan Krcmarik)**WATER ENTERPRISE BOND SALE AND ISSUANCE**

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Authorizing the Issuance and Sale of the City of Loveland, Colorado, Water Enterprise Revenue Bond, Series 2015, Payable Solely Out of the Net Revenues to be Derived from the Operation of the City's Water Enterprise; and Providing Other Details Concerning the Bond, Including, Without Limitation, Covenants and Agreements in Connection Therewith was approved.

This is an administrative action authorizing the Water Enterprise to complete a financial transaction to obtain up to \$3.2 million of bond proceeds to be used by the Water Enterprise to improve the Water Treatment Plant. The need for the additional funding was caused by the bids coming in higher than expected. Council provided direction to obtain the financing by an ordinance in July 2014. The Water Enterprise will benefit from the receipt of proceeds from the proposed bank financing for construction of the capital project, the expansion of the Water Treatment Facility.

ADJOURNED AS THE WATER ENTERPRISE BOARD OF DIRECTORS AND RECONVENED AS CITY COUNCIL

11. **CITY MANAGER** (presenter: Alan Krcmarik)**WATER ENTERPRISE BOND TERMS AND PROVISIONS**

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance of the City of Loveland, Authorizing the Terms and Provisions Relating to the Water Enterprise Revenue Bonds, Series 2015, to be Issued by the City of Loveland, Colorado, Water Enterprise, the Finance Improvements to the City's Water System, Including, Without Limitation, Covenants and Agreement of the City in Connection Therewith approved.

This is an administrative action by the City Council. Pursuant to Ordinance 4454 adopted by the Council in 1999, the Council ratified the establishment of the City of Loveland Water Enterprise. In separate action, the City Council, acting as the Board of the Water Enterprise, considered on first reading the terms of the Water Enterprise Revenue Bonds, Series 2015. This proposed ordinance indicates the City Council's agreement to and authorization of the bond ordinance. The \$3.2 million to be provided from the 2015 series is the final piece of the financing for the Water Treatment Plant Expansion.

12. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)

This item was moved to the end of the Regular Agenda.

13. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)**ARCADIA HOTEL FINANCIAL ASSISTANCE**

1. A Motion to Adopt Resolution #R-6-2015 Approving the Terms and Conditions of an Incentive to 351 Linden Street LLC for Redevelopment of the Arcadia Hotel and Directing the City Manager to Enter into an Agreement for Such Incentive was approved.

2. A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for an Incentive Agreement with 351 Linden Street LLC for Development of the Arcadia Hotel Property was approved.

These are administrative actions. The resolution would authorize the City Manager to sign an incentive agreement with 351 Linden Street LLC (aka Howard Perko), the developer of 140 E. 4th Street for \$125,000. The agreement would reimburse the developer for cost associated with the public improvements including the public safety elements, as well as infrastructure and environmental issues. The ordinance appropriates \$125,000 from

Council Reserves. This agreement is for \$125,000. The total request, including this agreement, the Urban Renewal Agreement and the commitment from the Loveland Downtown Partnership will be \$298,000. It also includes a Materials Use Tax Waiver not to exceed \$35,000. There is \$1 million available in Council Reserves, if this project is approved, the balance for 2015 will be \$875,000.

14. FINANCE (presenter: Brent Worthington)

FINANCIAL REPORT FOR NOVEMBER 2014

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending November 30, 2014.

15. CITY MANAGER (presenter: Alan Krcmarik)

INVESTMENT REPORT FOR NOVEMBER 2014

This is an information only item. The 2014 budget projection for investment earnings for 2014 is \$2,025,920 which equates to an annual interest rate of 0.94%. For November, the amount posted to the investment account is \$191,018. For the year-to-date, the amount posted is \$1,776,571. Actual earnings are below the year-to-date budget projection by \$90,522. Based on the monthly statement, the estimated annualized yield in November on the securities held by US Bank was 1.01%. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, the portfolio is about \$8 million lower than November 2013.

16. CITY CLERK (presenter: Terry Andrews)

SPECIAL MEETING DATES FOR POSSIBLE EXECUTIVE SESSIONS REGARDING REGIONAL TOURISM ACT AND COUNCIL GOAL SETTING SESSION

1. A Motion Calling for Special Meetings to be Held at 6:30 p.m., in the Council Chambers, Following the Regularly Scheduled Study Sessions on January 13 and January 27, 2015. The Purpose of the Special Meetings is to Discuss an RTA (Regional Tourism Act) Application. These Meetings may include an Executive Session. This motion was approved.

2. A Motion Calling for a Special Meeting of City Council on January 24, 2015 to be held at 7:30 am at Group Publishing, 1515 Cascade, to discuss Council Goal Setting was approved.

This is an administrative action to call for Special meetings, which may include an Executive Session per 24-6-402 C.R.S. The purpose of the meetings of January 13 and January 27 is to discuss an application submittal to the State of Colorado under the Regional Tourism Act (RTA). The purpose of the January 24 meeting is to discuss City Council goal-setting.

17. DEVELOPMENT SERVICES (presenter: Bob Paulsen)

AMENDMENT TO 2015 SCHEDULE OF RATES, CHARGES AND FEES

A Motion to Approve Resolution #R-7-2015 Amending Resolution #R-68-2014 and the 2015 Schedule of Rates, Charges and Fees for City Services, Other Than Services Provided by the Water and Power Department and the Stormwater Enterprise was approved.

This is an administrative action to adopt a resolution amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services provided by the Water and Power Department and the Stormwater Enterprise. The amendment would correct two errors. The base fee set for applications proposing to annex and zoning property, other than PUD zoning, was inadvertently set at \$2,282.00. The resolution would set the base fee at the correct amount of \$1,217.00. The City use tax and Larimer County tax rates were inadvertently set at 3.80%. The resolution would set the tax rate at the correct percentage of 3.65%.

END OF CONSENT AGENDA**CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA****PUBLIC COMMENT**

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

Fred Kirsch, Fort Collins resident, approached Council to direct Staff to study a “Community Solar Garden”. Mr. Kirsch indicated that he represented 822 residents that sent letters of support of a solar garden. Mayor Gutierrez told MR. Kirsch that not only is PRPA investing in 30 megawatts in solar power in 2015 or 2016, but the city has a project up for consideration this evening that will address solar as well.

PROCEDURAL INFORMATION

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REGULAR AGENDA**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**18. PUBLIC WORKS (presenters: Leah Browder and Dave Klockeman)
BOISE AVENUE EXTENSION AND TRANSPORTATION PROJECT PLANNING AND FUNDING**

Public Works Director Leah Browder and Senior Engineer, Dave Klockeman gave Council a thorough presentation on the project scope as well as other existing projects contained within the Transportation Plan. This road construction project is currently reflected in the 10-year Transportation Capital Plan (2015-2024) with an estimated construction date between 2020 and 2024 depending on funding availability. City Council directed that a study session be held to discuss the Boise Avenue Project in the larger context of transportation project planning. Due to the travel schedules of neighborhood representatives, the item was placed on the regular City Council Agenda of January 6, 2015. City staff have developed a proposal which provides for project design in 2015 and project construction of an initial phase in 2016. In addition to the approximately \$300,000 available in the 2014 Boise Avenue project budget, \$290,000 is appropriated in the Fiscal Year 2015 Budget and an additional \$300,000 is planned for the Fiscal Year 2016 Budget. CEF revenue is estimated to have come in at about \$400,000 over budget projections in Fiscal Year 2014. If applied to the Boise Avenue project, total identified funding would be \$1.29 million leaving a funding gap of approximately \$410,000 for the \$1.7 million interim project. As part of the Fiscal Year 2014 close-out and rollover analysis, the Annual Ongoing Projects category of the 10-Year Capital Program will be reviewed for project fund balances that can be applied to the Boise Avenue Interim Project to close the \$410,000 project funding gap. This would allow project construction to proceed in Fiscal Year 2016. In any case, staff will also undertake outreach to State parks; Larimer County; Banner Medical; and/or DOLA to seek additional voluntary funding from these potential partners. During the Public Comment portion of the October 7, 2014 City Council Meeting, Dr. David Campbell made a presentation on behalf of Seven Lakes' residents requesting that the Boise Avenue Extension Project be constructed as soon as possible. Mr. Campbell made a presentation on behalf of the neighbors again this evening. Other speakers, Scott Bray - Glen Companies LLC, Seven Lakes Developer, Robert Walkowicz,

CRS - former Seven Lakes HOA President, The Group Real Estate, Banner Healthcare – Boise Avenue. Impact on healthcare services- Dr. Jason Hatch. Consensus of Council was to take a look at 37th St. due East from 287 to CR11. Scott Bray, 2586 Colorado Springs Drive, Loveland.

Councilor Shaffer moved to Direct Staff to Complete Project Design in Fiscal Year 2015 Using Currently Available Project Funding (approximately \$590,000) and Place Project Construction in Fiscal Year 2016 Budget. The motion was seconded by Councilor Farley.

Councilor Clark moved to amend the motion to direct Staff to complete the project in 2015. The motion to amend, seconded by Councilor Trenary, carried with all councilors present voting in favor thereof. A roll call was taken on the amended motion, which carried with all councilors present voting in favor thereof.

19. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)
SUPPLEMENTAL APPROPRIATION FOR EVERGREEN INCENTIVE AGREEMENT

Economic Development Manager, Mike Scholl, introduced this item to Council. This is an administrative action to approve the second reading supplemental appropriation ordinance for the Evergreen Incentive to redevelop the north east corner of 34 and 287 for a Sprouts Grocery Store. On November 4, 2014 City Council approved Resolution #R-80-2014, with a vote of 7-1 which approved the term sheet with Evergreen and authorized the City Manager to execute an agreement based on the approved term sheet. The Supplemental Appropriation ordinance was also approved by Council with a vote of 7-1 on first reading at the November 4, 2014 regular meeting. The second reading of the appropriation ordinance is scheduled to occur only after the agreement has been finalized, signed and shared with Council. The development grant would be from existing capital funds and repaid through the collection of sales tax at three percent interest. The City will also forgo \$97,000 in revenue from the materials use tax.

Councilor Shaffer moved to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for an Incentive Agreement with Evergreen Development Company. The Motion was seconded by Councilor Farley which carried with six councilors voting in favor and Councilors McKean, Clark, and Krenning voting against.

20. WATER & POWER (presenters: Gretchen Stanford, Brieana Reed-Harmel and Julie Rosen)

FEMA ALTERNATE PROJECT

Customer Relations Manager, Gretchen Stanford and Senior Electric Engineer, Brieana Reed-Harmel introduced this item to Council. This is an administrative action. On May 30, 2014, Loveland received confirmation that FEMA had determined the City was eligible to receive a subgrant of approximately \$9.1 million for an alternate FEMA project to replace the Idylwilde Dam and Penstock facilities lost in the September 2013 Flood. This agenda item recommends that construction of a substation and installation of a small (1 to 2 MW) solar facility on property owned by the City southeast of Boedecker Lake be designated as the “Alternate Project” to be completed with those FEMA funds. On December 17, 2014, the Loveland Utilities Commission recommended using the FEMA Alternate Project funds for construction of a substation and 1-2 MW solar project on the Boedecker site. The FEMA Project Worksheet for the alternate project totals \$9,068,018. The City can expect to receive 87.5% or \$7,934,516 in project reimbursements. The remaining \$1,133,502 will come from other available power utility funds.

Councilor Shaffer moved to Authorize the Director of Water and Power to compile and submit the scope of work for construction of a substation and installation of a small (1 to 2 MW) solar facility on the Boedecker property to the Colorado Office of Emergency Management (COEM) and Federal Emergency Management Agency

(FEMA) for approval as the “Alternate Project”. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor.

12.

ECONOMIC DEVELOPMENT

(presenter: Mike Scholl)

SUPPLEMENTAL APPROPRIATION FOR DOWNTOWN LAND PURCHASES- SOUTH CATALYST PROJECT

Economic Development Manager, Mike Scholl introduced this item to Council. This is an administrative action. The ordinance reappropriates funding of \$3,218,877.30 approved in 2014 for the acquisition of Downtown property in support of the South Catalyst redevelopment project. The proposed project, a partnership with the Michaels Development Company and Larimer County, is expected to result in a vertically dense mixed-use project that would include office, residential and retail. The total investment is expected to generate between \$50 to \$70 million. Ten properties were purchased in 2014 with an additional property under contract scheduled to close in February, 2015. This action does not increase the Council's original appropriations of funds; it only continues funding into early Fiscal year 2015 to allow purchases of properties. The funding for the appropriation of \$3,218,877.30 is from Unreserved Fund Balance in the General Fund. The appropriation of this fund balance reduces the flexibility to fund other projects.

Councilor Shaffer moved to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget to Reappropriate Funding Approved in 2014 for the Purchase of Property and Other Costs Associated with Downtown Land Purchases for the South Catalyst Project. The motion was seconded by Councilor Farley and carried with six councilors voting in favor and Councilors Clark, Krenning and McKean voting against.

BUSINESS FROM CITY COUNCIL

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

Trenary:

Colorado Municipal League is in support of a bill to improve alcohol regulations; conference on March 12 and 13th will be the Rocky Mountain conference about land use.

Fogle:

Announced the Petition for Historic Downtown Loveland is currently at the State and will come for review January 16th.

Shaffer:

Announced the I-25 Elected Coalition meeting tomorrow at Weld County Service Center at 6:30 pm; Announced MPO meeting on Thursday; Wished everyone a Happy New Year. Thanked the Public Works Department for the great job during the holidays.

Mayor

invited Council to a ribbon cutting for Action Staffing.

CITY MANAGER REPORT

Teen Court item will be coming to Council on February 3rd; Joint Study Session with Ft. Collins at the Police Training Facility on February 12th.

CITY ATTORNEY REPORT

ADJOURNMENT

With no more business to come before this Council, Mayor Gutierrez adjourned the January 6, 2014 meeting at 12:58 a.m. on January 7, 2015.

Respectively Submitted,

Teresa G. Andrews, City clerk

Cecil A. Gutierrez, Mayor

MINUTES

LOVELAND CITY COUNCIL STUDY SESSION and SPECIAL MEETING
TUESDAY, JANUARY 13, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION AGENDA

1. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale; 60 min)
ECONOMIC DEVELOPMENT UPDATE, POLICIES, STRATEGIES AND PRIORITIES
Economic Development Director, Betsey Hale presented this item to Council to provide a review of the City's current economic development strategy, approved plans, and incentive tools as well as a review of existing partnerships and other issues. Council also asked staff to review how success is measured. Business Development Specialist, Marcie Erion and Economic Development Manager, Mike Scholl were present to address Council and answer questions. The study session and staff report provided an overview of the current approved strategies, including rationale and justification along with a review of emerging issues that could impact the City. Council discussion ensued. Mayor Gutierrez thanked staff for the presentation. The discussion will continue at the Council's annual retreat on January 24, 2015.

ADJOURNMENT

Having no further business to come before Council, the December 9, 2014 Study Session was adjourned at 7:33 p.m.

SPECIAL MEETING - City Council Chambers **SPECIAL MEETING AGENDA**

CALL TO ORDER

ROLL CALL: Roll was taken and the following councilors responded; Gutierrez, Clark, McKean, Farley, Trenary, Taylor, Fogle and Krenning. Councilor Shaffer was absent.

1. **ECONOMIC DEVELOPMENT**

REGIONAL TOURISM ACT PROJECTS

Economic Development Director, Betsey Hale updated Council on the RTA submittal process.

Councilor Clark moved that the City Council to go into Executive Session to Consider Confidential Commercial and Financial Data Pertaining to Regional Tourism Act Projects as authorized by the following sections of the Colorado Open Meetings Law and The City Charter at 7:53 p.m.

- These matters include the presentation of confidential commercial and financial information as authorized by CRS Section 24-72-204(3)(a)(IV) and Charter Section 4-4(c)(6); and
- These matters may be subject to negotiations, to receive reports concerning negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies as authorized by CRS Section 24-6-402(4) and Charter Section 4-4(c)(1); and
- As needed, to receive legal advice from the City Attorney's Office as authorized in CRS Section 24-6-402(4)(b) and Charter Section 4-4(c)(3).

This motion was seconded by Councilor Farley which carried unanimously with all councilors present voting in favor.

2. **ECONOMIC DEVELOPMENT**

SOUTH CATALYST PROJECT & DOWNTOWN PROPERTY ACQUISITION

Councilor Clark moved that the City Council go into executive session to discuss the City's acquisition of real property in Downtown Loveland for the South Catalyst Project and negotiations with the potential developer, The Michaels Corporation, as authorized by the following sections of the Colorado Open Meetings law and the City Charter:

The purchase of real property as authorized by CRS Section 24-6-402(4)(a) and by Charter Section 4-4(c)(2) since, in the judgment of Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage; and

- Since the purchase and development of such real property is a matter that is subject to negotiations, to receive reports concerning negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies as authorized by CRS Section 24-6-402(4)(e) and Charter Section 4-4(c)(1); and
- As needed, to receive legal advice from the City Attorney's Office as authorized in CRS Section 24-6-402(4)(b) and Charter Section 4-4(c)(3).

The motion was seconded by Councilor Farley which carried unanimously with all councilors voting in favor.

3. **HUMAN RESOURCES**

CONSIDERATION FOR DEPUTY MUNICIPAL JUDGE

Councilor Clark moved that the City Council go into executive session to review applications and qualifications of applicants for the position of Deputy Municipal Judge as authorized by the following sections of the Colorado Revised Statutes and the City of Loveland Charter:

- Personnel matters to include review, evaluation, consideration of references for, and deliberation regarding candidates for position of Deputy Municipal Judge as authorized by CRS Section 24-6-402(4)(f) and Charter Section 4-4(c)(5); and
- To consider applications and materials related to candidates for the position of Deputy Municipal Judge, which are documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, as authorized by CRS Section 24-6-402(4)(g) and Charter Section 4-4-(5)(6); and
- Since these personnel matters will be the subject of future negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions and strategy as authorized by CRS Section 24-6-402(4)(e) and Charter Section 4-4(c)(1); and
- As needed, to receive legal advice from the City Attorney's Office as authorized in CRS Section 24-6-402(4)(b) and Charter Section 4-4(c)(3).

The motion was seconded by Councilor Farley which carried unanimously with all councilors voting in favor.

Councilor McKean moved to direct staff to arrange interviews with preferred candidates for the position of Deputy Municipal Judge. Councilor Clark seconded the motion which carried unanimously with all councilors present voting in favor. Councilor Krenning and Farley were absent.

ADJOURNMENT

With no more business to come before this Council, Mayor Gutierrez adjourned the January 13, 2015 Special meeting on January 14, 2015 at 12:52 a.m.

Respectively Submitted,

Teresa G. Andrews, City clerk

Cecil A. Gutierrez, Mayor



AGENDA ITEM:	2
MEETING DATE:	2/3/2015
TO:	City Council
FROM:	City Manager
PRESENTER:	Bill Cahill, City Manager

TITLE:

Appointments to the Citizen Finance Advisory Commission, Open Lands Advisory Commission, Parks and Recreation Commission, Senior Advisory Board, and Visual Arts Commission

RECOMMENDED CITY COUNCIL ACTION:

1. A motion to appoint Nicole Gruet to the Citizens' Finance Advisory Commission for a term effective until December 31, 2017
2. A motion to appoint Jean Whittaker to the Open Lands Advisory Commission for a term effective until December 31, 2018
2. A motion to appoint Joe Waneka as the Thompson School District representative to the Parks and Recreation Commission for a term effective until December 31, 2017
2. A motion to appoint Debby Ahrens to the Senior Advisory Board for a term effective until December 31, 2017
3. A motion to appoint Julie Bender and to reappoint Nancy Jakobsson and Mary Jo Morgan to the Visual Arts Commission, each for a term effective until December 31, 2017

OPTIONS:

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

SUMMARY:

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Open Lands Advisory Commission, Parks and Recreation Commission, Senior Advisory Board and Visual Arts Commission.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

After a January 20, 2015 interview, the committee for the **Citizens' Finance Advisory Commission** recommends appointing Nicole Gruet to the commission for a term effective until December 31, 2017.

Lori Bell, a long-standing member of **Open Land Advisory Commission** has resigned due a relocation out-of-state. On January 6, 2015, Jean Whittaker was unanimously approved as an alternate member on the Commission. At its January 14th meeting, the Commission recommended appointing Ms. Whittaker as a regular member for a term effective until December 31, 2018.

The **Parks and Recreation Commission** has a position reserved for a representative from the Thompson School District. The District recommended Joe Waneka as this representative. The Commission approved the District's recommendation at its January 8, 2015 meeting appointing Joe Waneka for a term effective until December 31, 2017.

During the Fall 2014 recruiting cycle, the **Senior Advisory Board** had three term vacancies. One application was received. The candidate was interviewed on December 31, 2014. At the January 7, 2015 meeting the Board approved the interview committee's recommendation to appoint Ms. Ahrens to the Senior Advisory Board for a term effective until December 31, 2017.

The **Visual Arts Commission** recruited for three term vacancies during the Fall cycle. Three applications were received and all were interviewed. The committee recommends the appointment of Julie Bender and the reappointment of Nancy Jakobsson and Mary Jo Morgan to the Visual Arts Commission, each for a term effective until December 31, 2017.

REVIEWED BY CITY MANAGER:**LIST OF ATTACHMENTS:**

None



CITY OF LOVELAND
CITY CLERKS OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2322 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 2/3/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews, City Clerk

TITLE:

A Motion Calling for a Special Meeting to be Held at 6:30 p.m. in the Council Chambers, Following the Regularly Scheduled Study session on February 10, 2015. The purpose of the Special Meeting is to Discuss Three Items; 1) RTA (Regional Tourism Act) Application; 2) Discussion and Possible Direction Regarding the Presiding Municipal Judge Position Description; and 3) Consideration of a Motion Regarding the Appointment of One or More Deputy Municipal Judges. This Meeting may Include Executive Sessions on Any or all of These Three Items. Council Agrees to Waive Their Right for Notice Delivered to Their Homes.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the motion.

OPTIONS:

1. Adopt the action
2. Deny the action
3. Adopt a modified action (specify in the motion)

SUMMARY:

This is an administrative action to call for a Special Meeting, which may include Executive Sessions per 24-6-402 C.R.S. The purpose of this Special Meeting is to discuss an application submittal to the State of Colorado under the Regional Tourism Act (RTA) and for a report on the information evaluated by consultants Jo Mattoon and John Hartman regarding the Presiding Municipal Judge Position as requested by City Council. If previously directed, staff will bring a motion, regarding the appointment of one or more Deputy Judges to this meeting for City Council consideration.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

These items are being brought to City Council from Economic Development and Human Resources.

REVIEWED BY CITY MANAGER:

William D. Caine

LIST OF ATTACHMENTS:

None



AGENDA ITEM:	4
MEETING DATE:	2/3/2014
TO:	City Council
FROM:	Greg George, Development Services
PRESENTER:	Noreen Smyth, Current Planning

TITLE:

An Ordinance Vacating an Emergency Access Easement Across Tract F of the Fox Pointe First Subdivision, City of Loveland, County of Larimer, State of Colorado

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)

SUMMARY:

This is a legislative action to consider adoption of an ordinance on first reading vacating an emergency access easement. The 24 ft. wide by 18 ft. long easement is located on vacant land in the Fox Pointe First Subdivision, north of the Orchards commercial development. The applicant, Traditions at Loveland LLC, has also submitted a site development plan application to construct a 161,176 sq. ft., 155 unit independent senior housing development on the property and an accompanying amended plat application. The amended plat includes new emergency access easements in locations suitable for the development, making the existing emergency access easement established with the Fox Pointe First Subdivision unnecessary.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

The emergency access easement being vacated provided an emergency vehicle connection between the Fox Pointe Estates residential development and a commercial property within the Orchards Sixth Subdivision to the south. Because the Fox Pointe Estates residential development

was never constructed, the 24 ft. wide by 18 ft. long emergency access easement was never utilized.

The Fox Pointe First Subdivision plat is being amended in conjunction with the Affinity Senior Housing development. The amended plat will create one buildable lot and an outlot on the subject property, with a new emergency access easement extending at two points to North Lincoln Avenue. With these two new emergency access easements, the existing emergency access easement is no longer needed. The emergency access easements on the new plat associated with the Affinity project are in more suitable locations for that development than the existing emergency access easement being vacated.

The establishment of the new emergency access easement through the recordation of the amended plat will occur after the existing emergency access easement is formally vacated. The amended plat of the Fox Pointe First Subdivision and the associated site development plan are nearing completion of the staff review process. Once those processes are complete and the associated easement is vacated, the plat showing the new easement can be approved and recorded.

The Development Review Team is supportive of the vacation because all necessary emergency access easements will be established in suitable locations with the recordation of the associated plat.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memorandum

FIRST READING: February 3, 2015
SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE VACATING AN EMERGENCY ACCESS EASEMENT ACROSS
TRACT F OF THE FOX POINTE SUBDIVISION, CITY OF LOVELAND COUNTY OF
LARIMER, STATE OF COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of the emergency access easement described below (the “Easement”), located across Tract F, Fox Pointe Subdivision, City of Loveland, County of Larimer, State of Colorado; and

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

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

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

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

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

Section 2. That, based on such findings, the Easement located across Tract F, Fox Pointe Subdivision, City of Loveland, County of Larimer, State of Colorado described on **Exhibit A** attached hereto and incorporated by reference and containing 430.6 square feet, more or less, shall 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. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

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

ADOPTED this 3rd day of February, 2015.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Nasia Garcia
Assistant City Attorney

AN ORDINANCE VACATING AN EMERGENCY ACCESS EASEMENT ACROSS TRAFT F OF THE FOX POINTE SUBDIVISION, CITY OF LOVELAND COUNTY OF LARIMER,
STATE OF COLORADO

EMERGENCY ACCESS EASEMENT

LEGAL DESCRIPTION

AN EMERGENCY ACCESS EASEMENT LYING WITHIN TRACT F, FOX POINTE FIRST SUBDIVISION AS RECORDED AT RECEPTION NUMBER 2003017104, OF THE RECORDS OF LARIMER COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT F; THENCE N 89°38'10" W, ALONG THE SOUTH LINE OF SAID TRACT F, A DISTANCE OF 488.74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°38'10" W, ALONG SAID SOUTH LINE, A DISTANCE OF 24.00 FEET; THENCE N 00°19'47" E, A DISTANCE OF 17.93 FEET; THENCE S 89°40'13" E, A DISTANCE OF 24.00 FEET; THENCE S 00°19'47" W, A DISTANCE OF 17.95 FEET TO THE POINT OF BEGINNING,
COUNTY OF LARIMER, STATE OF COLORADO.

SAID PARCEL CONTAINS 430.6 SQUARE FEET, MORE OR LESS.

ROGER A. VERMAAS, COLO. PLS #24968
FOR, AND ON BEHALF OF:
ASPEN SURVEYING, INC.
2993 S. PEORIA ST., G-5
AURORA, CO 80114

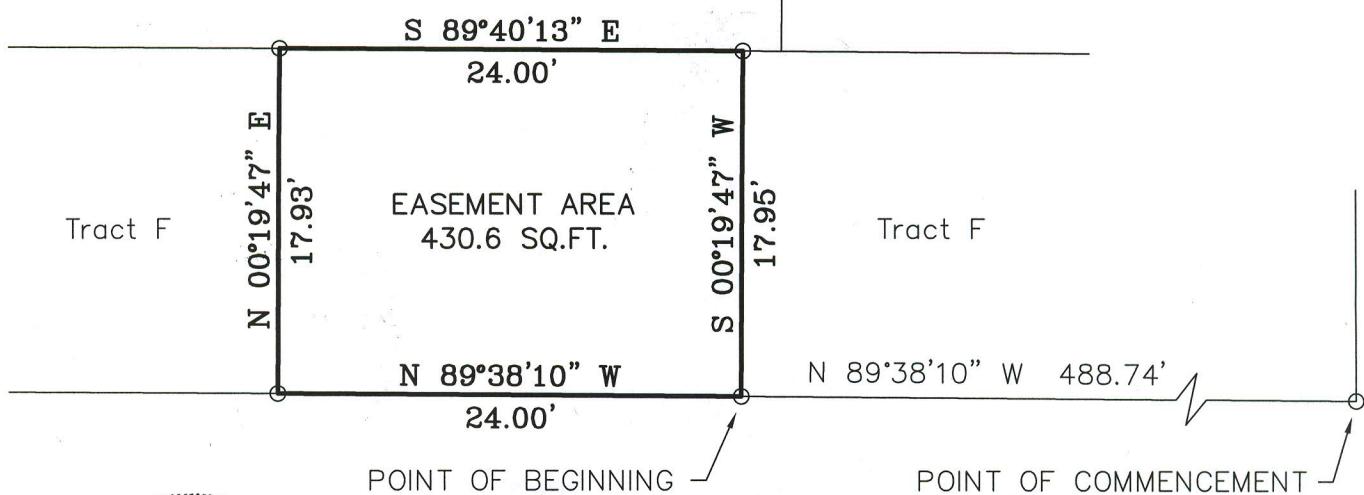


EXHIBIT A
EMERGENCY ACCESS EASEMENT
FOX POINTE FIRST SUBDIVISION



Tract E
 BLUESTONE STREET (PRIVATE)

Lot 33



ORIGINAL SCALE: 1"=10'

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



Aspen Surveying, Inc.

2993 S. Peoria Street, Suite G-5
 Aurora, Co. 80014
 Ph. (303) 750-4590 Fax (303) 750-0646

SCALE:	1"=10'	JOB NO.	2014-0044
DATE:	8/12/14		AFFINITY ALTA.DWG
DRAWN BY:	TPF		1 OF 2



**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: February 3, 2015
SUBJECT: Affinity/Traditions – Emergency Access Easement Vacation
PZ-14-112

I. EXHIBITS

- A. Vicinity Map
- B. Fox Pointe First Subdivision
- C. Draft Amended Plat of Fox Pointe First Subdivision
- D. Draft Affinity at Loveland Site Development Plan
- E. Slide presentation

II. KEY ISSUES

Staff believes that all key issues regarding the easement vacation have been resolved through the staff review process. The item has been placed on the Council's consent agenda.

III. PUBLIC HEARING & NOTICE

The City Council review of the vacation request is a public hearing. An affidavit was received from the applicant's representative certifying that the required notice of the hearing for the vacation was conducted at least 15 days prior to the date of the hearing. Staff has received one inquiry from a nearby resident on the application, who had no comment for or against the proposal.

Attachment 2

III. BACKGROUND

This application concerns a request to vacate a small (432 sq ft) emergency access easement on an 11.5-acre property located on the east side of North Lincoln Avenue, north of the Orchards Shopping Center. The land is a part of pending amended plat and site development plan applications (PZ-14-111 & 113). The plat is an amendment to the Fox Pointe First Subdivision and site development plan is the "Affinity" application. The plat and site development plan are being pursued in order to construct a 161,176 sq ft, 155 unit independent senior apartment building.

Certain easements were established on the property with the recordation of the Fox Pointe First Subdivision in 2002. The easements were located in a manner to align with the layout of the Fox Pointe Estates residential development, the final development plan for which was approved but never proceeded to construction. One of the easements established was a 24 ft wide by 18 ft long emergency access easement connecting an internal drive of Fox Pointe Estates to a lot within the Orchards subdivision to the south, the attached Exhibit E for reference. Because the subject property will be consolidated through an amended plat to accommodate a single building with the Affinity development, none of the internal drives of Fox Pointe Estates will be constructed. All easements needed for the Affinity development will be established on the amended plat. Thus, the easements in locations suitable only to the Fox Pointe Estates layout, including the emergency access easement, are to be vacated and replaced with new easements in locations suitable for Affinity.

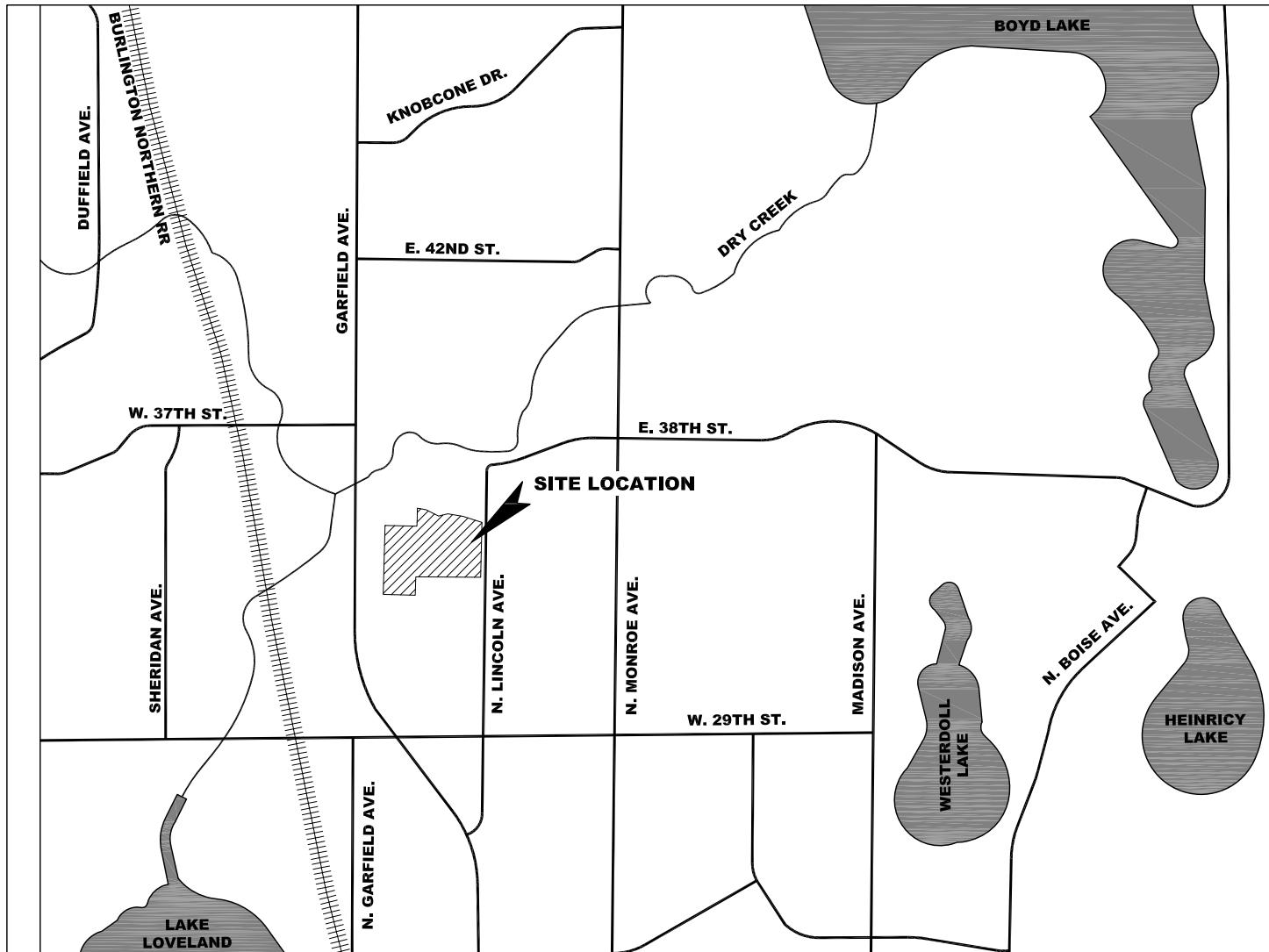
Per state statute and Title 16 of the Municipal Code, certain types of easements can be vacated through the recordation of the amended plat, while others require adoption by the City Council of an ordinance. Of the easements to be vacated at the Fox Pointe/Affinity property, the emergency access easement is the only one that requires adoption by Council of an ordinance. The other easements will be vacated by the eventual recordation of the amended plat. All necessary easements are reflected on the amended plat. Thus, emergency access to the site will not be compromised through the proposed vacation.

IV. STAFF REVIEW

Because the easement proposed to be vacated is not currently used for emergency access and will serve no public benefit once replacement emergency access easements are established with the recordation of the amended plat, the Fire Department and other relevant city departments are supportive of the vacation.

RECOMMENDATION

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

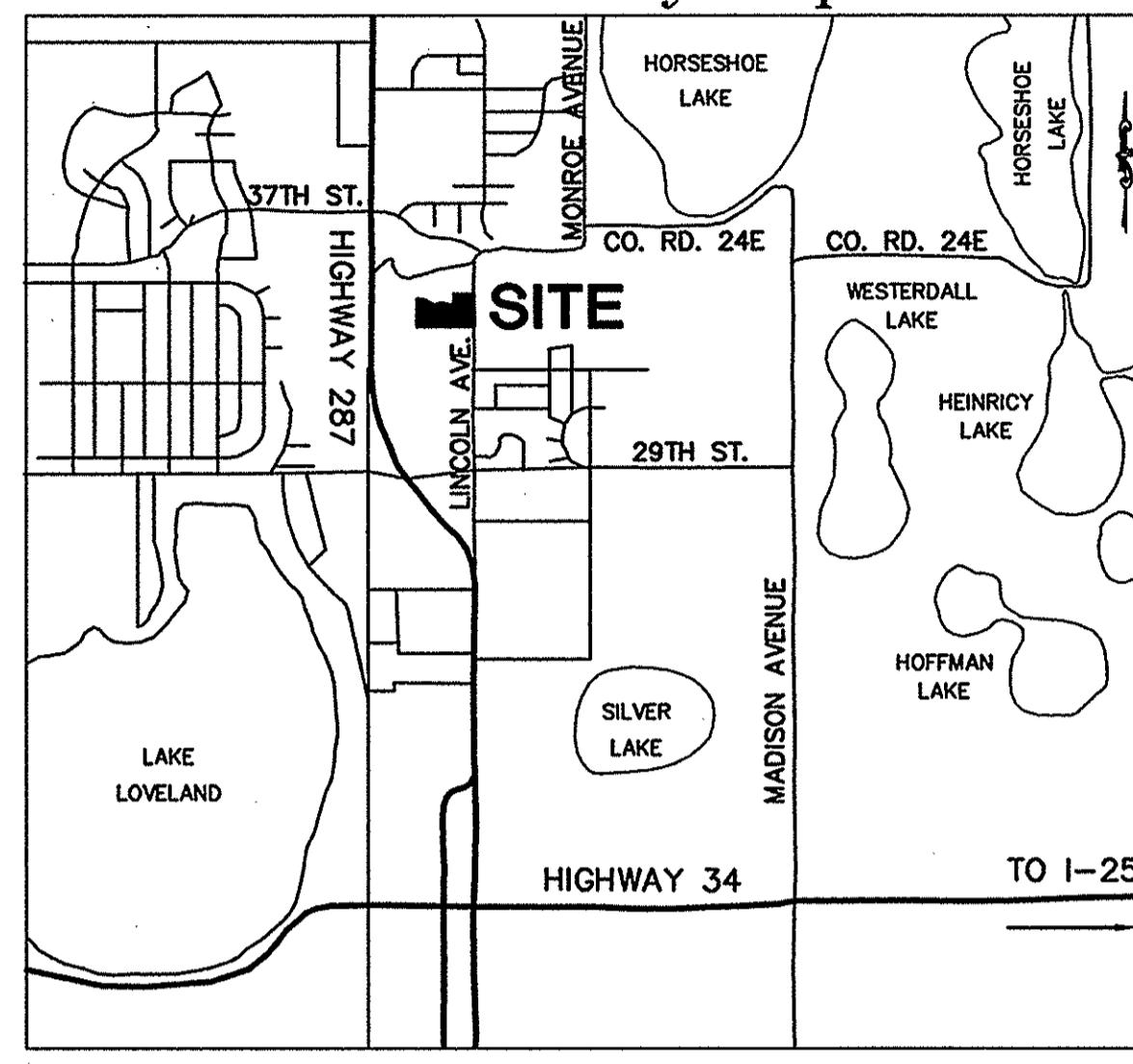


Final Plat

FOX POINTE FIRST SUBDIVISION

BEING A SUBDIVISION OF ALL OF LOCH HAVEN ADDITION AND FOX POINTE ADDITION LOCATED IN THE NORTH ONE HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Vicinity Map



DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS that Asset Investment Management Group, LLC, a Colorado Limited Liability Company By: Wolverine Management Group, Inc., its manager; and First National Bank, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, which property is located in Section 1, Township 5 North, Range 69 West of the 6th P.M., being more particularly described as follows:

A portion the land located in the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado, more particularly described as follows:

Considering the East line of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado as bearing S 01°20'39" W and with all bearings contained herein relative thereto.

COMMENCE at the Northeast corner the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado; thence run S 01°20'39" W along the East line of said Northwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado for a distance of 311.28 feet;

thence run S 01°20'49" W along said West right-of-way line for a distance of 373.88 feet to the North line of LOCH HAVEN ADDITION;

thence run N 89°40'13" W along said West right-of-way line and said North line for a distance of 9.88 feet;

thence leaving said North line run S 01°22'28" W along said West right-of-way line for a distance of 330.64 feet to the South line of said LOCH HAVEN ADDITION;

thence along said South line the following three (3) courses and distances:

thence run N 89°38'10" W for a distance of 622.05 feet;

thence run S 01°31'50" W for a distance of 173.34 feet;

thence run S 083°36'58" W for a distance of 301.44 feet to the West line of said LOCH HAVEN ADDITION;

thence leaving said South line run N 01°24'52" E along said West line for a distance of 650.85 feet to the North line of said LOCH HAVEN ADDITION;

thence leaving said West line run S 083°37'14" E along said North line for a distance of 301.34 feet to the South line of SHADOW HILLS SUBDIVISION, City of Loveland, public records of Larimer County, Colorado;

thence along said South line the following five (5) courses and distances:

thence leaving said North line run N 01°24'46" E for a distance of 169.60 feet;

thence run S 083°43'37" E for a distance of 83.40 feet;

thence run S 023°38'39" E for a distance of 131.83 feet;

thence run N 75°53'42" E for a distance of 90.92 feet;

thence run S 083°30'10" E for a distance of 144.40 feet to the East line of said SHADOW HILLS SUBDIVISION;

thence leaving said South line run N 01°22'37" E along said East line for a distance of 133.97 feet to the South right-of-way line of Polk Drive;

thence leaving said East line run S 083°39'46" E along said South right-of-way line for a distance of 200.00 feet to the Point of Beginning.

Containing 13.63 acres, more or less, and is subject to all easements and rights-of-way of record. (Herein referred to as the "Property".)

Do hereby subdivide the Property into lots, blocks, tracts, cutlets, right-of-ways, and easements, as shown on this plat; and do hereby designate and dedicate: (i) all such right-of-ways and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (ii) all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as FOX POINTE FIRST SUBDIVISION to the City of Loveland, Colorado.

All expenses involving necessary improvements on the Property for water system, sanitary sewer system, storm sewer system, curb and gutters, sidewalks, street improvements, street signs, traffic control signs, utility grading and surfacing, gas services, electric system, grading and landscaping shall be paid by Asset Investment Management Group, LLC, a Colorado Limited Liability Company or its assigns.

Owner: Asset Investment Management Group, LLC, a Colorado Limited Liability Company
By: Wolverine Management Group, Inc., its Manager;

Jud L. Crou
By: Fred L. Crou, President

STATE OF Colorado, *SS*
COUNTY OF Larimer, *SS*
The foregoing instrument was acknowledged before me this 9th day of January, 2003 by *Amber Angell*
Witness my hand and official seal.
My Commission expires 10/11/2004

Lien Holder: First National Bank
By: James H. Trupp, Vice President
James H. Trupp, VP
By: James H. Trupp, Vice President

STATE OF Colorado, *SS*
COUNTY OF Larimer, *SS*
The foregoing instrument was acknowledged before me this 9th day of January, 2003 by *Nancy P. Jagak*
Witness my hand and official seal.
My Commission expires 3-27-2005

This map is approved by the director of Community Services of the City of Loveland, Larimer County, Colorado, this 21 day of January, 2003 for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of Loveland, for the financing or constructing of improvements on land, streets or easements dedicated to the public except as specifically agreed to by the Director of Community Services.

Amy Director of Community Services

Witness my hand and seal of the City of Loveland

ATTEST:

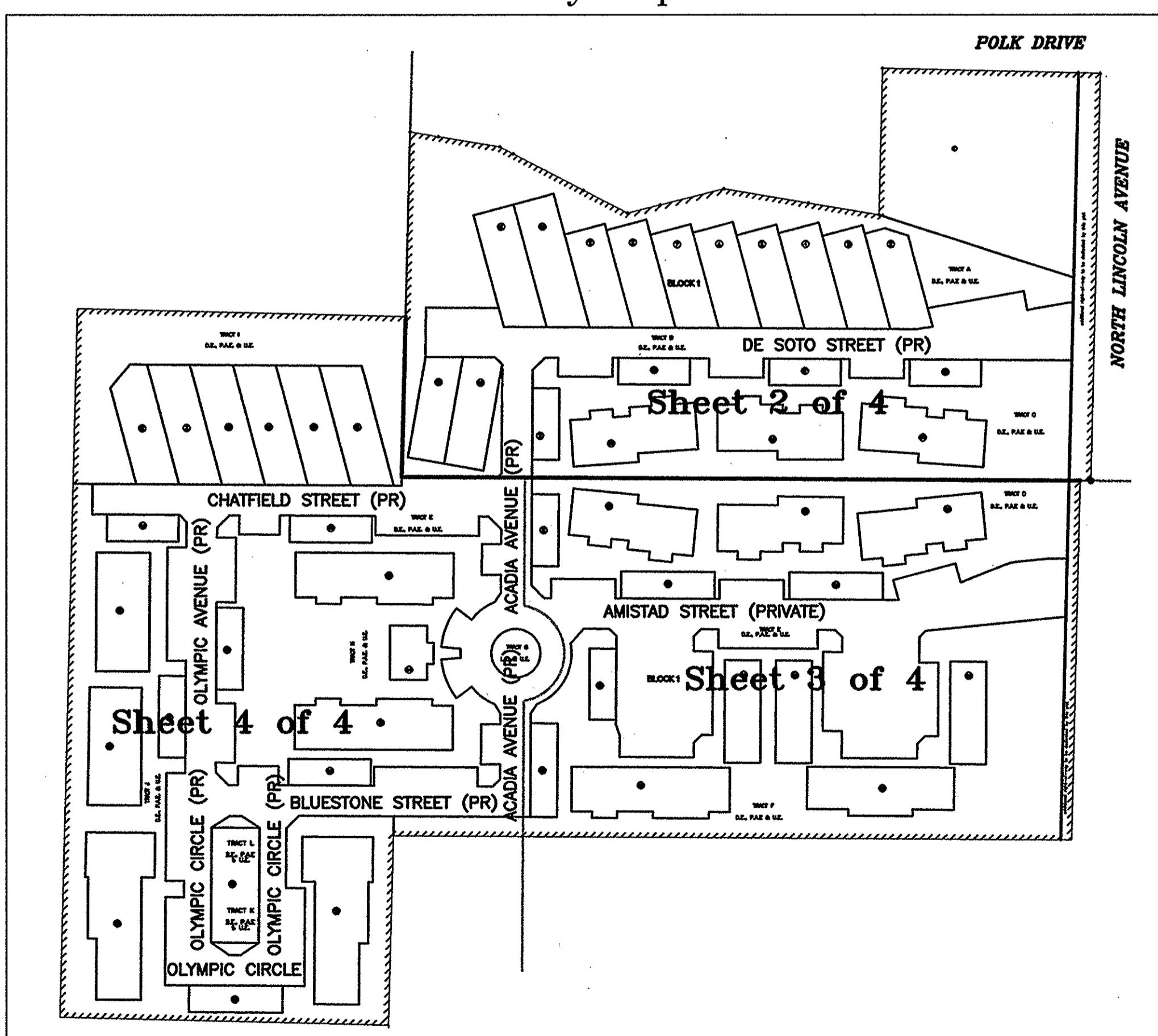
Krist K. Barker
Deputy City Clerk



I, Bill Watt, an attorney licensed to practice law in the State of Colorado, certify that I have examined title to the above described land dedicated to the City of Loveland, Colorado, and that the parties executing the dedication are the owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances, except as set forth herein.

So sworn this 10th day of January, 2003
Bill Watt
Attorney at Law #1592

Key Map



NOTES

- BASIS OF BEARINGS: Assuming the East line of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian bears S 01°20'39" W with all bearings herein relative thereto.

- This property is subject to a development agreement which has been recorded in the real property records of Larimer County.

- The Homeowners Association shall be responsible for the maintenance of the tracts.

- The Homeowners Association shall be responsible for operating the temporary hedgegate at the outlet of the detention pond.

- All tracts will be owned & maintained by the home owners association.

- All tracts with shown dedicated use shall be for the benefit of the residents only.

REVISIONS
Date 12-12-02 By JCB Description Revised per city comments
Date 11-4-02 By JRM Description Update ownership certs
Date 10-10-02 By JRM Description Update ownership certs

Field Survey 6-5-01 Drawn JRM
Party Chief EE Checked MBS
Scale n/a Approved MBS

CLIENT
Asset Investment Management Group, LLC

Frederick Land Surveying, Inc.
1528 North Lincoln Avenue Suite 2 Loveland, Colorado 80538
Phone: (970) 669-2100 FAX: (970) 669-3725

TITLE Final Plat
Fox Pointe First Subdivision
Section 1, Twp 5 N, Rng 69 W, 6PM, Larimer County, CO

PROJECT NO. 01033.002
SHEET NO. 1
NO. OF SHEETS 4

Final Plat

FOX POINTE FIRST SUBDIVISION

BEING A SUBDIVISION OF ALL OF LOCH HAVEN ADDITION AND FOX POINTE ADDITION LOCATED IN THE NORTH ONE HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING
C1	N/A	N/A	N/A	N/A	N/A
C2	N/A	N/A	N/A	N/A	N/A
C3	8.81	32.00	15°46'50"	4.43	S76°27'29" W
C4	3.16	32.00	5°39'06"	1.58	S87°10'27" W
C5	27.13	51.00	30°29'04"	13.90	S52°41'20" W
C6	38.80	68.50	32°27'08"	19.93	S21°04'38" W
C7	8.38	51.00	9°24'54"	4.20	S00°00'00" E
C8	38.80	68.50	32°27'08"	19.93	S21°04'38" E
C9	26.55	51.00	29°49'30"	13.58	S52°21'33" E
C10	69.44	51.00	78'00"55"	41.31	N28°55'24" E
C11	70.69	22.50	180°00'00"	N/A	N90°00'00" W
C12	70.69	22.50	180°00'00"	N/A	N90°00'00" E
					45.00

Legend:

- denotes found iron rod & cap marked "LS 4845"
- denotes found iron rod & cap marked "LS 16415"
- △ denotes set iron rod & cap marked "PLS 32444"
- △ denotes found iron pipe
- ▲ denotes found brass cap
- ◆ denotes recorded plat bearings and distances
- ◆ denotes measured plat bearings and distances
- U.E. utility easement
- P.A.E. private access easement
- E.A.E. emergency access easement
- D.E. drainage easement
- L.E. landscape easement

SHADOW HILLS SUBDIVISION

BLOCK 2

LOT 21

LOT 22

LOT 23

BLOCK 1

LOT 1

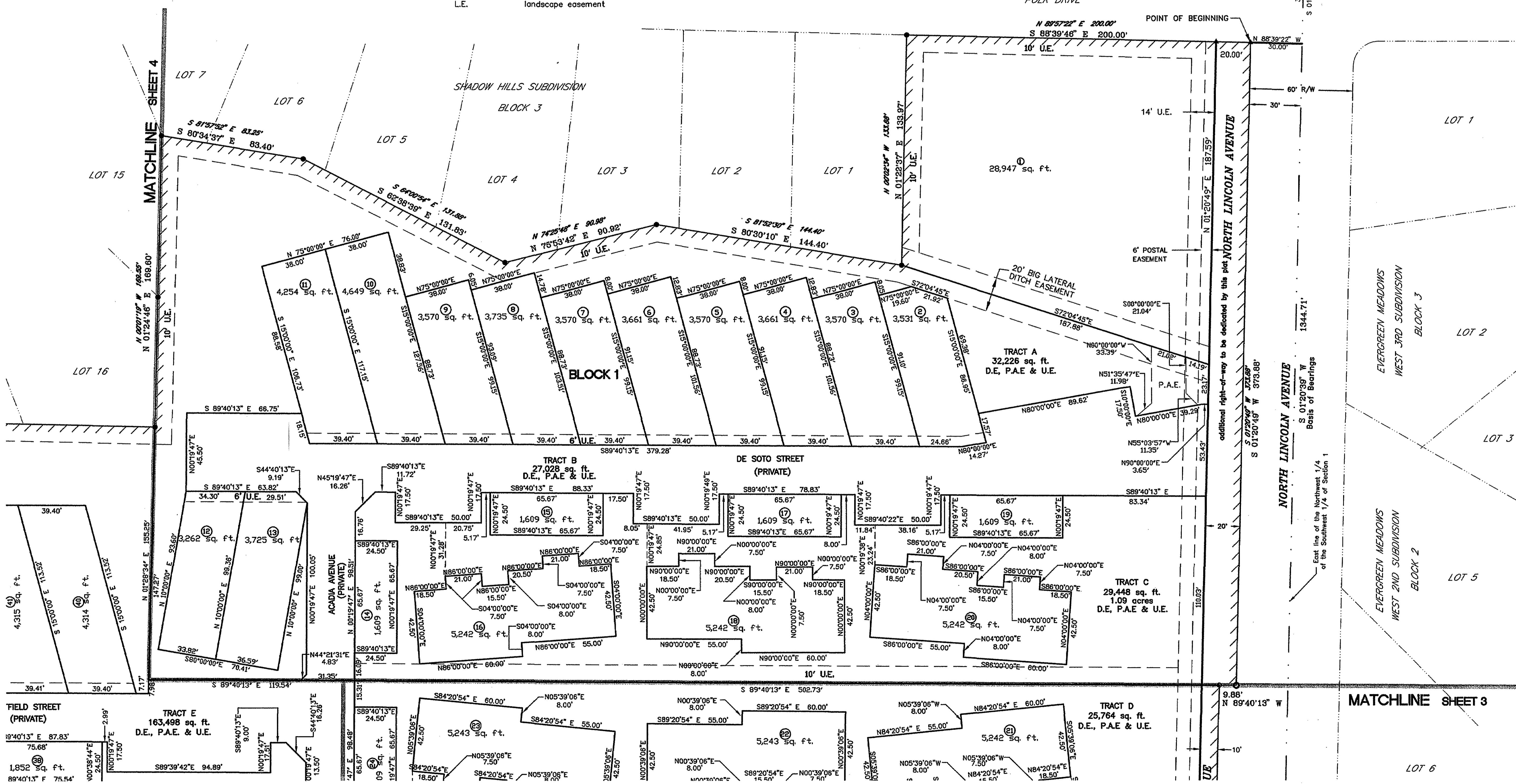
Northeast corner of the
Northwest 1/4 of the Southwest
1/4 of Section 1-TSN-R69W
found 0.75" iron rod with
2" aluminum cap
marked "LS 16415"

EVERGREEN MEADOWS
WEST 3RD SUBDIVISION

BLOCK 1

LOT 1

Scale 1 inch = 30 feet



REVISIONS
Date 12-12-02 By JCB Description Revised per city comments
Date 12-19-02 By JRM Description Add legend for boundary & plot distances
Date 1-13-03 By JCB Description Revised per City Comments

Field Survey 6-5-01 Drawn JRM
Party Chief EE Checked MBS
Scale n/a Approved MBS

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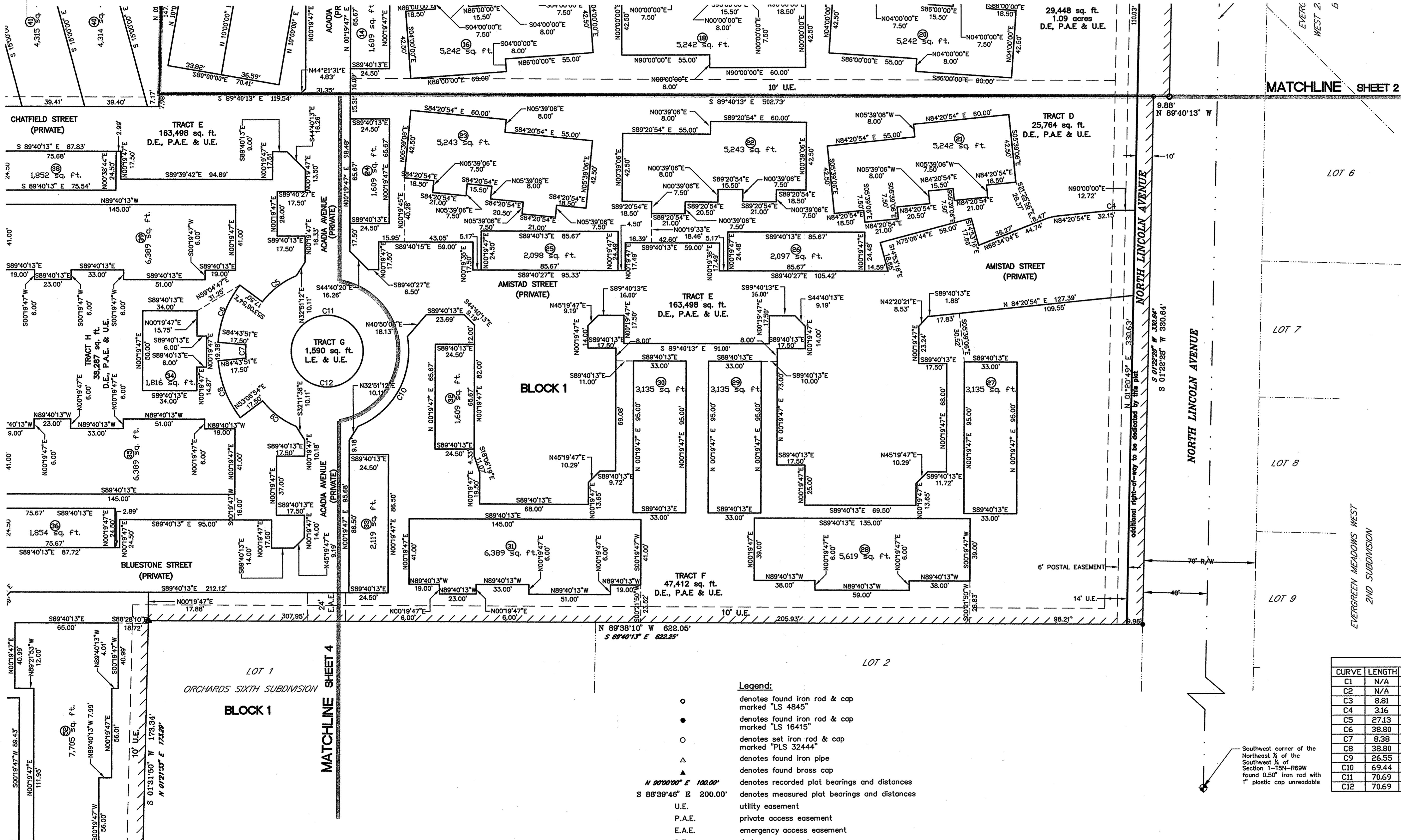
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Section 1, Twp 5 N, Rng 69 W, 6PM, Larimer County, CO

PROJECT NO. 01033.002
SHEET NO. 2
NO. OF SHEETS 4

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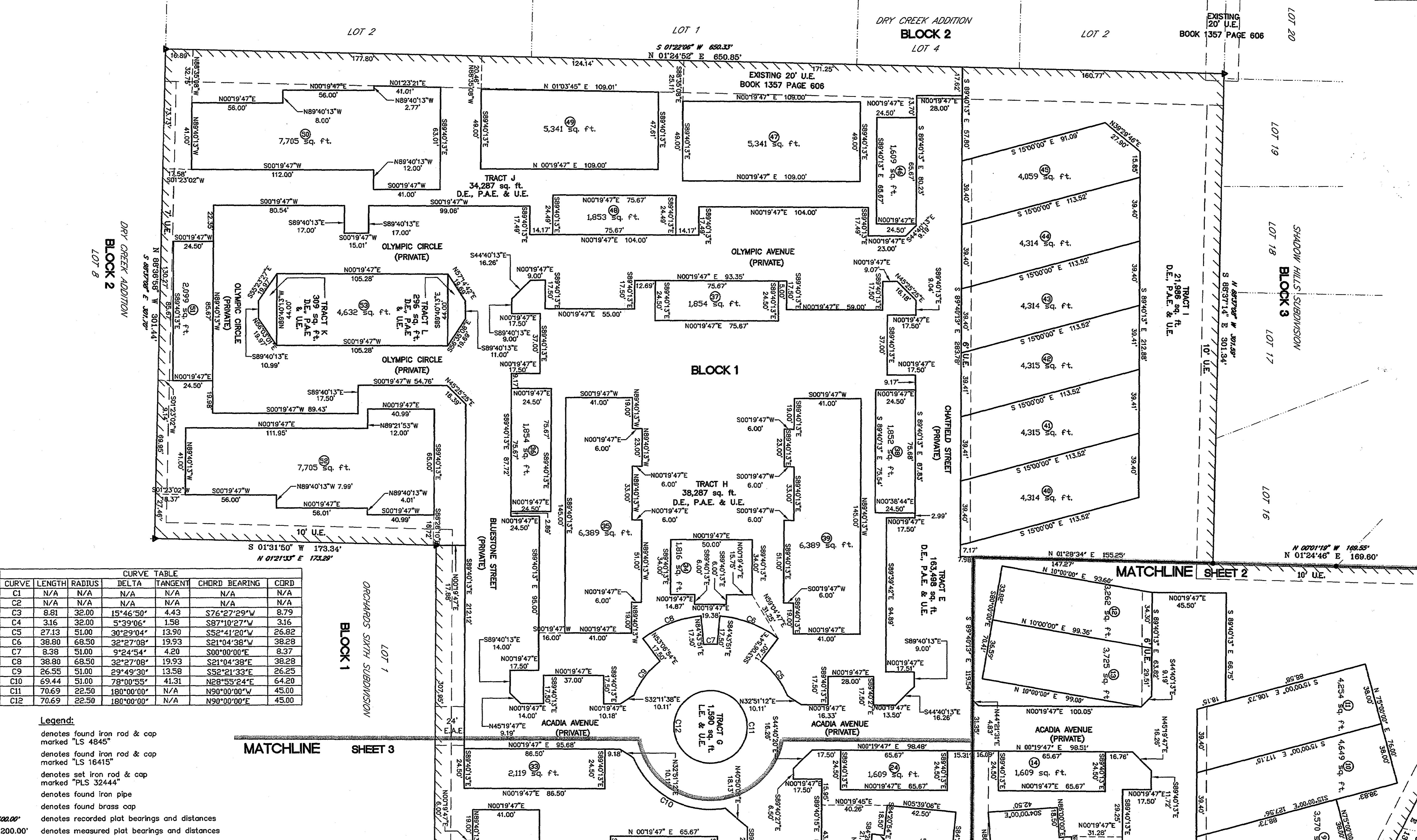
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C7	8.38	51.00	9°24'54"	4.20	S00°00'00" E	8.37
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C10	69.44	51.00	78°00'55"	41.31	N28°55'24" E	64.20
C11	70.69	22.50	180°00'00"	N/A	N90°00'00" W	45.00
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Final Plat

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Scale 1 inch = 30 feet
30 0 15 30 60



N 90°00'00" E 100.00"
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Section 1, Twp 5 N, Rng 69 W, 6PM, Larimer County, CO

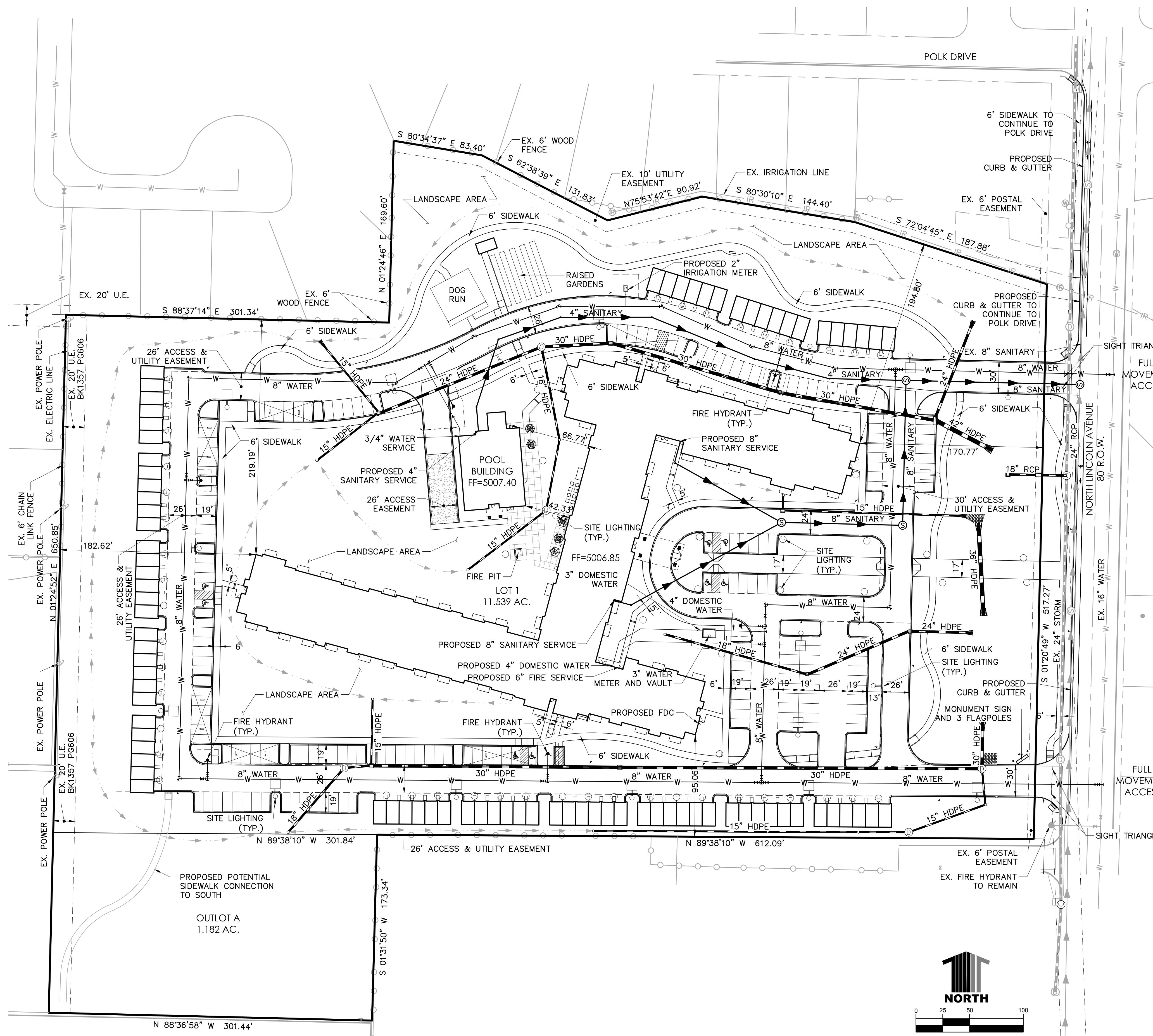
PROJECT NO. 01033.002
SHEET NO. 4
NO. OF SHEETS 4

SITE DEVELOPMENT PLAN

AMENDED PLAT OF LOTS 2 THROUGH 53 AND TRACTS A THROUGH L, BLOCK 1, FOX POINTE FIRST SUBDIVISION AFFINITY AT LOVELAND

LOCATED IN THE NORTH ONE HALF OF SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 69
WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

SHEET 1 OF 25



LEGAL DESCRIPTION

AMENDED PLAT OF LOTS 2 THROUGH 53 AND TRACTS A THROUGH L, BLOCK 1, FOX POINTE FIRST SUBDIVISION, COUNTY OF LARIMER, STATE OF COLORADO.

PROPERTY OWNER

THE UNDERSIGNED AGREE THAT THE REAL PROPERTY DESCRIBED IN THE APPLICATION FOR SITE DEVELOPMENT PLAN FILED HEREWITHE, AND AS SHOWN ON THE SITE PLAN, SHALL BE SUBJECT TO THE REQUIREMENTS OF CHAPTER 18.46 OF THE MUNICIPAL CODE OF THE CITY OF LOVELAND, COLORADO, AND ANY OTHER ORDINANCES OF THE CITY OF LOVELAND THERETO. THE UNDERSIGNED ALSO UNDERSTANDS THAT IF CONSTRUCTION OF ALL IMPROVEMENTS IS NOT COMPLETED AND IF THE SITE DEVELOPMENT PLAN USES ARE NOT ESTABLISHED WITHIN THREE YEARS OF THE DATE OF APPROVAL, OR OTHER COMPLETIONS DATE OR DATES ESTABLISHED IN A DEVELOPMENT AGREEMENT APPROVED BY THE CITY, THE CITY MAY TAKE AN ACTION TO DECLARE THE SITE DEVELOPMENT PLAN ABANDONED AND NULL AND VOID.

(OWNER'S SIGNATURE)

(TITLE)

STATE OF COLORADO
COUNTY OF LARIMER)
)
SS

THE FOREGOING AGREEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF, ____ 2____, BY

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CITY APPROVAL

APPROVED THIS ____ DAY OF ____ 2____, BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND, COLORADO.

CURRENT PLANNING MANAGER

SITE DATA

ZONING: MAC

SITE ACREAGE: 12.72 ACRES

LAND USE: MULTIFAMILY (SENIOR)

SQUARE FOOTAGES:

• MAIN BUILDING:

FIRST FLOOR: 54,762 SF

SECOND FLOOR: 55,296 SF

THIRD FLOOR: 52,118 SF

TOTAL: 161,176 SF

• GARAGES: 21,966 SF

• CARPORTS: 6,699 SF

• POOL BUILDING: 4,341 SF

UNIT MIX:

STUDIO: 6

1 BEDROOM: 67

2 BEDROOM: 82

TOTAL: 155

PARKING SPACES:

84 GARAGE (6 ACCESSIBLE)

37 CARPORT (2 ACCESSIBLE)

141 SURFACE (6 ACCESSIBLE)

262 TOTAL

OPEN SPACE/LANDSCAPING: 315,600 SQ. FT.

FEMA FLOODPLAIN: ZONE X

BUILDING OCCUPANCY:

• MAIN BUILDING: R-2

• GARAGES: U

• CARPORTS: U

• POOL BUILDING: A-3

TYPE OF CONSTRUCTION:

• APARTMENT BUILDING: V-A - FULLY SPRINKLERED

• POOL BUILDING, CARPORTS, GARAGES: V-B

SHEET INDEX

- 1 SITE PLAN
- 2 OVERALL LANDSCAPE PLAN
- 3-4 LANDSCAPE PLAN
- 5-6 LANDSCAPE NOTES, TABLES AND DETAILS
- 7 IRRIGATION LEGEND AND NOTES
- 8-9 IRRIGATION PLAN
- 10-11 IRRIGATION DETAILS
- 12 ARCHITECTURAL SITE PLAN
- 13 ARCHITECTURAL SITE PLAN DETAILS
- 14-20 ELEVATIONS
- 21 POOL HOUSE PLAN AND ELEVATIONS
- 22 GARAGE PLANS AND ELEVATIONS
- 23 CARPORT PLANS AND ELEVATIONS
- 24 SITE PHOTOMETRIC PLAN
- 25 ELECTRICAL SCHEDULE AND DETAILS

TITLE: SITE PLAN

DATE: DECEMBER 22, 2014

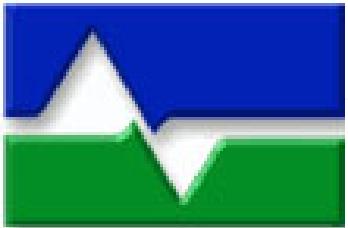
SHEET 1 OF 25

DEVELOPER
TRADITIONS AT LOVELAND, LLC
1620 N. MAMER RD., BLD. B
SPokane, WA 99203
ROBERT KETNER (509)321-3204

ENGINEER
CALIBRE ENGINEERING, INC
TODD A. JOHNSON, P.E.
(303)730-0434

Calibre

Calibre Engineering, Inc.
9090 South Ridgeline Boulevard, Suite 105
Highlands Ranch, CO 80129 (303) 730-0434
www.calibre-engineering.com
Construction Management Civil Engineering Surveying



CITY OF LOVELAND

Final Plat
FOX POINTE FIRST SUBDIVISION

BEING A SUBDIVISION OF ALL OF LOCH HAVEN ADDITION AND FOX POINTE ADDITION LOCATED IN THE NORTH ONE
HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE SIXTH
PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

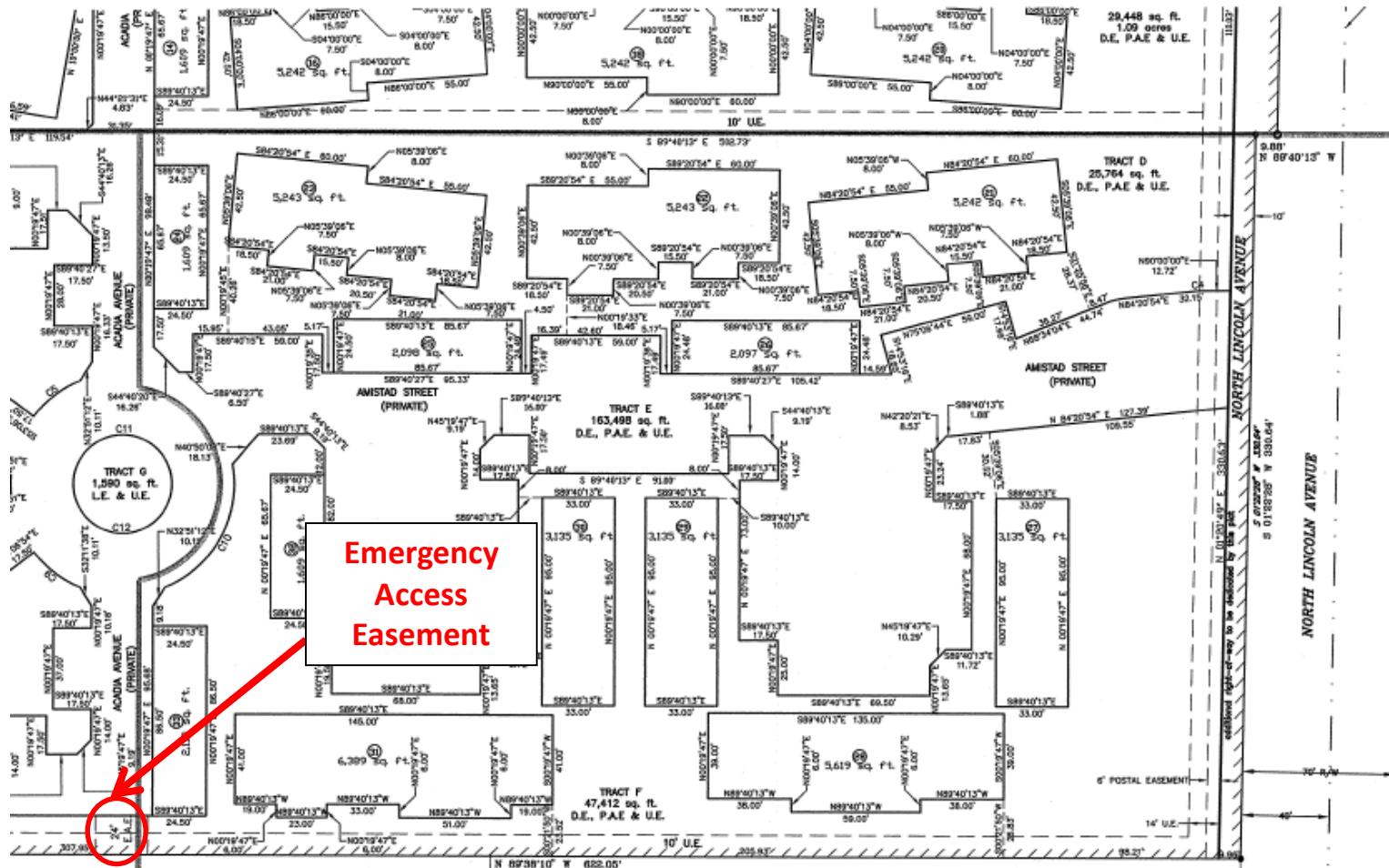


Exhibit E



AGENDA ITEM:	5
MEETING DATE:	2/3/2015
TO:	City Council
FROM:	Steve Adams, Water and Power Department
PRESENTER:	Greg Dewey, Civil Engineer

TITLE:

A Resolution of the Loveland City Council Authorizing an Application to, and Contract with, the Northern Colorado Water Conservancy District for Beneficial Use of 10 Acre-Feet of Colorado Big Thompson Project Water

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

SUMMARY:

This is an administrative action to adopt a resolution approving the conversion of 10 Colorado-Big Thompson ("C-BT") units acquired during 2014 from a Temporary Use Permit to a Permanent Section 131 Contract.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

The units were purchased in 2014. No additional costs are associated with the conversion.

BACKGROUND:

The City of Loveland currently holds 10 acre-foot units of C-BT Project water in the form of temporary use permits, or TUPs. These give the City the temporary right to use the C-BT water associated with these acre-foot units during the year the units are acquired, prior to obtaining a Section 131 contract which provides for their use in all subsequent years.

Northern Colorado Water Conservancy District (Northern Water) policy requires municipal and industrial allottees to convert the TUPs to Section 131 contracts in the year following acquisition. (“Section 131” refers to that section in the Water Conservancy Act of Colorado, Title 31, Article 43, Colorado Revised Statutes). Failure to convert the TUPs will result in Northern Water’s refusal to deliver the water.

On January 21, 2015, the Loveland Utilities Commission considered this item and unanimously recommended that City Council approve this request.

REVIEWED BY CITY MANAGER:

William D. Cabell

LIST OF ATTACHMENTS:

1. Resolution
2. Application (attached to the Resolution as Exhibit A)

RESOLUTION #R-12-2015**A RESOLUTION OF THE LOVELAND CITY COUNCIL AUTHORIZING AN APPLICATION TO, AND CONTRACT WITH, THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR BENEFICIAL USE OF TEN ACRE-FEET OF COLORADO-BIG THOMPSON PROJECT WATER**

WHEREAS, pursuant to the Water Conservancy Act of Colorado, Title 37, Article 45, C.R.S., the City Council of the City of Loveland, a Colorado municipal corporation, must apply to the Board of Directors of the Northern Colorado Water Conservancy District (“District”) for a contract for the beneficial use of Colorado-Big Thompson Project water within the boundaries of the District on an annually-renewable basis under C.R.S. § 37-45-131 in order to obtain the perpetual right to use said water.

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

Section 1. That the City of Loveland has determined to apply for a contract providing for the beneficial use of ten acre-feet of Colorado-Big Thompson Project water from the District within the boundaries of the District.

Section 2. That the Director of the Department of Water and Power is hereby authorized and directed to apply to the Board of Directors of the District for a contract providing to the City the beneficial use of said water upon the terms prescribed by said Board in the manner and form attached hereto as Exhibit A and incorporated herein by reference (“Application”).

Section 3. That the Director of the Department of Water and Power is hereby authorized to execute the Application and any other documents required by the District to effectuate the contract.

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

ADOPTED this 3rd day of February, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Shane L. Eltes
Assistant City Attorney

**APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. 37-45-131**

Applicant, City of Loveland, a Colorado municipal corporation acting in its governmental capacity or a water activity enterprise (circle capacity in which applicant is acting), hereby applies to Northern Water, a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is 10 acre-feet to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.
2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of Northern Water shall be primarily for domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of Northern Water.
3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-ten-thousandth (1/310,000) of the quantity of water annually declared by the Board of Directors of Northern Water to be available for delivery from the water supplies of Northern Water. Applicant agrees that such water shall be delivered from the works of Northern Water at such existing Northern Water delivery point or points as may be specified by the Applicant and that the water delivery obligation of Northern Water shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of Northern Water.
4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of Northern Water at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from Northern Water that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, 31 days prior to the start of the water year, at the rate per acre-foot

established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by due date, written notice thereof, by certified mail, will be given by Northern Water to the Applicant at the following address: 200 N. Wilson Avenue, Loveland, Colorado 80537.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of Northern Water. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above Northern Water's actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further notice of Northern Water; if the annual payment is not timely made, as provided above, the right of use shall terminate.
6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of Northern Water.
7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; the rules, regulations and policies of the Board of Directors of Northern Water as they now exist or as they exist in the future; and by the Repayment Contract of July 5, 1938, between Northern Water and the United States and all amendments thereof and supplements thereto.
8. Applicant agrees, as a condition of this contract, to enter into an "Operating Agreement" with Northern Water if and when the Board of Northern Water finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by Northern Water. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard contracts of Northern Water; additional annual monetary consideration for extension of Northern Water delivery services and for additional administration, operation and maintenance costs; or for other costs to Northern Water which may arise through provision of services to the Applicant.

9. Acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Water and the right to the beneficial use of water thereunder by the Applicant necessary; the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and the adequate protection of the health of the inhabitants of the community.
10. The governing body of Applicant has duly approved this Application in accordance with all legally required procedures.

Signed this _____ day of _____, A.D., 20____.

CITY OF LOVELAND

By _____

ATTEST:

(SEAL)

ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for 10 acre-feet of water is hereby made to the City of Loveland, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

By _____
President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____, A.D., 20 _____.

ATTEST: _____
Secretary

**APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR CANCELLATION OF TEMPORARY USE PERMIT**

The City of Loveland, hereby applies for the cancellation of the following Temporary Use Permit:

<u>Permit Dated</u>	<u>Acre-Feet</u>
September 12, 2014	<u>10</u>
Total Quantity to be Released	10

Dated at Loveland, Colorado this _____ day of _____, 20____.

CITY OF LOVELAND

ATTEST: By _____

(SEAL)

ORDER ON APPLICATION

Application having been made by the City of Loveland, for the cancellation of the above Temporary Use Permit, and Hearing having been held by the Board of Directors of Northern Colorado Water Conservancy District, it is hereby ORDERED that the above Temporary Use Permit be canceled.

Dated the _____ day of _____, _____.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

ATTEST: _____
President

Secretary



AGENDA ITEM:	6
MEETING DATE:	2/3/2015
TO:	City Council
FROM:	Bill Starks, Municipal Court
PRESENTER:	Bill Starks, Municipal Judge

TITLE:

A Resolution Approving an Intergovernmental Agreement between the City of Loveland, a Home Rule Municipality, and the Thompson School District R-2J for Operation of the Loveland Municipal Teen Court Program

RECOMMENDED CITY COUNCIL ACTION:

Staff is recommending approval of the IGA, by Resolution.

OPTIONS:

1. Adopt the Resolution
2. Deny the Resolution
3. Adopt 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

SUMMARY:

This is an administrative action. On July 22, 2014 Council directed staff to move forward with the implementation of "Teen Court". Teen Court is an alternative sentencing mechanism where a juvenile first-time offender admits guilt and agrees to be sentenced by their peers based on restorative justice principles. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson Valley School District. This resolution approves an IGA between the City and the School District not to exceed \$3,000 per year. The funds are to cover a portion of the administrative costs, as well as provide snacks for the participants incurred by the School District. The School District has approved the IGA. Council approved the funds for this purpose in the 2015 Budget.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

At a July City Council Study Session the Municipal Judge, Bill Starks and Executive Director of Secondary Education, Dr. Margaret Crespo detailed the “Teen Court” process to Council.

Teen Courts have been used by some courts to provide positive experiences for teens to learn and experience the justice system. First-time teen offenders of eligible offenses may be referred to Teen Court to have their sentence terms and conditions set by a teen jury. The program offers an alternative to having the Municipal Judge decide the terms of sentence within legal parameters. This provides learning experiences for the offender and members of the teen community related to the justice system. This program is not an alternative to appearing in court or pleading guilty.

The Roles of Municipal Court and City Attorney

The defendant comes to court, fully advised of his or her rights and enters into a plea negotiation with the Prosecutor. The defendant will plead guilty to the charge and receive a deferred sentence and judgment with the condition of successfully completing the Teen Court Program. “Successful completion” means the defendant’s case is dismissed and the defendant may apply to have his or her record sealed. Cases may also be referred not as part of a deferred sentence and judgment.

After entering the plea and having the judge determine restitution, if any, the defendant will be referred to the Teen Court to be sentenced by a jury of his or her peers. This is a voluntary program that does require the consent and participation of the juvenile’s parent or guardian. No teen will be denied access to the program based on economics.

The Teen Court sponsor will review the referral to be sure it meets the criteria for the program.

Members of the Teen Court will have been selected and trained in advance of the hearing. All participants will be required to sign and abide by confidentiality agreements.

The hearings are planned to be held in the Municipal Court Courtroom.

Teens will represent the prosecution and defense. Each side will participate in a brief jury selection and make a presentation to the chosen jurors. The presentation may involve questioning of witnesses when appropriate. The guilt of the defendant is not an issue, a guilty plea has already been entered. The presentations and arguments are to assist the jury in determining what the appropriate sanction(s) should be for the given case and defendant. The jury will be provided legal parameters to guide their decision. Teens will also be involved in the roles of Judge and Bailiff. The defendant is required to be available to answer questions and or make a statement to the jury.

Sentences by the jury may include some combination of sanctions set out in the guidelines provided in advance. These sanctions may include restitution where appropriate, community service for non-profit agencies, fines, costs, research projects, a class appropriate for the offense or situation with an essay about the class, written apologies, and service as a juror in subsequent Teen Court cases.

The Role of Thompson School District

The School District is providing organization, educational, and administrative support for the program. The District will assign staff to hold meetings and trainings in conjunction with the Municipal Judge, Prosecuting Attorney and other volunteer attorneys as appropriate. The law related classes have been identified, however the draw of students will not be limited to those only in these classes. The Loveland Youth Advisory Council will also be contacted to generate interest and recruit participants. The School District has already approved the IGA.

REVIEWED BY CITY MANAGER:**LIST OF ATTACHMENTS:**

1. Resolution
2. IGA

RESOLUTION #R-13-2015

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, A HOME RULE MUNICIPALITY, AND THE THOMPSON SCHOOL DISTRICT R-2J FOR OPERATION OF THE LOVELAND MUNICIPAL TEEN COURT PROGRAM

WHEREAS, since 1990 the City and the District, pursuant to C.R.S. § 29-1-203, have cooperated in several areas to establish and develop positive relationships between students, police officers, school staff, the general public, and to prevent delinquency, alcohol and substance abuse, gang involvement, and other unlawful or disorderly activities among students within the City of Loveland community; and

WHEREAS, C.R.S. § 29-1-201 permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the current, joint goals of the Thompson School District R2-J (the “District”) and the City of Loveland, a home rule municipal corporation, (the “City”) are to create and implement a Teen Court Program (the “Program”) for low-risk, first-time offenders based on restorative justice principles as an alternative to the traditional juvenile justice system; and

WHEREAS, the Program would hold juveniles accountable for their delinquent behavior while using positive peer involvement to promote long-term behavioral change; and

WHEREAS, the District and the City wish to continue such cooperation and recognize that the Program’s development and growth requires a need to establish and define more formally the conditions and responsibilities of the parties with respect to the operation of such Program and to allocate the cost of providing for the Program.

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

Section 1. That the Intergovernmental Agreement Concerning Operation of the Loveland Municipal Teen Court Program (“Agreement”), attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the District, following consultation with the District’s Attorney, has reviewed this Agreement and finds it to be acceptable.

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

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

Section 5. That this Resolution shall take effect as of the date and time of its adoption.

ADOPTED this _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT CONCERNING OPERATION OF THE LOVELAND MUNICIPAL TEEN COURT PROGRAM

RECITALS

WHEREAS, since 1990 the City and the District, pursuant to C.R.S. § 29-1-203, have cooperated in several areas to establish and develop positive relationships between students, police officers, school staff, the general public, and to prevent delinquency, alcohol and substance abuse, gang involvement, and other unlawful or disorderly activities among students within the City of Loveland community; and

WHEREAS, C.R.S. § 29-1-201 permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments; and

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the current, joint goals of the Thompson School District R2-J (the “District”) and the City of Loveland, a home rule municipal corporation, (the “City”) are to create and implement a Teen Court Program (the “Program”) for low-risk, first-time offenders based on restorative justice principles as an alternative to the traditional juvenile justice system; and

WHEREAS, the Program would hold juveniles accountable for their delinquent behavior while using positive peer involvement to promote long-term behavioral change; and

WHEREAS, the District and the City wish to continue such cooperation and recognize that the Program’s development and growth requires a need to establish and define more formally the conditions and responsibilities of the parties with respect to the operation of such Program and to allocate the cost of providing for the Program.

AGREEMENT

THEREFORE, in consideration of the foregoing, by the mutual promises contained herein, and other good and valuable consideration, the District and the City hereby agree as follows:

1. **Term.** This Intergovernmental Agreement Concerning Operation of the Loveland Municipal Teen Court Program (“Agreement”) sets forth the general terms and conditions of the Program to be implemented in the Loveland Municipal Court and Loveland High School through the Teen Court High School Advisor, Loveland Municipal Court, and the Loveland City Attorney’s Office. The term of this Agreement

shall begin upon the proper execution of the Agreement, and continue for consecutive one year terms, unless sooner terminated as provided herein or amended by mutual written agreement of the parties.

2. Scope of Services: City. The City promises the following:
 - a. To make the Loveland Municipal Courtroom available for use by the Program for no more than two three-hour sessions per one month period.
 - b. To financially contribute to the Program by payment, to the District, pursuant to paragraph five (5).
 - c. The Loveland City Attorney's Office, through the Municipal Court Prosecutor, will attempt to make at least three Program referrals per District semester.
 - d. The Presiding Municipal Court Judge will promulgate sentencing guidelines for Program participants to follow and a copy of said guidelines will be provided to all participants in the program.
3. Scope of Services: District. The District promises the following:
 - a. To assign a Teen Court High School Advisor to the Program. The Teen Court High School Advisor will create the curriculum for the Program and administer the Program. The Teen Court High School Advisor will arrange for the purchase of necessary supplies during meetings with the program participants.
 - b. To financially contribute to the Program by covering all costs associated with the Program in excess of the City's contribution pursuant to paragraph five (5).
 - c. To account for and record all Program expenditures to be reviewed by the parties annually.
 - d. To work cooperatively with the City in scheduling use of the Loveland Municipal Courtroom and monitoring compliance with the Program.
4. Relationship of the Parties. Nothing contained in this Agreement is intended to or shall be construed in any way as establishing the relationship of co-partners or a joint venture between the District and the City or as construing the parties, their officers, agents, volunteers and employees as agents of the other.
5. Payment. The District will receive from the City up to three thousand dollars (\$3,000) annually in order to facilitate the program. Payment to the District will occur in two (2) one thousand five hundred dollar (\$1,500) payments made per District semester for a maximum of two (2) semesters. The funds will be used as a contribution for the purchase of food items during student meetings as well as partially covering the staffing costs borne by the District. Payment of the two (2) one thousand five hundred dollar (\$1,500) City contributions to the Program shall be made to the District within 14 days of receipt of an

invoice sent to the City pursuant to paragraph thirteen (13).

6. Early Termination. The Agreement may be terminated by either party upon three (3) months' prior written notice to the other party. The City shall only be responsible for the payment of the costs for services performed up to the date of termination. Upon termination, any monies advanced to the District shall be prorated and returned to the City within sixty (60) days.
7. Application to the Program. In order to participate in the Program each student or program participant shall provide a waiver and release for the benefit of the City and the District.
8. Attire. All program participants shall wear professional business attire during all Program hearings at the Loveland Municipal Court.
9. Training. Basic Program training shall be provided to all new Program participants as soon as practicable by the Teen Court High School Advisor. Basic Program training can be obtained through the Presiding Loveland Municipal Court Judge, the Teen Court High School Advisor, and the Loveland City Attorney's Office. However, the District shall organize a class to be held periodically, during each District semester, where the student participants will obtain the majority of basic Program training.
10. Confidentiality. All parties and participants in the Program shall maintain confidentiality of any information obtained pursuant to Title 19 of the Colorado Children's Code and of District records and information in accordance with Parts 2 and 3, Article 72 of Title 24, Colorado Revised Statutes; the Family Educational Rights and Privacy Act; and District policies, and shall not disclose the information except as provided by law or court order. In order to participate in the Program, each student or Program participant shall sign a confidentiality agreement drafted by the District and approved by the City.
11. Facilities and Equipment. The City will make the Loveland Municipal Court Room available to the Program, depending on schedules, to conduct sentencing hearings. Facilities and equipment for all other meetings and Program activities will be the District's responsibility.
12. Appropriations. The financial obligations of each party under this Agreement are contingent upon adequate funds being budgeted, appropriated, and otherwise made available.
13. Notices. Any and all notices or any other communications are deemed to have been given when personally delivered, emailed, or by depositing in the United States Postal Service as regular mail, postage prepaid, and addressed as follows or to such other person or

address as a party may designate in writing to the other party:

To the District:

Executive Director of Secondary Education
Thompson School District 800 South Taft Avenue
Loveland, Colorado 80537-6347
Email: margaret.crespo@thompsonschools.org

To the City:

Presiding Municipal Court Judge
Loveland Municipal Court 810 East Tenth Street, Suite 200
Loveland, Colorado 80537-4942
Email: court@cityofloveland.org

14. **Good Faith.** The parties, their agents, and employees agree to cooperate in good faith in fulfilling the terms of this Agreement. The parties agree that they will attempt to resolve any disputes concerning the interpretation of this Agreement and unforeseen questions and difficulties which may arise in implementing the Agreement by good faith negotiations before resorting to termination of this Agreement and/or litigation.
15. **Indemnification.** To the extent permitted by law, and consistent with the requirements of the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.), the parties hereby indemnify and hold harmless the other parties from any loss, liability or damage, including attorneys' fees that any Party may incur arising out of any negligent acts or omissions of the other parties in performing any duties under this Agreement. No term or condition in this Agreement shall constitute a waiver of any provision of the Colorado Governmental Immunity Act.
16. **Liability.** The parties agree that each Party, to the extent permitted by federal and state law, shall be liable for the acts or omissions of its respective personnel. Nothing herein shall be deemed a waiver of the notice requirements, defenses, immunities and limitations of liability that the parties and their respective officers and employees may have under the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.) and under any other law. ~~Each party, to the extent permitted by law, waives all claims and causes of action against the other parties for compensation, damages, personal injury or death occurring as a consequence, direct or indirect, of the performance of this Agreement.~~ Each party shall be liable for any worker's compensation claims filed by its respective personnel arising from injuries sustained as a result of performance under this Agreement.
17. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or

oral. This agreement may be amended, modified or changed, in whole or in part, only by written agreement approved and signed by each party.

18. Non-assignment. This Agreement and each and every covenant herein, shall not be capable of assignment except with the prior consent of both parties.
19. No Third Party Beneficiaries. This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party, and no third party shall have any right of action hereunder for any cause whatsoever.
20. Merger. This Agreement constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms.
21. Effective Date. This Agreement is effective upon the date set forth below.
22. Counterparts. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, and all the counterparts taken as a whole shall constitute one and the same instrument.

Dated this _____ day of _____, 2015.

For the City of Loveland, Colorado:

THE CITY OF LOVELAND,
a home rule municipal corporation

By: _____
William D. Cahill, City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

For Thompson School District:

Thompson School District R2-J

By: _____
Margaret Crespo, Executive Director of Secondary Education

APPROVED AS TO FORM:

Thompson School District Attorney

Intergovernmental Agreement Concerning Operation Of The Loveland Municipal Teen Court
Program 1/9/15

4852-5183-5425, v. 1

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT CONCERNING OPERATION OF THE LOVELAND MUNICIPAL TEEN COURT PROGRAM

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WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the current, joint goals of the Thompson School District R2-J (the “District”) and the City of Loveland, a home rule municipal corporation, (the “City) are to create and implement a Teen Court Program (the “Program”) for low-risk, first-time offenders based on restorative justice principles as an alternative to the traditional juvenile justice system; and

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13. Notices. Any and all notices or any other communications are deemed to have been given when personally delivered, emailed, or by depositing in the United States Postal Service as regular mail, postage prepaid, and addressed as follows or to such other person or

address as a party may designate in writing to the other party:

To the District:

Executive Director of Secondary Education
Thompson School District 800 South Taft Avenue
Loveland, Colorado 80537-6347
Email: margaret.crespo@thompsonschools.org

To the City:

Presiding Municipal Court Judge
Loveland Municipal Court 810 East Tenth Street, Suite 200
Loveland, Colorado 80537-4942
Email: court@cityofloveland.org

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16. **Liability.** The parties agree that each Party, to the extent permitted by federal and state law, shall be liable for the acts or omissions of its respective personnel. Nothing herein shall be deemed a waiver of the notice requirements, defenses, immunities and limitations of liability that the parties and their respective officers and employees may have under the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.) and under any other law. Each party shall be liable for any worker's compensation claims filed by its respective personnel arising from injuries sustained as a result of performance under this Agreement.
17. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended, modified or changed, in whole or in part, only by written agreement approved and signed by each party.

18. Non-assignment. This Agreement and each and every covenant herein, shall not be capable of assignment except with the prior consent of both parties.
19. No Third Party Beneficiaries. This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party, and no third party shall have any right of action hereunder for any cause whatsoever.
20. Merger. This Agreement constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms.
21. Effective Date. This Agreement is effective upon the date set forth below.
22. Counterparts. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, and all the counterparts taken as a whole shall constitute one and the same instrument.

Dated this _____ day of _____, 2015.

For the City of Loveland, Colorado:

THE CITY OF LOVELAND,
a home rule municipal corporation

By: _____
William D. Cahill, City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

For Thompson School District:

Thompson School District R2-J

By: _____
Margaret Crespo, Executive Director of Secondary Education

APPROVED AS TO FORM:

Thompson School District Attorney

4852-5183-5425, v. 1



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:	7
MEETING DATE:	2/3/2015
TO:	City Council
FROM:	Susan Ison, Cultural Services Director
PRESENTERS:	Susan Ison, Cultural Services Director Rich Harris, Rialto Theater Center Manager

TITLE:

A Resolution Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise with Respect only to the Rialto Theater Center Rates, Charges and Fees

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution as recommended.

SUMMARY:

This is an administrative action. The Rialto Theater Center (RTC) Business Plan was presented to City Council August 19, 2014. It was determined that the increase in Rates & Fees required to reach the Sustainability Goals were unacceptable to many of the community groups who rent the RTC. Subsequently, we have had six meetings with representatives from the user groups: September 23rd, October 15th, October 24th, November 14th, December 1st and January 8th. Representatives from the Loveland Choral Society, Loveland Opera Theater, Moon Theater Company, Thompson Education Foundation and Lifetree Film Festival attended some or all of the meetings. At the last meeting, in January 2015, the Rates & Fees were reviewed. After considerable discussion between RTC staff and representatives from the performing arts community, this proposal was prepared for consideration.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

Adoption of new Rates and Fees should increase the amount of revenue collected.

BACKGROUND:

The first important change from the prior Business Plan proposal is the retention of the Community Rate Plan, which was eliminated in the Business Plan. The proposed increase in the Community Group Rate Plans will have a minimal impact on cost recovery directly from group rentals, perhaps as little as 2%.

Proposed changes affecting rental customers:

- A one-day decrease in number of rehearsal dates.
 - *This change increases the number of Sundays available for RTC sponsored show.*
- Minimum fee is charged per performance, instead of per day.
 - *It is possible to have as many as three performances per day.*
- An increase in the percentage of gross house receipts that is paid to RTC as the rental fee.

Additional proposed changes affecting attendees of all shows at the RTC:

- Box Office Ticket sales: Phone sales charge increase.
- A simplified fee structure for online ticket sales.
- A new charge for walk-up box office purchases.
 - *The increase in ticketing fees does not fully cover our box office costs. The rates are proposed to rise over time.*
- Seat fee increase, which applies to all tickets, including complimentary tickets.
 - *The seat fee is one of the rental fees. Some renters are requesting as many as 200 complimentary tickets, which are then given away or sold independent of the RTC box office. The practice of using complimentary tickets without a seat fee substantially affects our revenue.*

Due to public impact we are proposing that the ticketing increases are delayed for sixty days (until April 4, 2015) to allow time for public notice through the media, the web site and the Rialto Box Office.

Daily rental rates will increase for Standard, Non-Profit and Non-ticketed renters. These users typically rent the theater for one to two days for their productions.

All renters will now be subject to an Overtime Rate if they use the theater beyond the contracted rental period—typically an 8-hour day.

The rental rate increase for the users will be offset somewhat by the elimination of several individual fees: the technical system charge, Masonite dance floor rental, intelligent lighting rental fee, side stage monitor fee and merchandise sales fee. The ticketing fee and the complimentary ticket fee will both be consolidated with the Seat Fee. The technical system charge will be consolidated within the Daily Rental Rate fee structure.

There are four charts in the packet that show 2014 Current Rates, rates as proposed in the Business Plan for 2015 and 2016 and revised proposed rates for 2015 and 2016. The inclusion of 2016 rates bears explaining. Rental customers typically book the RTC up to a year in advance. For example, most of the proposed rental rate increases will not affect the community groups until 2016. Many users of the RTC already have contracts for 2015 at existing rates. This lag time makes it necessary to adopt rates for a minimum of two years to keep ahead of future contracts.

Lastly, all fees will be evaluated at least once a year by RTC staff with input solicited from representatives of RTC user groups.

REVIEWED BY CITY MANAGER:

William D. Cainel

LIST OF ATTACHMENTS:

1. Resolution
2. Redlined Charges Sheet as Exhibit A
3. PowerPoint

RESOLUTION # R-14-2015**A RESOLUTION AMENDING THE 2015 SCHEDULE OF RATES, CHARGES AND FEES FOR CITY SERVICES, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE WITH RESPECT ONLY TO THE RIALTO THEATER CENTER RATES, CHARGES AND FEES**

WHEREAS, on October 7, 2014, City Council adopted Resolution #R-68-2014 setting the rates, charges and fees for services provided by the City of Loveland (the “City”), other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, for calendar year 2015; and

WHEREAS, on August 19, 2014, the City’s Cultural Services Department presented City Council with a formal business plan for the Rialto Theater Center (“Rialto”) that identified strategies for increasing the sustainability of the Rialto, including adjustments to rates, charges and fees for services offered, programming diversification and marketing; and

WHEREAS, Rialto staff has, since that time, met with representatives of the user groups and the performing arts community for input with respect to changes in the Rialto rates, charges and fees; and

WHEREAS, based on that input, Rialto staff prepared amendments to the fee schedule; and

WHEREAS, because user groups often book events in advance, including into the following year, and would like to have notice of rates, the Rialto staff has included in this proposed amendment fees for the year 2016; and

WHEREAS, staff requests the City Council adopt the proposed amendments to the City’s 2015 fee schedule regarding the Rialto Theater Center Event; and

WHEREAS, because user groups often book events into the following and would like to have notice of rates, the Rialto staff has included in this proposed amendment fees for the year 2016; and

WHEREAS, this Resolution is intended to amend Resolution #R-68-2014 to modify the current rates, charges, and fees for services provided by the Rialto in an effort to contribute to the Rialto’s business plan goal of increased sustainability.

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

Section 1. This Resolution amends the rates, charges, and fees for 2015 adopted by Resolution R#-68-2014 for all City services, other than services of the Water and Power

Department and the Storm Water Enterprise, provided on or after January 1, 2015 as set forth in Exhibit A, attached hereto and incorporated by reference.

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

ADOPTED this _____ day of February, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



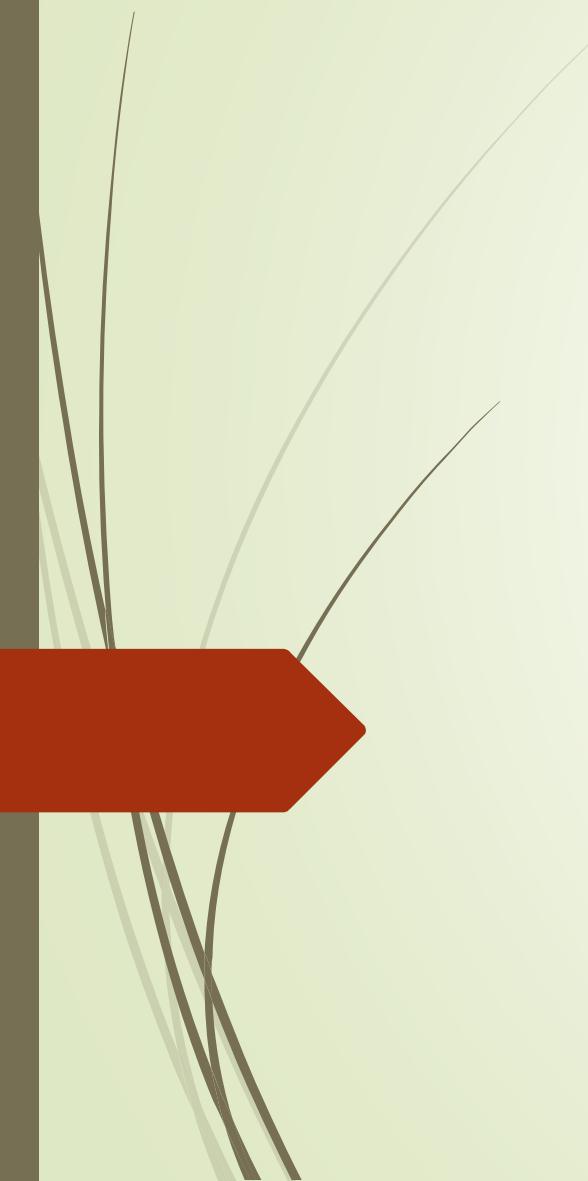
Teresa Ablao
Assistant City Attorney

CULTURAL SERVICES	
RIALTO THEATER	
Standard Ticketed Event Rental Rates (12 noon to 12 midnight) :	
Monday - Thursday (per day)	\$ <u>550.00</u> 350.00
Friday, Saturday, & Sunday (per day)	\$ <u>550.00</u> 400.00
Rehearsal Rates (per hour, not to exceed maximum daily rental fee)	\$ 50.00
Non-Profit Ticketed Event Rental Rates (12 noon to 12 midnight) :	
Monday - Thursday (per day)	\$ <u>450.00</u> 300.00
Friday, Saturday, & Sunday (per day)	\$ <u>450.00</u> 330.00
Meeting/Non-Ticketed Event Rental Rates (One to four hours of use) :	
Monday - Thursday (up to 4 hours) (per day)	\$ <u>900.00</u> 425.00
Friday, Saturday, & Sunday (up to 4 hours) (per day)	\$ <u>900.00</u> 500.00
Meeting/Non-Ticketed Event Rental Rates (Five to ten hours of use) :	
Monday - Thursday (per day)	\$ <u>900.00</u> 700.00
Friday, Saturday, & Sunday (per day)	\$ 900.00
Community Group Fee Rate:	
(Applies to non-profit organizations presenting more than two performances of one show on consecutive dates)	
<u>2015</u> : 22% of first \$5,000 gross house receipts and 5% of remaining gross house receipts, or a minimum fee rate of \$330.00 per performance day whichever is greater. Includes rehearsal dates (limit of 5 for a one-weekend show and 7 for a two-weekend show, with additional dates available at regular rates) and black-out dates (limited to one week prior to opening). Seat fee, ticketing fee, and insurance fees (when required) apply. No additional technical charges apply.	
<u>2016</u> : 22% of first \$5,000 gross house receipts and <u>105</u> % of remaining gross house receipts, or a minimum fee rate of \$330.00 per performance day , whichever is greater. Includes rehearsal dates (limit of <u>4 consecutive days</u> 5 for a one-weekend show and <u>up to two additional days during the second week</u> 7 for a two-weekend show, with additional dates available at regular	

	rates) and black-out dates (limited to one week prior to opening). Seat fee, ticketing fee, and insurance fees (when required) apply. No additional technical charges apply.		
	<u>Overtime Rate</u>		<u>\$125.00 per hour or any part of an hour beyond the contracted rental period</u>
	<u>Additional Rental Fees</u>		
	Seat Fee <u>(applies to all tickets, including complimentary tickets per ticket sold)</u>	\$	<u>2.00</u> 1.50
	<u>Ticketing Fee (per ticket sold)</u>	\$	<u>—0.20</u>
	<u>Complimentary Ticket Fee (per ticket printed, first 30 are free)</u>	\$	<u>0.20</u>
	CIRSA Insurance Coverage (when requested, per attendee)	\$	0.30
	<u>Technical Fee (per hour, when Rialto systems are used during set-up, show & strike)</u>	\$	<u>30.00</u>
	Projection Equipment Rental (per use)	\$	60.00
	Marley Dance Floor Rental (per installation)	\$	60.00
	<u>Masonite Dance Floor Rental (per installation)</u>	\$	<u>60.00</u>
	<u>Intelligent Lighting Rental (per performance, Includes 1 hour staff programing time)</u>	\$	<u>60.00</u>
	<u>Additional Intelligent Lighting Programing Time (per hour)</u>	\$	<u>30.00</u>
	Yamaha C7 Grand Piano (per day)	\$	85.00
	Piano Tuning (each, if requested, by Rialto tuner)	\$	150.00
	Covered 6' or 8' table (each, two provided free with rental)	\$	10.00
	<u>Side of stage monitor package rental (per day)</u>	\$	<u>200.00</u>
	<u>Merchandise sales fee (of gross merchandise sold)</u>		<u>15%</u>
	Box Office Phone Transaction Fee (per <u>per ticket transaction</u> , paid by ticket purchaser)	\$	<u>2.50</u> 4.00
	<u>Online sales</u>		<u>\$3.00 for tickets up to \$16.00; \$4.00 for tickets \$16.01 and above</u>
	<u>Rialto Box Office</u>		<u>2015: \$1.25 per ticket</u> <u>2016: \$2.50 per ticket</u>
	<u>**Non-refundable Deposit required to reserve date(s) equal to Base Rental Fee for one day**</u>		

RIALTO THEATER - EVENT SIDE			
<u>Devereaux/Hach Room:</u>			
Standard Rate:			
		Rental up to 8 hours	\$ 250.00
		Additional hourly rate	\$ 50.00
Non-Profit Rate:			
		Rental up to 8 hours	\$ 100.00
		Additional hourly rate	\$ 50.00
Building Tenant Rate:			
Rental up to 6 Hours:			\$ 175.00
City Department Use			
		Rental up to 6 Hours	\$ 75.00
Deposit			\$ 400.00
<u>Phyllis Walbye Conference Room:</u>			
Standard Rate (up to 4 hours)			\$ 50.00
		Additional Hourly Rate	\$ 50.00
Non-Profit Rate (use up to 4 hours)			\$ 30.00
		Additional Hourly Rate	\$ 30.00
City Department Use (up to 4 hours)			\$ 30.00
		Additional hourly rate	\$ 25.00
Deposit for Standard & Non-Profit Use			\$ 150.00
<u>Equipment & Service Fees for Room Rental:</u>			
<u>Rental Equipment:</u>			
		Video Projector	\$ 50.00
		Portable Sound System	\$ 100.00
		Staging Platform (per 4' x 8' section)	\$ 25.00
		Pipe & Drape (per 8' x 6' section)	\$ 25.00
		Risers, per section	\$ 25.00
		Large Podium	\$ 25.00
		Portable Light Trees (pair)	\$ 100.00
<u>Linens:</u>			
		Additional White Tablecloths (each)	\$ 6.00
<u>Coffee Service:</u>			

		Coffee (service of 20 or 60 cups, per cup)	\$ 1.00
		Hot Tea (service of 20 or 60 cups, per cup)	\$ 0.50
	<u>Food Service Cleaning Fees:</u>		
		Pre-packaged Snacks Brought in by Renter	\$ 25.00
		Hors d' Oeuvre or Meal Service (up to 50 guests, includes prep room use)	\$ 50.00
		Hors d' Oeuvre or Meal Service (51 to 150 guests, includes prep room use)	\$ 75.00
		Hors d' Oeuvre or Meal Service (151+ guests, includes prep room use)	\$ 100.00
	<u>Videoconference Service:</u>		
		During Normal Operating Hours (per hour)	\$ 200.00
		Outside of Normal Operating Hours (per hour)	\$ 300.00
	<u>Security Deposit:</u>		
		Room Deposit (refundable)	\$ 400.00



Rialto Theater Center Proposed Rates & Fees February 3, 2015

Community Group Rate Plan

Proposed Community Group Rate - 2015

Applies to non-profit organizations presenting more than two performances of the same show on consecutive dates.

22% of first \$5,000 gross house receipts and 5% of remaining gross house receipts, or a minimum fee of \$330.00 **per performance**, whichever is greater. Includes rehearsal dates: limit of 5 for a one-weekend show and 7 for a two-weekend show, with additional dates available at regular rates. Seat fee, ticketing fee, and insurance fees (when required) apply.

Proposed Community Group Rate - 2016

Applies to non-profit organizations presenting more than two performances of the same show on consecutive dates.

22% of first \$5,000 gross house receipts and **10%** of remaining gross house receipts, or a minimum fee of \$330.00 per performance, whichever is greater. Includes rehearsal dates: limit of **4 consecutive days** for a one weekend show and **up to two additional days during the second week** for a two-weekend show, with additional dates available at regular rates. Seat fee, ticketing fee, and insurance fees (when required) apply.

Rental Rates

	Current Rates	Business Plan	Proposed	
	<u>2014</u>	<u>2015</u>	<u>2015/ 2016</u>	
Standard rates				
Monday-Thursday:	\$350.00	\$550.00	\$550.00	
Friday, Saturday, Sunday:	\$400.00	\$550.00	\$550.00	
				E
Non-Profit rates				V
Monday-Thursday:	\$300.00	\$450.00	\$450.00	A
Friday, Saturday, Sunday:	\$330.00	\$450.00	\$450.00	L
				U
Non-Ticketed rates				A
<i>One to four hours of use</i>				T
Monday-Thursday:	\$425.00	\$900.00	\$900.00	E
Friday, Saturday, Sunday:	\$500.00	\$900.00	\$900.00	
<i>Five to ten hours of use</i>				
Monday-Thursday:	\$700.00	\$900.00	\$900.00	
Friday, Saturday, Sunday:	\$900.00	\$900.00	\$900.00	
Dark day rental rate	\$0.00	\$225.00	None	
Seat Fee	\$1.50 per ticket sold	\$2.00	\$2.00	
			Applies to all	
			tickets	

Overtime rate: \$125.00 per hour or any part of an hour beyond the contracted rental period

Ticket Sales Fees

Box Office	2014	2015	2015/2016 Proposed	
	Current Rates	Business plan		
Phone sales	\$4.00/transaction	\$3.00 for tickets up to \$16.00. \$4.00 for tickets \$16.01 and above.	\$2.50 per ticket	
Online sales				E
	Sliding scale	\$3.00 for tickets	\$3.00 for tickets	V
	determined by	up to \$16.00.	up to \$16.00.	A
	the amount of the	\$4.00 for tickets	\$4.00 for tickets	L
	ticket price and	\$16.01 and above.	\$16.01 and above.	U
	related costs.			A
			2015	T
Rialto Box Office	None		\$1.25 per ticket	E
			2016	
			\$2.50 per ticket	

Additional Rental Fees

Consolidate the Ticketing Fee (\$0.20) and the Complimentary Ticket Fee (\$0.20) with the Seat Fee (\$1.50). **Proposed 2015 and 2016 Seat Fee: \$2.00. Seat Fee applied to all tickets including complimentary tickets.**

Eliminate the Technical Fee of \$30.00 per hour when Rialto systems are used during set-up, show & strike.

Eliminate Masonite Dance Floor rental fee of \$60.00 per installation.

Eliminate the Intelligent Lighting rental fee of \$60.00 per performance.

Eliminate the Additional Intelligent Lighting programming time fee of \$30.00 per hour.

Eliminate the Side of Stage Monitor rental package of \$200.00 per day of use.

Eliminate the Merchandise Sales fee: 15% of gross sales.

Additional Rental Fees, continued

Retain the CIRSA insurance coverage (when requested): \$0.30 per attendee.

Retain the projection equipment rental fee of \$60.00 per use.

Retain the Marley Dance Floor rental fee of \$60.00 per installation.

Retain the Yamaha C7 piano rental fee of \$85.00 per day.

Retain the piano tuning fee of \$150.00 per tuning.



AGENDA ITEM: 8
MEETING DATE: 2/3/2015
TO: City Council
FROM: Economic Development
PRESENTER: Betsey Hale, Economic Development Director

TITLE:

A Resolution Authorizing the Submission of an Application to the Colorado Office of Economic Development for the Approval of a Regional Tourism Project within the City of Loveland and the Surrounding Vicinity

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolution.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)

SUMMARY:

This is an administrative action to approve a resolution granting authorization to the non-profit Go NoCo to submit an application to the Colorado Office of Economic Development for a Northern Colorado Regional Tourism project(s). The application is due on February 17, 2015. It is anticipated that awards will be announced in November 2015. The Larimer County Board of Commissioners approved a resolution of support on December 30, 2014. The Town of Windsor Council approved a resolution of support on January 26, 2015.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

In July of 2014, the City of Loveland, Town of Windsor and Larimer County began an effort to compete for a State of Colorado Regional Tourism Act (RTA) award. The Loveland City Council has discussed a Go NoCo Regional Tourism Application in two previous study sessions and held an executive session on January 13, 2015.

The purpose of the Regional Tourism Act program of the State of Colorado Economic Development Commission is to assist with the development of destination tourism attractions to bring new out-of-state visitors to the State of Colorado. The program offers the use of net new state sales tax generated in a regional tourism zone to the development of the projects. On October 13, 2014, Go NoCo submitted a required regional tourism zone (RTZ) designation pre-application. This submission was used by the State to determine a baseline natural growth rate of 4.5% which would occur in the RTZ even in the absence of any destination tourism projects. Copies of the RTZ maps are attached.

The purpose of this resolution is to support the overall application which will include 3 projects from Loveland, 1 project from Windsor and Sylvan Dale Guest Ranch. The resolution does not imply or commit the City of Loveland to any business assistance agreements with Go NoCo, the project developers or operators. The submission of an application does not guarantee an award. The State Economic Development Commission is not obligated to award any grants and it is not obligated to award two, which is the number of remaining possible awards, per State Statute.

The State of Colorado has extended two deadlines to assist communities with their project submissions. Local governments may add area to the regional tourism zone and submit missing information before March 11, 2015. Applicants may reduce the size of the RTZ, add a new project element, subtract project elements from the existing application and change programming within an existing project before August 28, 2015.

The Town of Estes Park will consider support for a Regional Tourism Zone expansion and the possible addition of a destination project at a January 27, 2015 work session. An Estes Park project cannot be submitted to the State without the formal approval from the Town Board. This action may take place on February 10, 2015.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. RTZ Maps (3)

RESOLUTION #R-15-2015**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT FOR THE APPROVAL OF A REGIONAL TOURISM PROJECT WITHIN THE CITY OF LOVELAND AND THE SURROUNDING VICINITY**

WHEREAS, the City of Loveland (“City”) is a Colorado home rule municipality with all the powers and authority provided by Colorado law; and

WHEREAS, under Title 24, Article 46, Part 3 of the Colorado Revised Statutes (“Colorado Regional Tourism Act” or “Act”), local governments may apply to the Colorado Office of Economic Development for approval of a regional tourism project; and

WHEREAS, representatives of the City, working in conjunction with a collection of local governments, private developers, and concerned citizens, including Go No Co., a Colorado nonprofit corporation (“Go NoCo”), have drafted a project application for submission by the City for one or more regional tourism projects under the Act; and

WHEREAS, the City’s representatives, Go NoCo and other interested parties are seeking City Council support and authorization to submit the application to the Office of Economic Development on the City’s behalf; and

WHEREAS, the City Council hereby finds that, if approved, the application would significantly increase out-of-state and qualifying in-state tourism to the Loveland area, and would allow the development of unique projects not otherwise financially feasible but for the use of the state sales tax increment revenue to be generated by the projects and made available under the Regional Tourism Act.

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

Section 1. The City is hereby authorized to work with Go NoCo to prepare and submit to the Colorado Office of Economic Development an application on the City’s behalf for approval of one or more regional tourism projects as provided in the Regional Tourism Act.

Section 2. Go NoCo is hereby authorized to submit the application on behalf of the City.

Section 3. The City Manager is hereby authorized to act on the City's behalf with respect to the application and any other matters not specifically reserved to the City Council under City of Loveland Charter or ordinances, or the Act.

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

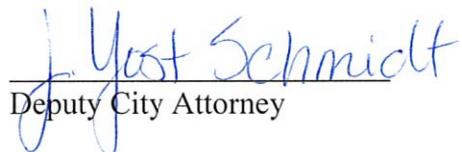
ADOPTED this 3rd day of February, 2015

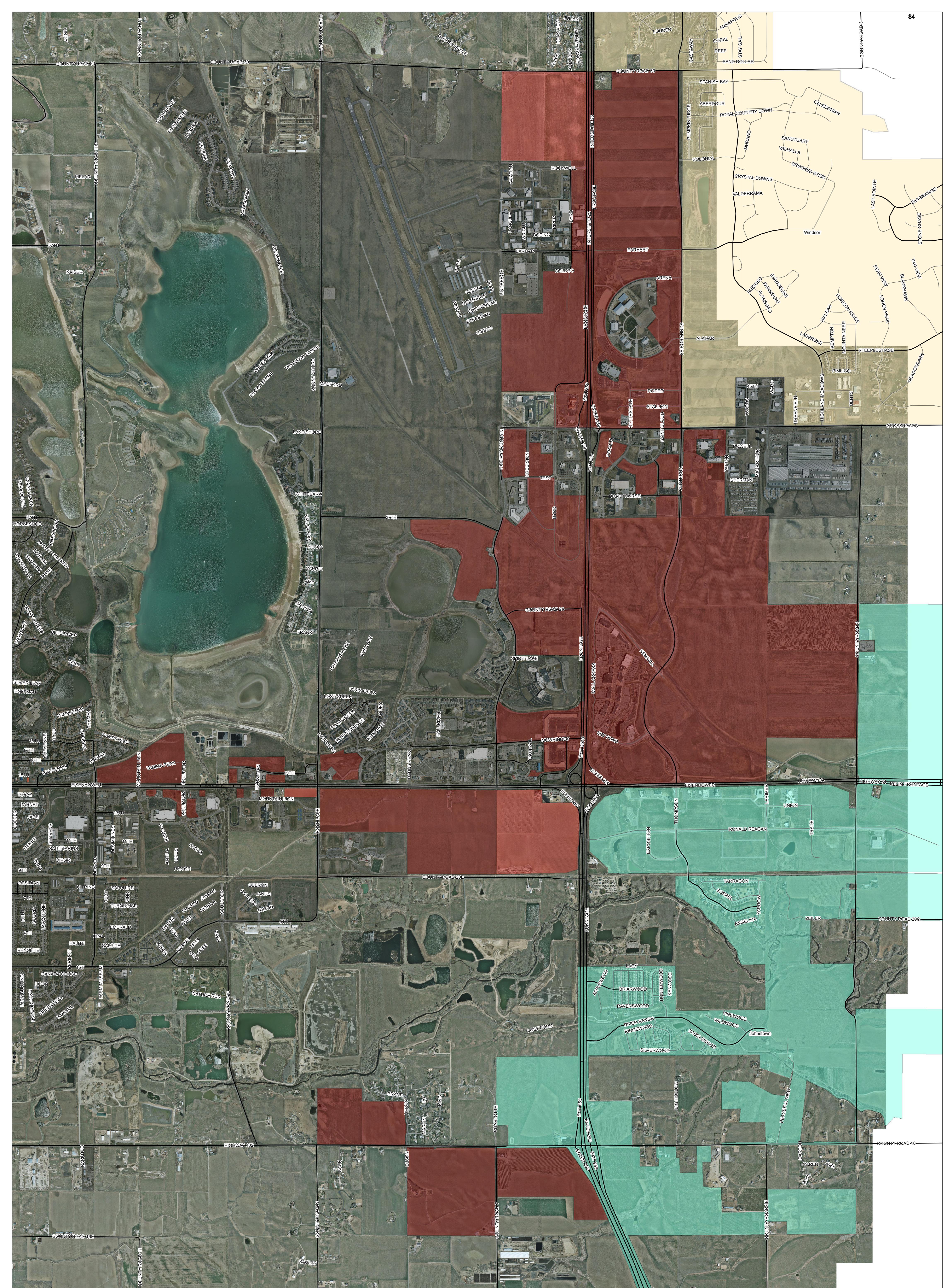
Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


J. Yost Schmidt
Deputy City Attorney



Loveland City Limits

Windsor City Limits

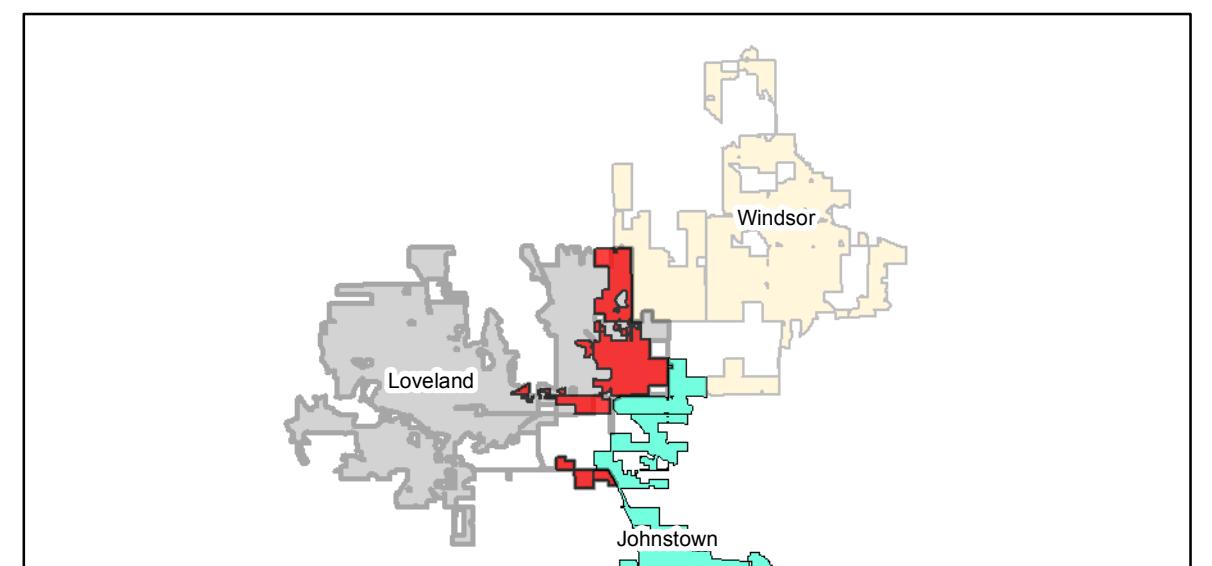
Johnstown City Limits

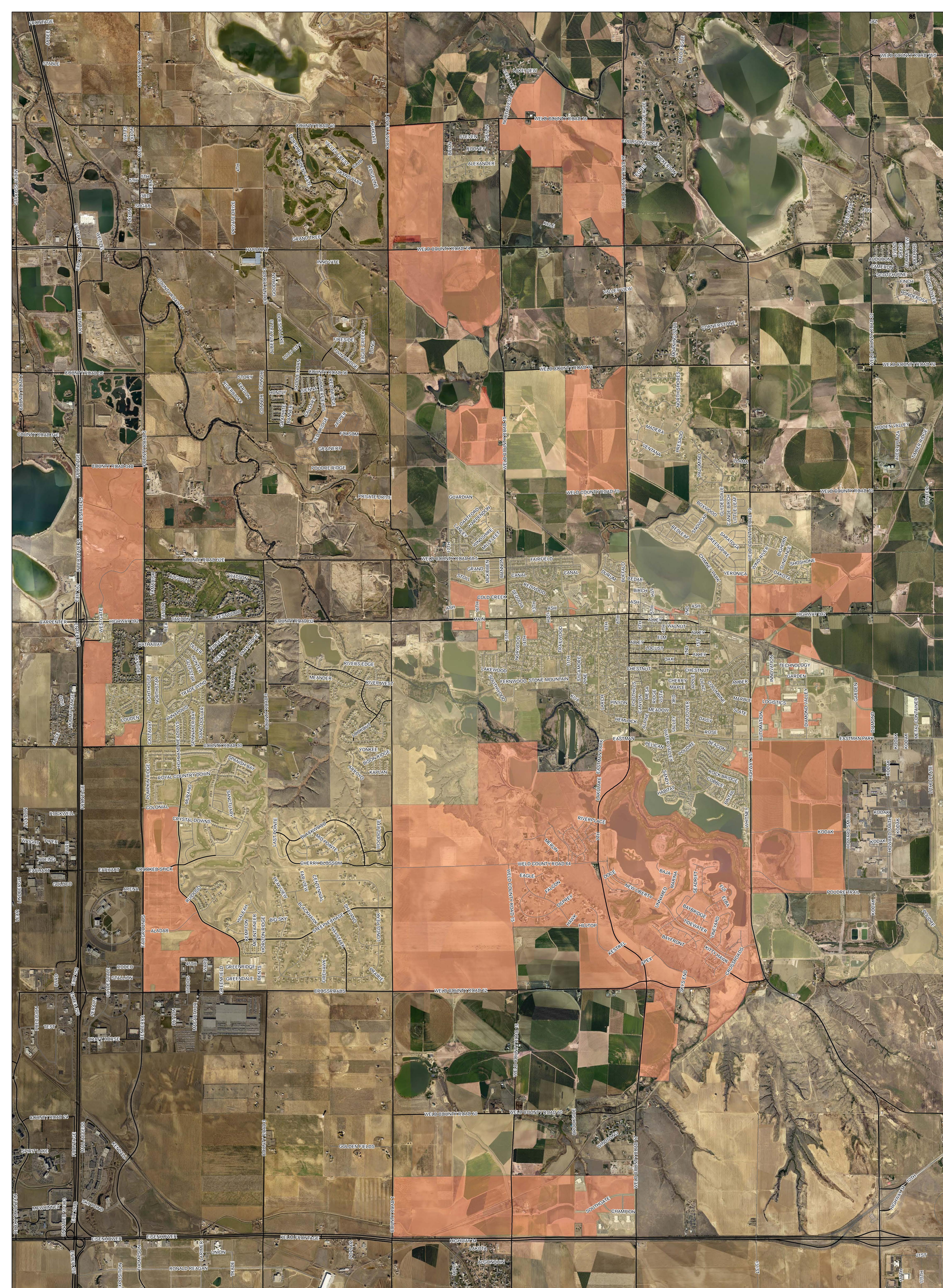
Loveland Regional Tourism Zone

Loveland RTZ



0 0.125 0.25 0.5 0.75 1 Miles

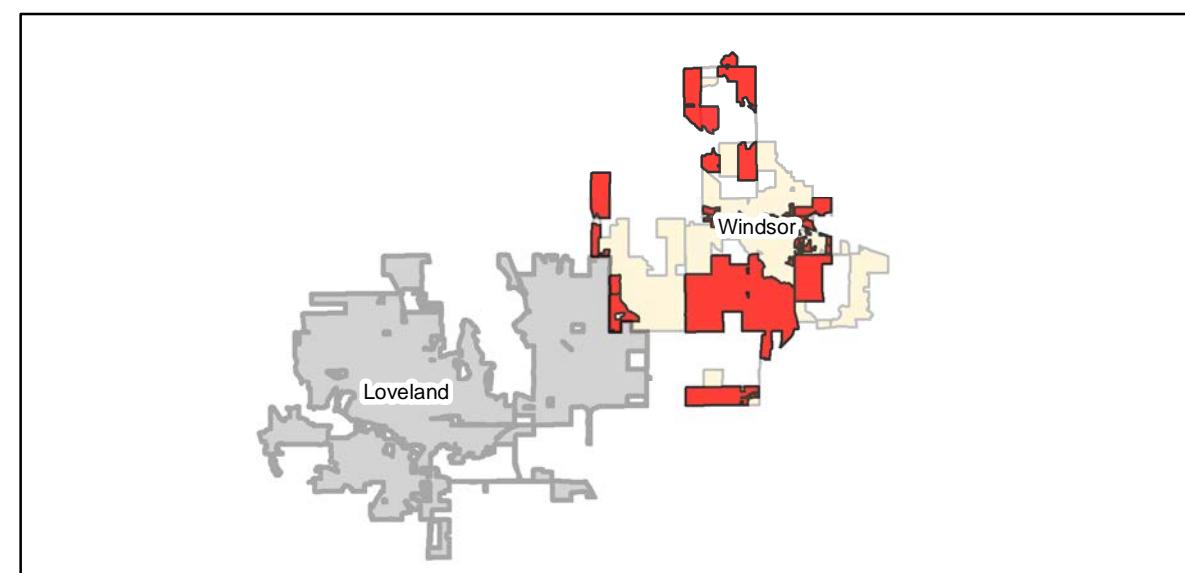




Windsor RTZ



0 0.25 0.5 1 1.5 2 Miles

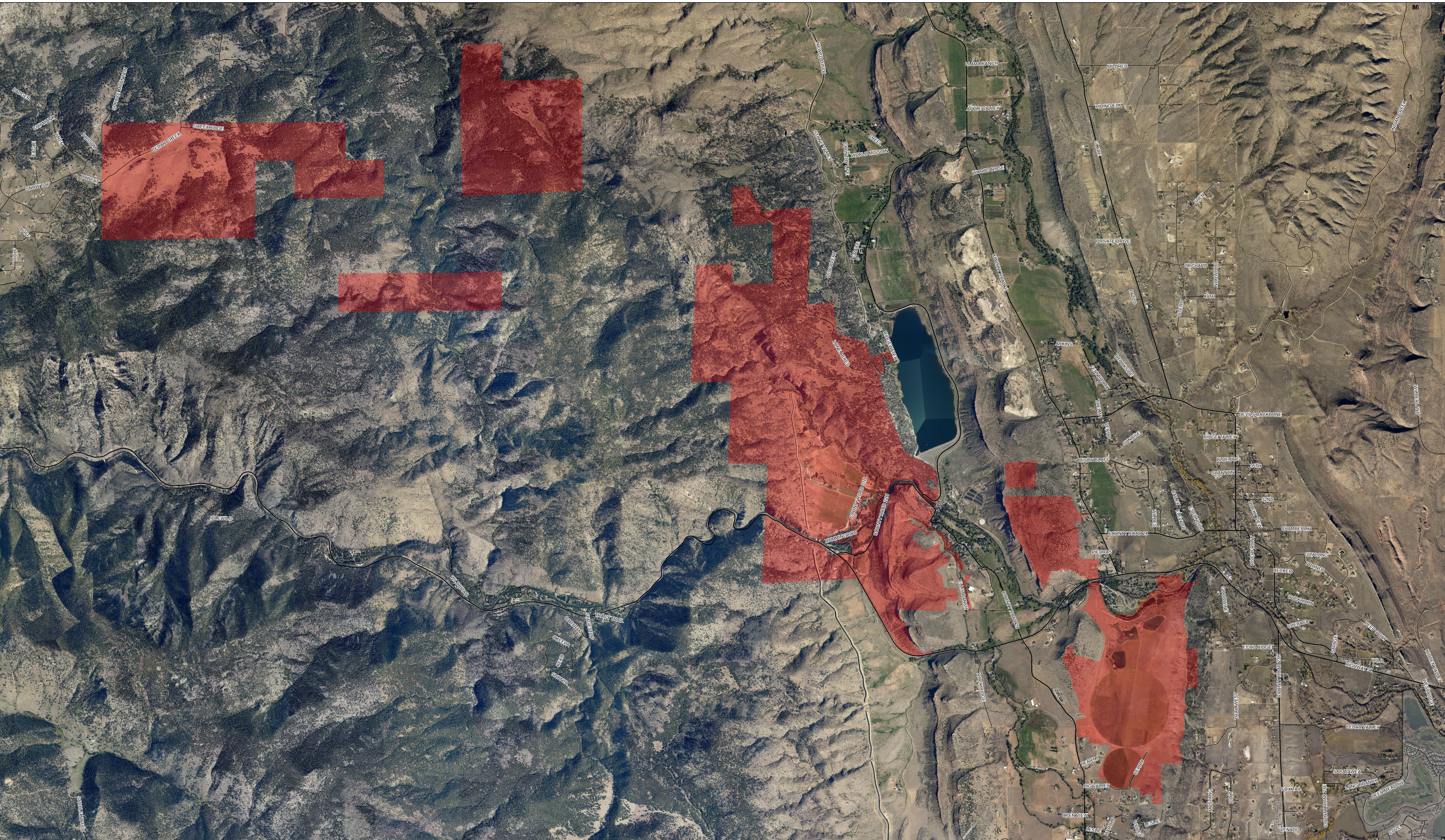


Loveland City Limits

Windsor City Limits

Windsor Regional Tourism Zone

Windsor RTZ Area ~ 7156.4 acres

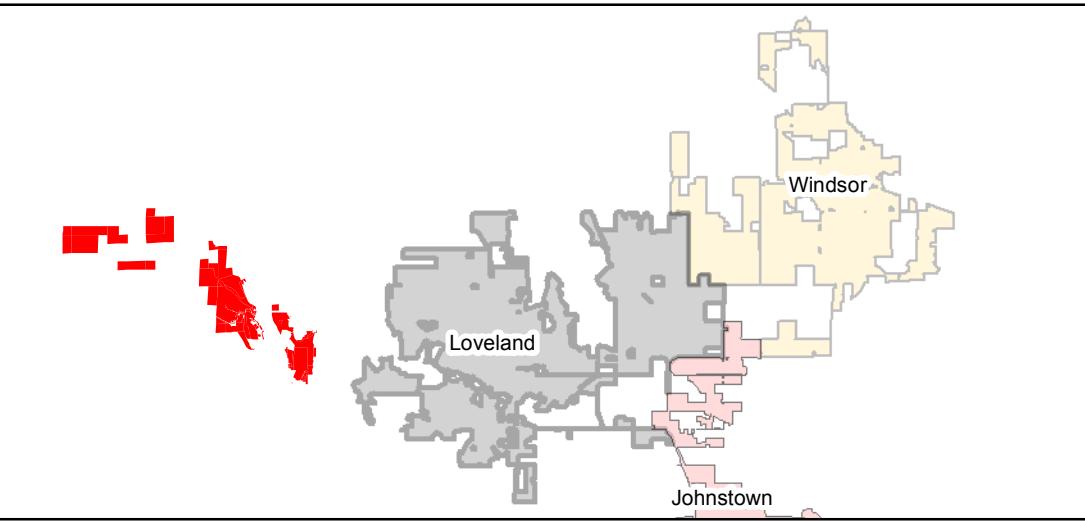


- Loveland City Limits
- Sylvan Dale Regional Tourism Zone (Unincorporated Larimer County)
- Sylvan Dale RTZ Area ~ 3370.1 acres

Sylvan Dale RTZ



0 0.25 0.5 1 1.5 2 Miles





AGENDA ITEM:	9
MEETING DATE:	2/3/2015
TO:	City Council
FROM:	Betsey Hale, Economic Development Director
PRESENTER:	Betsey L Hale, Economic Development Director

TITLE:

A Public Update on the Regional Tourism Act Application and a Possible Executive Session to Discuss Confidential Commercial and Financial Information Protected Under the Open Meetings Law and City Charter and/or Colorado Open Records Act

RECOMMENDED CITY COUNCIL ACTION:

Hold an Executive Session for the purpose set forth above. After the Executive Session, Council may give direction to staff regarding future Council actions.

SUMMARY:

This is an administrative action. Since July of 2014, the City of Loveland, Town of Windsor and Larimer County have been developing an application to the State of Colorado Economic Development Commission for the award of a Regional Tourism Act Grant. This session will update the public on the status of the application and potential projects. The application is due February 17, 2015.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

In July of 2014, the City of Loveland, Town of Windsor and Larimer County began an effort to compete for a State of Colorado Regional Tourism Act (RTA) award. The Loveland City Council has discussed a Go NoCo Regional Tourism Application in two previous study sessions and held executive sessions on January 13, 2015 and January 27, 2015.

The purpose of the Regional Tourism Act program of the State of Colorado Economic Development Commission is to assist with the development of destination tourism attractions to bring new out of state visitors to the State of Colorado. The program offers the use of net new state sales tax generated in a regional tourism zone to the development of the projects. On

October 13, 2014, Go NoCo submitted a required regional tourism zone (RTZ) designation pre-application. This submission was used by the State to determine a base line natural growth rate of 4.5% which would occur in the RTZ even in the absence of any destination tourism projects.

The submission of an application does not guarantee an award. The State Economic Development Commission is not obligated to award any grants and it is not obligated to award two, which is the number of remaining possible awards per State Statute. The State of Colorado has extended two deadlines to assist communities with their project submissions. Local Governments may add area to the regional tourism zone and submit missing information before March 11, 2015. Applicants may reduce the size of the RTZ, add a new project element, subtract project elements from the existing application and change programming within an existing project before August 28, 2015.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. PowerPoint Slides

.....

Go forward. Go stronger. Go NoCO

Regional Tourism Act Project Update

Loveland City Council

February 3, 2015



Go forward. Go stronger. Go NoCO.

Some Important Information

1. Flexible dates from the State

- ✓ March 11th, 2015: Last date to expand the state sales tax collection zone(RTZ) and submit missing or incomplete items. This will address Estes Park.
- ✓ August 28th, 2015: last date to subtract area in RTZ, add/subtract projects or change an element of a project. There will be more Loveland Projects. Three will be submitted in the first round.

2. Executive Session

We have discussed potential projects in three public meetings. Executive sessions have been held on 1-13-15 and 1-27-15. Tonight there will be confidential commercial and financial information presented in an executive session.

Executive Session:

- Purpose of executive session:
 - presentation by City staff of initial/preliminary financial information about these projects
 - The presentations consist of preliminary confidential commercial and financial information protected under the Open Meetings Law, the City Charter and/or the Colorado Open Records Act – includes the identity of potential developers and financial information
 - After the presentations, Council will have an opportunity to discuss the confidential commercial and financial information