

1. A motion to reappoint **Pam McCrory** to the **Affordable Housing Commission** for a term effective until June 30, 2018
2. A motion to appoint **Patrick Dillon** to the **Human Services Commission** for a term effective until June 30, 2018
3. A motion to reappoint **Tim Hitchcock** to the **Human Services Commission** for a term effective until June 30, 2018
4. A motion to reappoint **Gary Hausman** to the **Loveland Utilities Commission** for a term effective until June 30, 2018
5. A motion to reappoint **Dan Herlihey** to the **Loveland Utilities Commission** for a term effective until June 30, 2018
6. A motion to reappoint **Anita Marchant** to the **Loveland Utilities Commission** for a term effective until June 30, 2018
7. A motion to appoint **Dave Kavanagh** as an alternate member on the **Loveland Utilities Commission** for a term effective until June 30, 2016

These are administrative actions recommending the appointment of members to the Appointments to the Affordable Housing Commission, the Human Services Commission and the Loveland Utilities Commission.

3. **PUBLIC WORKS** (presenter: Chris Carlson)
SUPPLEMENTAL APPROPRIATION FOR HWY 287 FLOOD MITIGATION STUDY
A Motion To Approve And Order Published On Second Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Highway 287 Bridge Flood Mitigation Feasibility Study.
 This is an administrative action. The ordinance on second reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting. On July 7, 2015, City Council unanimously approved this ordinance on first reading.
4. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
WATERFALL 6TH SUBDIVISION (THE EDGE) VACATION
A Motion to Approve and Order Published on Second Reading An Ordinance Vacating A Utility Easement Located Within Lot 1, Block 1 Of The Waterfall Sixth Subdivision, City Of Loveland, Larimer County, Colorado.
 This is a legislative action to consider adoption of an ordinance on second reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority. On July 7, 2015, City Council unanimously approved this ordinance on first reading.
5. **CITY ATTORNEY** (presenter: Vincent Junglas)
AMENDMENT TO PANHANDLING
A Motion to Approve and Order Published on Second Reading An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited

Solicitations and Panhandling.

This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

6. **CITY CLERK'S OFFICE** (presenter: Beverly Walker)
LARIMER COUNTY VOTER PRECINCTS CHANGE
A Motion To Approve An Ordinance, On Second Reading, Amending Section 1.24.040 And 1.24.050 Of The Loveland Municipal Code To Add New Larimer County Voter Precinct in the City's Third and Fourth Wards.
 This is an administrative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas. (per C.R.S.§1-5-101(3)) This resulted in the addition of two new voter precincts; one in Ward three and one in Ward four. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

7. **POLICE** (presenter: Luke Hecker)
SUPPLEMENTAL APPROPRIATION FOR THE COPS GRANT
A Motion To Approve And Order Published On Second Reading An Ordinance Enacting A Supplemental Budget And Appropriation to the 2015 City of Loveland Budget for a School Resource Officer.
 This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

8. **POLICE** (presenter: Rick Arnold)
PUBLIC HEARING
ANIMAL TRAPPING AND RETURN TO OWNERS
A Motion To Approve And Order Published On First Reading An Ordinance Amending Chapter 6.16 Of The City Of Loveland Municipal Code Regarding The Humane Trapping And Return Of Animals To Their Owners Or Keepers
 This a legislative action. Larimer Humane Society requests a revision to Loveland City Code Section 6.16.040 to allow humanely trapped domestic animals to be returned to their owners or keepers. There is no budgetary impact.

9. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR CHILSON EMERGENCY GENERATOR
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 Emergency Generator At The Chilson Recreation Center.
 This is an administrative action to consider acceptance of a grant and to conduct a public hearing and first reading of an ordinance to appropriate the total cost of the project, including the grant proceeds. FEMA (Federal Emergency Management Agency) through the Colorado Division of Homeland Security and Emergency Management awarded the City of Loveland \$365,150 of a \$486,867 project to install a generator at the Chilson

Center, a designated emergency evacuation center. This grant is awarded through the Hazard Mitigation Grant Program (HMGP). The State will contribute 12.5% or \$60,828.50 and the City of Loveland match would be 12.5% or \$60,828.50. This action would authorize the City Manager to sign a contract accepting the grant. A public hearing and first reading of the supplemental ordinance is the first step for appropriating the funds for the project.

10. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR CAPITAL EXPANSION FEE PLAN BASED STUDY
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 Capital Expansion Fee Plan Based Study.
 This is an administrative action. The proposed ordinance appropriates a total of \$35,800 from General Fund balance, the proceeds of which would be used to pay for additional professional and consulting services necessary to complete the Capital Expansion Fee Plan Based Study. The original estimated cost for the study was \$85,000. The work completed so far on the study has required more research than originally anticipated and a far higher level of interaction and participation with the Boards and Commissions that have a stakeholder interest in the level of the Capital Expansion Fees. The requested supplemental appropriation is necessary to complete the study in time for the September 22, 2015 Council study session.

11. **CITY CLERK'S OFFICE** (presenter: Beverly Walker)
PUBLIC HEARING
NOVEMBER 3, 2015 ELECTION COORDINATION WITH LARIMER COUNTY
1. A Motion to Adopt Resolution #R-39-2015 Of The Loveland City Council Authorizing The City Clerk To Notify The Larimer County Clerk And Recorder Of The City Of Loveland's Intention To Participate In The Statewide Election To Be Held On November 3, 2015, As A Coordinated Election With The County.
 The proposed resolution is an administrative action authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to participate in a coordinated election with the County on November 3, 2015.
2. A Motion to Approve and Order Published On First Reading An Ordinance Providing That The City Of Loveland's Regular Election To Be Held November 3, 2015 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder And, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern.
 The proposed Ordinance is a legislative action needed to allow the City's regular election on November 3, 2015, to be so conducted on November 3, 2015 as a coordinated election with the Larimer County Clerk and Recorder.

12. **PARKS AND RECREATION** (presenter: Marilyn Hilgenberg)
BIG THOMPSON RECREATION AND CONSERVATION PLAN
A Motion to Adopt Resolution #R-40-2015 Adopting "A Bigger Vision For The Big T: A Conservation And Recreation Assessment".
 This is a legislative action to adopt "A Bigger Vision for the Big T: A Recreation and Conservation Assessment." The assessment includes recommendations regarding priority projects and opportunities to address the impacts of the 2013 Flood on recreation amenities and conservation areas in the Big Thompson River corridor from west Loveland

to Estes Park.

13. **FORT COLLINS-LOVELAND MUNICIPAL AIRPORT** (presenter: Jason Licon)
FAA AIRPORT GRANT AGREEMENT
A Motion to Adopt Resolution #R-41-2015 Authorizing The City Manager To Execute The 2015 Grant Agreement (AIP Project No. 3-08-0023-034-2015) With The Federal Aviation Administration For Improvements At The Fort Collins-Loveland Municipal Airport.
 This is an administrative action. The resolution would authorize the City Manager to execute a Grant Agreement from the Federal Aviation Administration for up to \$760,000. This FAA Grant will be used to construct a snow removal equipment building.

14. **WATER AND POWER** (presenter: Melissa Morin)
EXTENSION OF A WATERLINE OUTSIDE CITY LIMITS
A Motion to Adopt Resolution #R-42-2015 Authorizing The Provision Of Water Service Outside Of The Loveland City Limits Pursuant To Loveland Municipal Code Sections 13.04.070 And 13.04.080.
 This is an administrative action to approve a water main extension for a commercial water and fire service tap to serve Jack Cantley's Sweetheart City Winery property located outside of the City limits in the vicinity of West Highway 34. The owner will construct this waterline extension and then dedicate it to the City for operations and maintenance.

15. **HUMAN RESOURCES** (presenter: Julia Holland)
SPECIAL MEETING REGARDING CITY ATTORNEY'S SIX MONTH EVALUATION
A Motion Setting A Special Meeting Of City Council On July 27, 2015 And August 3, 2015 At 5:30 Pm In The Parks And Recreation Large Conference Room To Conduct An Executive Session For The Purpose Of The City Attorney's Six Month Evaluation. Council Waives The Requirement Of Notice Of The Meeting Delivery To Their Homes.
 This is an administrative action to set a special meeting and to conduct an executive session for the purposes of the City Attorney's six month evaluation.

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.

- 1) **Presentation of Metropolitan Planning Organization (MPO) Transportation Issues**
 (presenter: Terri Blackmore, MPO Executive Director, 10 min.)

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

16. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
PUBLIC HEARING
DDA ELECTION AND BALLOT QUESTION
A Motion To Approve And Order Published On First Reading An Ordinance Approving A Downtown Development Authority Election To Be Held November 3, 2015, To Authorize Debt, Taxes And Revenue Retention.
 This is an administrative action recommending the approval of an ordinance on first reading. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 3, 2015 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance.

17. **WATER & POWER AND INFORMATION TECHNOLOGY** (presenters: Steve Adams and Bill Westbrook)
PUBLIC HEARING
BALLOT QUESTION REGARDING SB152 – BROADBAND
A Motion To Approve And Order Published On First Reading An Ordinance Submitting To The Registered Electors Of The City Of Loveland At The City's Regular Election To Be Held On November 3, 2015, The Ballot Question Of Whether, Without Increasing Taxes, And To Restore Local Authority, Shall The City Of Loveland Be Authorized To Provide Advanced Service (High Speed Internet), Cable Television Service, Or Telecommunications Service, Directly Or Indirectly With Public And/OR Private Sector Partners, To Residents, Businesses, Schools, Health Care Facilities, Libraries, Nonprofit Entities, And Other Users Of Such Services Located Within The Boundaries Of The City Of Loveland And The Service Territory Of The City Of Loveland's Power Enterprise As Expressly Permitted By Title 29, Article 27 Of The Colorado Revised Statutes.
 This is a legislative action. At a May 12, 2015 City Council Study Session the project team of Loveland Water and Power, Information Technology (IT) and the City Attorney's Office received general guidance to draft a ballot question for the November 3, 2015 election. The ballot question proposes to voters that without increasing taxes, and to restore local authority that the City be authorized to provide high speed internet, cable television and telecommunication services either directly or indirectly with public or private sectors to residents, businesses and other users of such services within the boundaries of the City of Loveland and the service territory of the City of Loveland's power enterprise as expressly permitted by Title 29, Article 27 of the Colorado Revised Statutes.

18. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC HEARING
AMENDMENT TO DOOR TO DOOR SOLICITATION
A Motion to Approve and Order Published on Second Reading An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations.

This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted "No solicitation" or "No trespassing" sign remains prohibited. At the July 7 meeting, the Council approved the ordinance 6-2 and also directed staff to schedule a study session on regulation and taxation of casual retail sales in Loveland.

19. CITY ATTORNEY (presenter: Tami Yellico)
PULLIAM BUILDING SETTLEMENT DISCUSSION AND POSSIBLE EXECUTIVE SESSION

Discussion and Possible Staff Direction Regarding City of Loveland v. Thompson School District; Evan Patterson; Jon-Mark Patterson, Which is a Quiet Title/Declaratory Judgment Action Regarding the Pulliam Building, Including a Possible Executive Session.

This is an administrative action. City Council may be asked to consider formal action, including calling an Executive Session, to consider a settlement offer made by the Pulliam heirs, in this quiet title action.

20. CITY ATTORNEY (presenter: Tami Yellico)
DISCUSSION AND POSSIBLE EXECUTIVE SESSION

A Motion to allow City Council the option to go into Executive Session for the purpose of receiving legal advice and for matters that may be subject to negotiation concerning the lawsuits of Jeremy C. Myers v. Brian Koopman and Tammy Fisher v. Brian Koopman and Luke Hecker.

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

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 7, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Taylor, and Fogle. Councilor Krenning was absent. Shaffer arrived at 7:05 p.m.

Gina DeBell, Senior Center Recreation Coordinator, gave a presentation of the Larimer Retired and Senior Volunteer Program (RSVP) Service Awards for 2015. She introduced the five volunteers that were nominated from the Chilson Center; Billie Bridges, Mary Lou Messenger, Doris Cheesman, Tony Meza, and Betty Herder. Councilor Trenary expressed his thanks to the other fifteen Service Award nominees from Loveland as well.

Stacee Kersley, Historic Preservation Commission Chair, gave a presentation of the Downtown Loveland Historic District, now listed in the National Register of Historic Places and the Colorado State Register of Historic Properties.

Mayor Gutierrez read the following: 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.

Mayor Gutierrez asked if anyone would like to remove anything from the Consent Agenda. Citizen and Planning Commission Chair, Buddy Meyers asked for item #7 to be removed from the Consent Agenda. **Councilor Clark moved to approve the consent agenda with the exception of item #7. The motion seconded by Councilor Farley, 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 May 26, 2015 Study Session was approved.
- 2.** A Motion to Approve the City Council Meeting Minutes for the June 2, 2015 Regular meeting was approved.
- 3.** A Motion to Approve the City Council Meeting Minutes for the June 9, 2015 Study Session and Special Meeting was approved.
- 4.** A Motion to Approve the City Council Meeting Minutes for June 23, 2015 Study Session and Special Meeting was approved.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION AND THE TRANSPORTATION ADVISORY BOARD
 1. A Motion to Appoint Carolyn Grulke to the Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2017 was approved.
 2. A Motion to Reappoint Stacey Kersey and Jon-Mark Patterson and A Motion to appoint Amanda Nash to the Historic Preservation Commission, each for a Term Effective until June 30, 2018 was approved.
 3. A Motion to Appoint Gary Thomas to the Transportation Advisory Board For A Term Effective Until June 30, 2018 was approved.

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Transportation Advisory Board and Historic Preservation Commission.
3. **DEVELOPMENT SERVICES** (presenter: Greg George)
SUPPLEMENTAL APPROPRIATION FOR BUILDING DIVISION
A Motion Approving And Order Published On Second Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Additional Building Inspections and Permit Processing was approved.

This is an administrative action. The ordinance would appropriate a total of \$160,000 (\$151,000 in Professional Services and \$9,000 in Overtime-Benefited Employees) into the Building Division budget to meet the workload and demand for services for permitting and building inspections. Permitting and inspection activity, particularly for new single family dwellings, has greatly exceeded projections through May 2015. The Building Division has had to rely on contract employees for plan reviews and building inspections more than anticipated due to resignations and retirements in full-time staff in 2015. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.
4. **WATER AND POWER** (presenter: Jim Lees)
SUPPLEMENTAL APPROPRIATION FOR FEMA SUBSTATION AND SOLAR FACILITY ALTERNATE PROJECTS
A Motion Approving And Order Published On Second Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Substation and Solar Facility Fema Alternate Projects was approved.

This is an administrative action. Loveland Water and Power is requesting supplemental appropriations for both revenue and expense for the Power Utility budget. We are requesting an expense appropriation of \$9,068,018, with a total of \$5,068,018 appropriated from the Power Utility PIF fund for the solar facility project and \$4,000,000 appropriated from the Power Utility General fund for the substation project. The revenue appropriation total request is \$7,934,516 which is 87.5% of the anticipated \$9,068,018 expense. This is the amount that FEMA and the State of Colorado Office of Emergency Management normally reimburse for the FEMA alternate projects. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.
5. **PUBLIC WORKS** (presenter: Chris Carlson)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR HWY 287 FLOOD MITIGATION STUDY.
A Motion Approving And Order Published On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Highway 287 Bridge Flood Mitigation Feasibility Study was approved.

This is an administrative action. The ordinance on first reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by

a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting.

6. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
WATERFALL 6TH SUBDIVISION (THE EDGE) VACATION
A Motion Approving and Order Published on First Reading An Ordinance Vacating A Utility Easement Located Within Lot 1, Block 1 Of The Waterfall Sixth Subdivision, City Of Loveland, Larimer County, Colorado was approved.
 This is a legislative action to consider adoption of an ordinance on first reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority.
7. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC HEARING
AMENDMENT TO DOOR TO DOOR SOLICITATION
This item was moved to the Regular Agenda.
8. **CITY ATTORNEY** (presenter: Vincent Junglas)
PUBLIC HEARING
AMENDMENT TO PANHANDLING
A Motion Approving and Order Published on First Reading An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited Solicitations and Panhandling was approved.
 This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place. The proposed ordinance would repeal all provisions that regulate sitting or standing with a sign without approaching another for an immediate monetary donation because these activities are not considered panhandling and are protected speech. The sections of the code that regulate panhandling in a way that may impact public safety or the normal flow of vehicular and pedestrian traffic remain unchanged.
9. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)
PUBLIC HEARING
LARIMER COUNTY VOTER PRECINCTS CHANGE
A Motion Approving An Ordinance, On First Reading, Amending Section 1.24.040 And 1.24.050 Of The Loveland Municipal Code To Add New Larimer County Voter Precinct in the City's Third and Fourth Wards was approved.
 This is a legislative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas (per C.R.S.§1-5-101(3)). This resulted in the addition of two new voter precincts in Loveland, one in Ward Three and one in Ward Four.
10. **LOVELAND POLICE DEPARTMENT** (presenter: Luke Hecker)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR THE COPS GRANT
A Motion Approving And Order Published On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation to the 2015 City of Loveland Budget for

a School Resource Officer was approved.

This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950.

11. **WATER & POWER** (presenter: Roger Berg)
IGA CONCERNING THE INTERCHANGE LIFT STATION
A Motion to Adopt Resolution #R-33-2015 Approving An Intergovernmental Agreement Concerning Construction Management And Oversight Of The Interchange Lift Station Between The City Of Loveland And Centerra Metropolitan District No. 1 was approved.
 This is an administrative action. The proposed Intergovernmental Agreement (IGA) with Centerra Metropolitan District No. 1 (District) relates to construction management, and oversight of the Interchange Lift Station. Since this IGA will obligate the City to an amount higher than \$10,000, the IGA will need to be approved by City Council. The District is responsible for design and construction of the necessary infrastructure to serve the development, which will serve the wastewater needs of Parcel 505 in Centerra (northeast corner of 25 and 34) and adjacent property. In order to ensure adherence to the plans and specifications, the City has requested to manage the construction phase of the project, along with a third party construction management firm (Ditesco) and share the cost of such management based on a 50/50 cost share. The proposed contract with Ditesco will be hourly based on actual hours worked not to exceed \$88,000; therefore, the City's share will not exceed \$44,000.
12. **CITY ATTORNEY** (presenter: Tree Ablao)
MUTUAL AID IGA FOR LEGAL SERVICES BETWEEN LOVELAND, FORT COLLINS, GREELEY, AND ADDING WINDSOR
A Motion to Adopt Resolution #R-34-2015 Approving An Intergovernmental Agreement Between The City Of Loveland, City Of Fort Collins, City Of Greeley And Town Of Windsor For The Exchange Of Legal Services was approved.
 This is an administrative action to approve an agreement between the listed municipalities to allow for each municipality's City Attorney's Offices to request one of the other participating municipalities' assistance in providing legal services if personal conflicts of interests or other situations impair the requesting City Attorney's ability to fully represent the interests of such in particular instances.
13. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)
NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTION
A Motion to Adopt Resolution #R-35-2015 Approving The National Incident Management System (NIMS) As The Standard For Incident Management In The City Of Loveland, Colorado was approved.
 This is an administrative action. This resolution is to adopt the National Incident Management System (NIMS) as the incident management template for all aspects of emergency management and incident response, a system that has been a standard part of our incident management practices since the early 2000's. The original signed copy of the resolution created sometime in 2004-2009 cannot be located within city archives or documentation.
14. **DEVELOPMENT SERVICES** (presenter: Alison Hade)
HABITAT FOR HUMANITY FEE WAIVERS
A Motion to Adopt Resolution #R-36-2015 Amending Resolution #R-8-2015 Pertaining to Fee Waivers for Construction of Nine Residences by Loveland Habitat for Humanity to Remove Specific Address References was approved.
 This is an administrative action. On January 20, 2015, City Council adopted a resolution granting Loveland Habitat for Humanity fee waivers for the construction of nine homes.

The total fee estimate for all nine dwellings was \$229,885.72, with a requested fee waiver not to exceed \$210,000. The purpose of this action is to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise.

15. FINANCE (presenter: Brent Worthington)
MAY 2015 FINANCIAL REPORT

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of May 31, 2015. Citywide Revenue (excluding internal transfers) of \$107,401,038 is 106.6% of year to date (YTD) budget or \$6,612,737 above the budget. Sales Tax collections are 98.2% of the YTD budget or \$302,154 under budget. Certain retail sectors are trailing prior year collections, notably Utilities, Broadcasting, Telecommunications, and Office Supplies (which was affected by the recent closure of a major retailer). This data spans five months, and the trend has been steady. Building Material Use Tax is 105.3% of YTD budget, or \$52,838 over budget. Sales and Use Tax collections combined were 100.5% of YTD budget or \$99,528 over budget. Citywide total expenditures of \$100,206,362 (excluding internal transfers) are 57.3% of the YTD budget or \$74,788,530 under the budget.

16. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MAY 2015

This is an information only item. At the end of May, the City's portfolio had an estimated market value of \$212.0 million, about \$5.1 million more than a month ago. Of this amount, USBank held \$190.6 million (including accrued interest) in trust accounts; other funds are held in local government investment pools, in operating accounts at First National Bank, and a few other miscellaneous accounts. Interest rates trended to all-time record lows in 2012-2013 before rising in the second half of 2014. After a sharp drop in January, interest rates have cycled down and back up through May. Short-term rates are projected to rise later in 2015 and are dependent upon the actions of the Federal Open Market Committee. City investments are in US Treasury Notes, high-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, insured certificates of deposit and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to about \$2 million annually.

END OF CONSENT AGENDA

CITY CLERK READ THE 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.

Stacy Linn, Larimer County resident and investigative journalist, spoke about Detective Koopman.

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

7. **CITY ATTORNEY**
PUBLIC HEARING

AMENDMENT TO DOOR TO DOOR SOLICITATION

City Attorney, Tami Yellico introduced this item to Council. This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted "No solicitation" or "No trespassing" sign remains prohibited.

Mayor Gutierrez opened public the public hearing at 7:03 p.m. Buddy Meyers, 2429 Cameo Ct., spoke in opposition to removing the ban; Roger Weidleman, 4814 N. Franklin, spoke in opposition to removing the ban.

Councilors discussed the need for a study session on what the ordinance should include. Four Councilors requested a future study session to discuss permitting, taxation, and other topics related to solicitation in the City of Loveland.

Councilor Clark moved to Approve and Order Published on First Reading An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations. The motion, seconded by Councilor Farley, carried with six councilors in favor and Councilors McKean and Gutierrez voting against.

17. **ECONOMIC DEVELOPMENT**
PUBLIC HEARING

DDA PLAN OF DEVELOPMENT AND DISCUSSION OF DDA MILL LEVY

Economic Development Director, Betsey Hale, introduced this item to Council. This is an administrative action. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. On June 8, 2015 the Planning Commission unanimously approved a motion recommending the City Council consider the DDA Plan at a study session held June 23, 2015 and on July 7, 2015 hold a public hearing and consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan.

Mayor Gutierrez asked for public comment at 7:40 p.m. Hearing none, Mayor Gutierrez closed public comment at 7:40 p.m.

Councilor Shaffer moved to Adopt Resolution #R-37-2015 Approving The Plan Of Development For The Loveland Downtown Development Authority. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.

Discussion and Preliminary Determination Of DDA Mill Levy Percentage For 2016.

This is an information only item. The City Council will annually approve the recommended mill levy and DDA budget. This budget may include revenue generated by the mill levy for the purposes of DDA operations. This mill levy can range from 1 to 5 mills. The DDA is recommending the City Council consider 1 mill as the percentage for 2016. This will be included in the election language. Discussion ensued. **The consensus of the Council was 1 mill levy in the first year, but up to 5 mills will be included in the language for the ballot.**

18. **ECONOMIC DEVELOPMENT**
PUBLIC HEARING

DOWNTOWN URBAN RENEWAL PLAN

Economic Development Director, Betsey Hale, introduced this item to Council. This is an administrative action. Termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan. The resolution directs the referral of the proposal to terminate the URA Plan to the City Planning Commission for review and recommendations as to its

conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review. The resolution also directs City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions. Mayor Gutierrez asked for public comment at 8:00 p.m. Hearing none, Mayor Gutierrez closed public comment at 8:00 p.m. **Councilor Shaffer moved to Adopt Resolution #R-38-2015 Of The Loveland City Council Concerning A Possible Modification To The Downtown Urban Renewal Plan For The City Of Loveland. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.**

19. **DEVELOPMENT SERVICES**

CITY-SCHOOL DISTRICT REVIEW PROCEDURES

Development Services Director, Greg George, introduced this item to Council. This is an administrative action. Adoption of the motion will direct the City Manager to work with the Thompson School District on a draft Intergovernmental Agreement setting forth procedures for Planning Commission review of new school sites under the provisions of State Statutes and a commitment from the School District to utilize building permit review and inspection services provided by the City's Building Division. Discussion ensued. It was determined that a motion was not needed by Council. Instead the councilors recommended that the City Management Staff and School District work together to decide if an IGA is needed for the planning and construction of new schools.

20. **MUNICIPAL COURT**

APPOINTMENT OF DEPUTY JUDGE

Municipal Judge, Geri Joneson, introduced this item to Council. This is an Administrative Action to appoint Mr. Scalise based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with Council's direction.

Councilor Shaffer moved to Adopt Resolution #R-39-2015 Appointing Marco Joseph Scalise As Deputy Municipal Judge. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.

BUSINESS FROM CITY COUNCIL

- | | |
|----------|---|
| Farley: | Attended the presentation of the check to ArtSpace for \$867,000;
Announced Loveland Loves BBQ event is this weekend. |
| McKean: | Expressed appreciation for the 4 th of July fireworks display;
Requested that the Investment Report be on the regular agenda in August and have Mr. Krcmarik's address the effect of Greece's situation on our investments. |
| Fogle: | Attended the Loveland Fire Rescue Administration breakfast;
Announced there would new signage for the Historic District. |
| Shaffer: | Informed Council that the MPO meeting is this Thursday in Severance; Discussed the new NFRPO newsletter, On the Move, has information on what is going on in the region. The new Bustang begins its route on July 13 th . |
| Clark: | Attended the annual Colorado Capitol Conference in Washington D.C. |
| Taylor: | Indicated ArtSpace is becoming the gem of the City; Thanked the |

City for the wonderful 4th of July event.

Trenary: Expressed appreciation of ArtSpace and the business incubator. Thanked the Boy Scout Troop #168 for their assistance at the 4th of July flag raising at the Lone Tree School; Welcomes more events at the fireworks display; The Police will hold a memorial service on Monday July 13th for Marshall Frank Peak.

Gutierrez: Attended the Loveland Fire Rescue Administration Breakfast, hosted and funded by the IAFF and Rural Band; Attended the 101st Army Dixieland Band on July 4th, and they will be performing July 30th at Foot Lagoon.

CITY MANAGER REPORT

Cahill: Announced that the Transportation Plan will be brought back to Council on July 28th.

CITY ATTORNEY REPORT

Yellico: Announced that she and members of the Planning Division have been invited to attend two of the Oil and Gas Conservation Commission meetings on oil and gas regulations, one of which will be held at CU's Energy and Environment Center. There are two issues needing recommendations regarding local government participation.

ADJOURNMENT

Having no further business to come before Council, the July 7, 2015, Regular Meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, JULY 14, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M.
STUDY SESSION AGENDA

Councilors present: Clark, Taylor, Trenary, McKean Farley, Fogle, and Krenning. City Manager, Bill Cahill was also present. Mayor Gutierrez and Councilor Shaffer were absent.

1. WATER AND POWER
WASTEWATER TREATMENT PLANT PROCESS & FINANCING PROJECT
Wastewater Treatment Plant (WWTP) 10-Year Capital Improvement Plan Requirements

Chris Matkins, Water Utilities Manager, and Roger Berg, Senior Civil Engineer, presented this is an information only item to Council. Driven primarily by regulatory changes, capacity needs, and aging infrastructure, the Wastewater utility's 10-year capital improvement program (CIP) includes several capital projects with costs exceeding projected revenues and fund balances over the next ten years. To have sufficient funds to complete these necessary projects, the utility will need to secure \$6,000,000 in debt financing in 2016. Three financing options that are available include bank loans, state revolving fund (SRF), and revenue bonds. In addition, the CIP includes several major projects from 2019 through 2024 that will likely require an additional \$20,000,000 in debt financing in 2020. This 10-year capital plan was unanimously approved by the LUC at their June 2015 meeting. Staff's presentation will focus on the project drivers with the financial information to follow at a July 28, 2015 City Council Study Session. Upon request from the Councilors, Michael McCrary, Wastewater Treatment Plant Manager, joined the presentation regarding the organic capacities. Discussion ensued regarding the financing options. Steve Adams, Water and Power Director, joined the discussion about sharing facilities with other municipalities and developing a more regional approach. Council thanked the presenters.

ADJOURNMENT

Mayor Pro Tem Clark adjourned the Study Session at 7:40 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

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

AGENDA ITEM: 2
MEETING DATE: 7/21/2015
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill

TITLE:

Appointments to the Affordable Housing Commission, the Human Services Commission and the Loveland Utilities Commission

RECOMMENDED CITY COUNCIL ACTION:

1. A motion to reappoint Pam McCrory to the Affordable Housing Commission for a term effective until June 30, 2018
2. A motion to appoint Patrick Dillon to the Human Services Commission for a term effective until June 30, 2018
3. A motion to reappoint Tim Hitchcock to the Human Services Commission for a term effective until June 30, 2018
4. A motion to reappoint Gary Hausman to the Loveland Utilities Commission for a term effective until June 30, 2018
5. A motion to reappoint Dan Herlihey to the Loveland Utilities Commission for a term effective until June 30, 2018
6. A motion to reappoint Anita Marchant to the Loveland Utilities Commission for a term effective until June 30, 2018
7. A motion to appoint Dave Kavanagh as an alternate member on the Loveland Utilities Commission for a term effective until June 30, 2016

OPTIONS:

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

SUMMARY:

This is an administrative item appointing members to the Affordable Housing Commission, Human Services Commission, and Loveland Utilities Commission.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

During the Spring recruiting cycle there were three term vacancies on the **Affordable Housing Commission**. An interview was conducted and Pam McCrory is recommended for reappointment to the commission for a term effective until June 30, 2018. Interviews of other candidates will take place at a later date.

Interviews were held with applicants for the **Human Services Commission**. Patrick Dillon is recommended for appointment to the commission for a term effective until June 30, 2018. Tim Hitchcock is recommended for reappointment to the commission for a term effective until June 30, 2018.

The **Loveland Utilities Commission** had four applications submitted during the Spring recruiting cycle. Interviews were held on June 17, 2015. The committee recommends reappointing Gary Hausman, Dan Herlihey and Anita Marchant to the commission. Each will serve a term effective until June 30, 2018. Dave Kavanagh is recommended for appointment as an alternate member on the LUC for a one-year term effective until June 30, 2016.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

None



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

Administration Offices • 2525 W 1st Street • Loveland, Colorado 80537
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AGENDA ITEM: 3
MEETING DATE: 7/21/2015
TO: City Council
FROM: Leah Browder, Public Works Department
PRESENTER: Chris Carlson, Civil Engineer II

TITLE:

An Ordinance On Second Reading Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Highway 287 Bridge Flood Mitigation Feasibility Study

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (The CDBG-DR grant awarded to the City of Loveland will be forfeited.)
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an administrative action. The ordinance on second reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible

The appropriation uses existing balances within several funds. The Stormwater Utility Capital Fund will be used as the primary funding source, but the fund balance will increase as the grant reimbursements are received. Funding for the matching share portion will be divided by three City Divisions: Stormwater, PW-Project Engineering, Parks and Recreation.

BACKGROUND:

The epic flood of September 2013 spared no part of Colorado's northern Front Range. Tens of millions of dollars of damage occurred to both public infrastructure and private properties in the Loveland area alone. An area of particular concern and significant damage centered on the Big

Thompson River reach containing the Lincoln Avenue (U.S. Highway 287) bridge in south central Loveland. Besides including a vital north-south highway corridor, the Burlington Northern – Santa Fe Railroad tracks, two large community parks (Barnes Park and Fairgrounds Park), and the Loveland Fire Rescue Authority's training grounds, the area contains the densest cluster of buildings, businesses, and infrastructure in the Big Thompson River floodplain from Lake Estes downstream to its confluence with the South Platte River. Consequently, when 19,000 cubic feet per second (cfs) hit the area during the 2013 flood, damages were extensive. The highway bridge itself nearly failed from scour undermining the piers and one abutment.

One of the primary goals of floodplain management is to reduce flood risk over time through sufficient floodplain regulations, smart land use planning, designing resilient infrastructure, and mitigating high risk problems that were often created many decades ago, before floodplain regulations. The area centered by the Highway 287 Bridge is one such high risk area. This particular Big Thompson River Bridge is undersized so that even a 10-year flood event (10% annual chance or 4,700 cfs) causes the highway to be overtopped and flooding to adjacent businesses. Larger flood events create an enormously wide floodplain because floodwaters cannot get through the bridge. They quickly spill out of the channel and flow uncontrolled through businesses and across the highway. Over 500 insurable structures are within the floodplain immediately up and downstream of the bridge. That represents 22 percent of all structures within the Big Thompson River floodplain from Lake Estes out to the confluence with the South Platte River.

Because of the existing high risk situation and multiple flood occurrences, this study is proposed to include the following purpose, goals, and outcomes:

- Determine the expected cost and benefits of replacing the existing bridge with a larger structure;
- Determine how much the floodplain extents could be reduced and how many businesses, structures, and properties could be removed from the floodplain with a higher capacity bridge and corresponding channel/floodplain improvements;
- Determine the level of flood protection that could reasonably be provided to the highway (life safety and critical transportation corridor benefits); and
- Evaluate what economic and community development opportunities could open up with a new bridge, a smaller floodplain, and a more natural river corridor – includes multiple objectives.

Ultimately, the purpose of the study is to determine the level of conceptual improvements needed to maximize benefits in the reach at a reasonable cost, and therefore, recommend whether the City and State should move forward to replace the bridge. Deliverables will include a hydraulic/floodplain study report evaluating several mitigation and bridge sizing alternatives, a benefit/cost analysis of the alternatives, and recommendations for whether to proceed with the best alternative. A plan will be included to implement the study recommendations.

The City submitted a planning grant application for the above described study to the State of Colorado, Department of Local Affairs (DOLA), on January 30, 2015. In a very competitive selection process considering the available funds, the City was awarded the \$125,000 requested for the project. The Colorado Department of Transportation (CDOT) Flood Recovery Office submitted a letter of support for the City's grant application and will be a partner on the project.

The funding sources for this project are proposed as follows:

\$125,000 – The grant reimbursement amount to come from the Stormwater Utility Capital Fund
 \$15,717 – Public Works Project Engineering (General Fund)
 \$15,717 – Parks and Recreation Department (General Fund)

\$15,716 – Stormwater Utility Capital Fund

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 7, 2015

SECOND READING July 21, 2015

ORDINANCE NO. 5941

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR HIGHWAY 287 BRIDGE FLOOD MITIGATION FEASIBILITY STUDY

WHEREAS, the City has received and/or reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for Highway 287 Bridge Flood Mitigation Feasibility Study; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for Highway 287 Bridge Flood Mitigation Feasibility Study, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$31,434 from fund balance in the General Fund are available for appropriation. That reserves in the amount of \$15,716 from fund balance in the Stormwater Utility Fund are available for appropriation. That revenues in the amount of \$125,000 from a federal grant in the Stormwater Utility Fund are available for appropriation. Revenues in the total amount of \$172,150 are hereby adopted as a supplement to the 2015 budget and appropriated for Highway 287 Bridge Flood Mitigation Feasibility Study. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

Fund Balance	31,434
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Total Revenue	31,434
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Appropriations

100-91-999-0000-47345	Trf To Stormwater	31,434
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Total Appropriations	31,434
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**Supplemental Budget
Stormwater Fund 345**

Revenues

Fund Balance	15,716
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345-23-283-0000-37100	Transfers From General Fund	31,434
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345-23-283-0000-32000	Federal Grants	125,000
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Total Revenue	172,150
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Appropriations

345-23-283-0000-43450	Professional Services	172,150
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Total Appropriations	172,150
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

ADOPTED this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

Ordinance # 5941

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015



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

AGENDA ITEM: 4
MEETING DATE: 7/21/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Kerri Burchett, Principal Planner

TITLE:

An Ordinance on Second Reading Vacating a Utility Easement Located Within Lot 1, Block 1 of the Waterfall Sixth Subdivision to the City of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance as presented.

OPTIONS:

1. Deny the action. If the utility easement is not vacated, the proposed apartment building that is part of the larger 70-unit complex, will need to be either shifted to the northeast or the building will need to be reduced in size to avoid encroaching into the easement.
2. Adopt a modified action (specify in the motion).
3. Refer back to staff for further development and consideration. A referral back to City staff could include revisions to the site plan to relocate an apartment building to avoid encroaching into the easement.
4. Adopt a motion continuing the item to a future Council meeting. Continuing the item will delay the applicant's ability to proceed in securing a building permit for the 12-unit apartment building.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

This is a legislative action to consider adoption of an ordinance on second reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority. On July 7, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.

BACKGROUND:

The Loveland Housing Authority is developing a 70-unit affordable multifamily housing project called The Edge. The site development plan has been approved and new easements have been dedicated for utilities. There is a 360 square foot utility easement in the center of the site for a fire hydrant that served the former waterpark. Based on the design of the multifamily housing project the hydrant will be relocated and the easement is no longer necessary. A small portion of a proposed building extends into the easement and therefore the easement needs to be vacated. The vacation of the easement does not require Planning Commission consideration.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: July 7, 2015

SECOND READING: July 21, 2015

ORDINANCE NO. 5942

**AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED WITHIN LOT 1,
BLOCK 1 OF THE WATERFALL SIXTH SUBDIVISION, CITY OF LOVELAND,
COUNTY OF LARIMER, STATE OF COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a utility easement described below and located within Lot 1, Block 1 of the Waterfall 6th Subdivision, City of Loveland, County of Larimer, Sate of Colorado (the "Property"); and

WHEREAS, the City Council finds and determines such easement is located in the center of the Property and, therefore the requirement that no land adjoining any easement to be vacated will be left without an established public or private easement connecting said land with another established public or private easement is inapplicable; 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 following described utility easement be and the same is hereby vacated:

A parcel of land, previously dedicated as an easement, being part of Lot 1, Block 1, Waterfall Sixth Subdivision as recorded December 15, 2011 as Reception No. 20110078790 of the Records of the Larimer County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 and assuming the West line of said Lot 1 as bearing North 00°30'57" East, as platted, a

distance of 468.56 feet and with all other bearings contained herein relative thereto;

THENCE North 00°30'57" East along said West line a distance of 233.48 feet;

THENCE South 89°29'03" East along a line perpendicular to the aforesaid course a distance of 227.85 feet to the Southwesterly corner of an existing 30' x 12' Water Line Easement and to the POINT OF BEGINNING;

Thence along the Westerly, Northerly, Easterly, and Southerly lines of said 30' x 12' Easement the following four courses:

THENCE North 00°50'16" West a distance of 30.00 feet;

THENCE North 89°09'44" East a distance of 12.00 feet;

THENCE South 00°50'16" East a distance of 30.00 feet;

THENCE South 89°09'44" West a distance of 12.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 360 Square Feet or 0.008 Acres, more or less (\pm), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Section 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 21st day of July, 2015.

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED WITHIN LOT 1, BLOCK 1 OF THE WATERFALL SIXTH SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Ordinance # 5942

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015



CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 7/21/2015
TO: City Council
FROM: Tami Yellico, City Attorney's Office
PRESENTER: Vincent Junglas

TITLE:

An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited Solicitations and Panhandling

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action. The current Municipal Code provisions, if left in place, may expose the City to legal challenge.
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
-

SUMMARY:

This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

The First Amendment's free speech guarantee protects the solicitation of funds, subject to certain limitations. Panhandling is considered speech and can only be regulated with reasonable time, place and manner restrictions. The City of Fort Collins and the City of Grand Junction have been sued for alleged violations of the U.S. Constitution concerning their respective panhandling ordinances, specifically with regard to the First Amendment. The Fort Collins and Grand Junction panhandling ordinances had characteristics similar to the City of Loveland's panhandling ordinance.

There are no Colorado Supreme Court, 10th Circuit, or US Supreme Court cases that directly address the issue of panhandling regulations applicable to activity in a traditionally public form and the other circuit courts are split regarding the constitutionality of certain restrictions on panhandling.

Staff has reviewed potential options for amending the panhandling provisions of the Loveland Municipal Code, in light of the case law and recent legal challenges to similar code provisions. The attached proposed ordinance indicates the existing code provisions that are proposed for elimination because these may subject the City to legal challenge. The proposed ordinance would repeal all provisions that regulate sitting or standing with a sign without approaching another for an immediate monetary donation because these activities are not considered panhandling and are protected speech. The sections of the code that regulate panhandling in a way that may impact public safety or the normal flow of vehicular and pedestrian traffic remain unchanged.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Power Point

FIRST READING: July 7, 2015

SECOND READING: July 21, 2015

ORDINANCE NO: 5943

**AMENDING CHAPTER 9.30 OF THE LOVELAND MUNICIPAL CODE
PERTAINING TO PROHIBITED SOLICITATIONS AND PANHANDLING**

WHEREAS, City Code Sections 9.30.010 and 9.30.020 currently contain content neutral restrictions upon panhandling in the City and impose reasonable time, place, and manner restrictions on panhandling in the City; and

WHEREAS, Council had determined that safeguarding citizens' right to privacy, quiet enjoyment, and freedom from undue annoyance while in public areas; maintaining vehicular and pedestrian flow on public streets, sidewalks and passageways, and prohibiting panhandling which is aggressive and implicate public safety are significant governmental interests; and

WHEREAS, Council has determined that the frequency of violations under Section 9.30.020 have been, on average, less than three cited violations per year for the past ten years and such *de minimus* occurrence of violations under Section 9.30.020 warrant prohibition of only the most aggressive and potentially dangerous panhandling techniques; and

WHEREAS Council's intent in adopting this Ordinance is to impose only those time, place and manner restrictions that are reasonably necessary to eliminate conduct which threatens the health, safety and welfare of the public without infringing on the First Amendment rights that any person engaged in the immediate solicitation of a monetary donation may have related to that activity.

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

Section 1. That Section 9.30.010 of the Loveland Municipal Code is hereby amended as follows:

9.30.010 Definitions

When used in this Chapter, the following words, terms, phrases shall have the meanings ascribed to them herein:

- A. *Knowingly* shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.
- B. *Obscene* shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

- C. *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
- D. *Panhandle* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value. Panhandle does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person, other than in response to an inquiry by that person, unless otherwise prohibited due to the location of the person panhandling.
- E. *Traveled portion of a street or highway* shall mean that portion of the road normally used by moving motor vehicle traffic.

Section 2. That Section 9.30.020 of the Loveland Municipal Code is hereby amended as follows:

9.30.020 Panhandling Restricted

It shall be unlawful for any person to panhandle if such panhandling occurs:

- A. in a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- B. in a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
- C. in a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
- D. on a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;

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 upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Ordinance # 5943

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015

PANHANDLING – LOVELAND MUNICIPAL CODE SECTIONS 9.30.010 AND 9.30.020

LOVELAND CITY ATTORNEY'S OFFICE

BY: VINCENT JUNGLAS

BACKGROUND

- THE ACLU HAS SUED THE CITY OF FORT COLLINS AND THE CITY OF GRAND JUNCTION FOR HAVING AND APPLYING PANHANDLING PROVISIONS SIMILAR TO PROVISIONS OF THE CITY OF LOVELAND.
- BOTH JURISDICTIONS REPEALED THEIR RESPECTIVE ORDINANCES AND ARE IN STILL IN LITIGATION, ALTHOUGH SOME CLAIMS HAVE BEEN FOUND TO BE MOOT GIVEN THE REPEAL.

STATE OF THE LAW

- A CIRCUIT SPLIT EXISTS REGARDING WHETHER OR NOT ORDINANCE PROVISIONS SIMILAR TO THOSE THAT THE CITY OF LOVELAND CURRENTLY HAS IN PLACE ARE CONTENT NEUTRAL OR CONTENT BASED.
- OUR CIRCUIT, THE 10TH CIRCUIT, HAS NOT WEIGHED IN ON THE MATTER. ALTHOUGH THE 10TH CIRCUIT WILL LIKELY WEIGH IN ON THE GRAND JUNCTION CASE GIVEN THE OUTCOME IN THAYER.

HISTORICAL CONTEXT

9.030.020 - →	A - Nighttime	B - Threatening / Fear	C - Fighting Words	D - Touching	E - Refusal	F - At Risk	G - Obstruction	H - ATM	I - Bus	J - Parking Garage	K - Restaurant Patio	L - School	9.30.030 - Panhandling in ROW
2005	0	0	0	0	0	1	0	0	0	0	0	0	2
2006	0	0	0	0	0	0	0	0	0	0	0	0	1
2007	0	0	0	0	0	0	0	0	0	0	0	0	3
2008	0	0	0	0	1	0	0	0	0	0	0	0	2
2009	0	1	0	0	0	0	0	0	0	0	0	0	2
2010	0	0	0	0	1	1	0	0	0	0	1	0	5
2011	0	0	0	0	0	0	1	0	0	0	0	0	8
2012	0	0	0	0	0	0	0	0	0	0	0	0	3
2013	0	0	0	0	0	0	0	0	0	0	0	0	6
2014	0	0	0	0	0	0	0	0	0	0	0	0	7
2015	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	0	1	0	0	2	2	1	0	0	0	1	0	42

SUMMARY OF PROPOSED CHANGES

Provisions Proposed for Repeal	Provisions Proposed to Remain
<ul style="list-style-type: none"> • Nighttime restriction. • At risk restriction. • Multiple requests for donation after refusal. • Within 100 feet of an ATM. • Within 100 feet of a bus stop. • On a public bus. • In a parking lot. • In a parking garage. • In another parking facility • Panhandling a person exiting or entering a parked motor vehicle. • Panhandling a person present within a patio or sidewalk area of a business that serves food and/or drink. • Within 100 feet of any school ground. 	<ul style="list-style-type: none"> • Panhandling another in an intimidating, threatening, coercive or obscene manner which causes the person solicited to be in reasonable fear for their safety. • Panhandling in a manner which directs fighting words towards the person being solicited. • Panhandling in a manner that involves direct physical contact through grabbing or touching. • Panhandling in a manner which obstructs the passage of another. • Panhandling in a manner which causes another to take evasive action to avoid physical contact with the panhandler.

**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: 6
MEETING DATE: 7/21/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews

TITLE:

A motion to approve an Ordinance on second reading, Amending Section 1.24.040 and 1.24.050 Of The Loveland Municipal Code To Add New Larimer County Voter Precincts in the City's Third and Fourth Wards.

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopting the ordinance will ensure that the process of adding of the new precincts may be completed, prior to the November 3, 2015 election.
2. Deny the action. This action has already occurred through the County who is authorized by the State to make these adjustments. This ordinance is intended to clean up the Municipal Code to include the precincts located in the each of the four wards.
3. Refer the ordinance to Staff.

SUMMARY:

This is an administrative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas (per C.R.S.§1-5-101(3)). This resulted in the addition of two new voter precincts, one in Ward Three and one in Ward Four. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:

The detailed changes to the Wards are: 1) Ward 3: Precinct number 215513552 has been split into precincts 215513552 and 2155135543 (both precincts are located in Ward 3). 2) Ward 4: Precinct 2155135517 was split into precincts 2155135517 and 2155135542 (both precincts are

located in Ward 4). Adding these two precincts does not result in an increase in size for either Ward.

REVIEWED BY CITY MANAGER:

A handwritten signature in black ink, appearing to read "William D. Cahill". The signature is written in a cursive style with a large, stylized "W" and "C".

LIST OF ATTACHMENTS:

1. Ordinance
2. Maps of precincts numbers 2155135517 and 2155135532

FIRST READING: July 7, 2015

SECOND READING: July 21, 2015

ORDINANCE #5944

AN ORDINANCE AMENDING SECTIONS 1.24.040 AND 1.24.050 OF THE LOVELAND MUNICIPAL CODE TO ADD A NEW LARIMER COUNTY VOTER PRECINCT IN THE CITY'S THIRD AND FOURTH WARDS

WHEREAS, C.R.S. Section 1-5-101(3) mandates the Larimer County Clerk and Recorder to include no more than 2,000 eligible voters in any precinct; and

WHEREAS, due to population increases in certain areas in Larimer County, the Board of County Commissioners of Larimer County adopted Resolution No. 05122015R007 on May 12, 2015 resulting in voter precinct changes in Larimer County; and

WHEREAS, the "re-precincting" by the County split the current Third Ward Precinct number 215513552 into two precincts (215513552 and 2155135543) and split the current Fourth Ward Precinct 2155135517 into two precincts (2155135517 and 2155135542); and

WHEREAS, these changes do not alter any Senate, House, Commissioner District, or City Ward boundary lines; and

WHEREAS, traditionally the City's wards contain whole voter precincts established by Larimer County; and

WHEREAS, this Ordinance amends Loveland Code Chapter 1.24.040 to include the new voter precincts to be included in the City's Third and Fourth Wards.

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

Section 1. That Section 1.24.040 is hereby amended to read as follows:

Section 1.24.040 - Third Ward

The third ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135532, 2155135543, 2155135533, 2155135534, 2155135535, 2155135539, 2155135540 and 2155135541, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05122015R007.

Section 2. That Section 1.24.050 of the Loveland Municipal Code is hereby amended to read as follows:

1.24.050 - Fourth Ward.

The fourth ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135503, 2155135504, 2155135505, 2155135506, 2155135515, 2155135516, 2155135517, 2155135542, 2155135518, 2155135519, 2155135530 and 2155135531, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05122015R007.

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

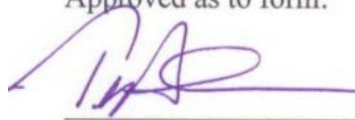
Signed this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

Ordinance # 5944

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015

Current and Proposed Voter Precinct Boundaries

Larimer County, Colorado
April 13, 2015

Current Precinct Number 2155135517 Exhibit

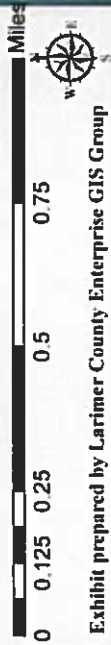


Exhibit prepared by Larimer County Enterprise GIS Group

Legend

Registered Voter Residence



Current Voter Precinct Boundary

Proposed Voter Precinct Boundary





CITY OF LOVELAND

POLICE DEPARTMENT

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

AGENDA ITEM: 7
MEETING DATE: 7/21/2015
TO: City Council
FROM: Tim Brown, Police Department
PRESENTER: Luke Hecker, Police Chief

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for a School Resource Officer

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended, which will appropriate the funds received in the grant as well as matching funds from Thompson School District.
2. Deny the action, which will forfeit the grant funds and prevent the creation of the SRO position.
3. Adopt a modified action (specify in the motion)

SUMMARY:

This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950. On July 7, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

- ☒ Positive
☒ Negative
☐ Neutral or negligible

Positive: The City will receive a total of \$232,850 in unanticipated revenue.

Negative: The City is required to appropriate \$35,950 of fund balance in the General Fund.

BACKGROUND:

This COPS grant application was submitted jointly by the Thompson School District ("the District") and Loveland Police to provide a third School Resource Officer in the District's Middle Schools. The District has reflected this in their budget planning as well. This grant award was noted in the City Manager's report of October 3, 2014 and again on October 24, 2014.

The amount of federal grant funds over the three-year grant period is \$125,000. Loveland's local cash match is \$143,800. Our arrangement on SROs is that the Schools pay 75% of the match cost (\$107,850), and the City pays 25% (\$35,950).

We have confirmed with the Thompson Valley School District that they will be able to provide their cash match for the COPS grant. The school district's fiscal year starts on July 1, 2015, so that is why the supplemental budget request is brought to the Council at this time.

In accordance with the COPS grant, the City of Loveland must add the awarded officer position to its law enforcement budget with local funds for at least 12 months at the conclusion of 36 months of federal funding. When the grant expires, the Thompson Valley School District and the City of Loveland will maintain the 75% -25% cost share for the school resource officer.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 7, 2015

SECOND READING July 21, 2015

ORDINANCE NO. 5945

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND
APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET
FOR A SCHOOL RESOURCE OFFICER**

WHEREAS, the City and the Thompson School District (“the District”) have, by intergovernmental agreement, maintained a School Resource Officer program for many years in which Loveland Police officers are assigned to work in the District’s schools; and

WHEREAS, the City and the District jointly applied for, and were awarded, a COPS grant to provide a third School Resource Officer in the District’s middle schools; and

WHEREAS, the amount of federal grant funds awarded over the three-year grant period is \$125,000. Loveland’s local cash match is \$143,800. The District will pay 75% of the match cost (\$107,850), and the City pays 25% (\$35,950); and

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the additional School Resource Officer; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for an additional School Resource Officer, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$125,000 from a Federal Grant in the General Fund are available for appropriation. That revenues in the amount of \$107,850 from the District in the General Fund are available for appropriation. That reserves in the amount of \$35,950 from Fund Balance in the General Fund are available for appropriation. Revenues in the total amount of \$268,800 are hereby appropriated for an additional School Resource Officer. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

Fund Balance		35,950
100-21-202-2102-32630	R2J School District	107,850
100-21-202-2102-32000	Federal Grants	125,000
Total Revenue		268,800

Appropriations

100-21-204-2114-41011	Salaries Benefitted Emp	239,040
100-21-204-2114-41544	F.I.C.A. Taxes	3,470
100-21-204-2114-41546	Police Pension	26,290
Total Appropriations		268,800

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

ADOPTED this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

Ordinance # 5945

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015



CITY OF LOVELAND
POLICE DEPARTMENT

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

AGENDA ITEM: 8
MEETING DATE: 7/21/2015
TO: City Council
FROM: Rick Arnold, City of Loveland Police Department
PRESENTER: Rick Arnold, Lieutenant

TITLE:

An Ordinance Amending Chapter 6.16 of the City Of Loveland Municipal Code Regarding the Humane Trapping and Return of Animals to Their Owners or Keepers

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and adopt the ordinance as proposed.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action.
 - A. Impact will be on animal owners who will continue to be prohibited from trapping and taking home their own pets without first taking them to the Humane Society.
 - B. The current law will continue to prohibit other rescue groups and agencies (such as Fort Collins Cat Rescue and Spay Neuter Clinic) from releasing or returning cats to owners without first taking them to the Humane Society.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.
 - A. Staff has already evaluated impact of the current ordinance against the proposed changes with input from the Larimer County Humane Society.

SUMMARY:

This a legislative action. Larimer Humane Society requests a revision to Loveland City Code Section 6.16.040 to allow humanely trapped domestic animals to be returned to their owners or keepers. There is no budgetary impact.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

Larimer Humane Society is contracted to provide the City with animal sheltering and control services. There are approximately 1,500 domestic Loveland animals (cats, dogs, etc) that come to the shelter and Animal Protection and Control responds to about 4,500 Calls for Service.

The issue of the restricted ordinance came to the attention of the Larimer Humane Society through the Fort Collins Cat Rescue and Spay Neuter Clinic, which had obtained a grant to spay/neuter feral cats in Loveland and Fort Collins. The Larimer County Humane Society collaborates with several rescue organizations. The Code, in its current form, prohibits owners from trapping and releasing any wayward cat or dog without first taking it to Larimer Humane Society. The law also prohibits other groups and agencies from doing the same thing. The Humane Society recommends the Code be revised to permit the humane trapping and returning home of domestic animals.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Ordinance

First Reading: July 21, 2015
 Second Reading: _____

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 6.16 OF THE CITY OF LOVELAND MUNICIPAL CODE REGARDING THE HUMANE TRAPPING AND RETURN OF ANIMALS TO THEIR OWNERS OR KEEPERS

WHEREAS, Larimer Humane Society is contracted to provide the city with animal sheltering and animal control services. There are approximately 1,500 domestic Loveland animals that come to the shelter and Animal Protection and Control responds to about 4,500 calls for service; and

WHEREAS, Section 6.16.040 of the Code, in its current form, prohibits the trapping and returning an animal to its owner or keeper without first taking the animal to Larimer Humane Society; and

WHEREAS, Animal Protection and Control recommends the Code be revised to permit animals caught in approved humane traps be returned directly to their owners or keepers. If the owner or keeper cannot be found, then such animals shall be brought to the Humane Society.

WHEREAS, City Council, pursuant to its home rule authority, desires to protect the public's health, safety and welfare by amending Code Section 6.16.060 to allow humanely trapped animals to be returned to their owners or keepers.

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

Section 1. That Code Section 6.16.060 is hereby amended to read in full as follows:

6.16.040 Trapping.

A. No person shall set or cause to be set any trap within the municipality which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.

B. Humane traps approved ~~for us~~ by the ~~animal control officer~~ humane society may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to

the owner or keeper of the animal, an animal control officer or the humane society. No person shall retain any animal captured in humane traps.

C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of persons.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after its final publication as provided in the City Charter Section 4-8(b).

ADOPTED this _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney



CITY OF LOVELAND

LOVELAND FIRE RESCUE AUTHORITY

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537

(970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 7/21/2015
TO: City Council
FROM: Mark Miller, Loveland Fire Rescue Authority
PRESENTER: Pat Mialy, Emergency Manager

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for an Emergency Generator at the Chilson Recreation Center

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing for the first reading of the supplemental appropriation and adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The City would not accept the grant and miss out on the opportunity to install an asset for 12.5% of the total cost of the asset.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. The deadline for the award will have passed and the opportunity would be lost for this grant cycle.

SUMMARY:

This is an administration action to consider acceptance of a grant and to conduct a public hearing and first reading of an ordinance to appropriate the total cost of the project, including the grant proceeds. FEMA (Federal Emergency Management Agency) through the Colorado Division of Homeland Security and Emergency Management awarded the City of Loveland \$365,150 of a \$486,867 project to install a generator at the Chilson Center, a designated emergency evacuation center. This grant is awarded through the Hazard Mitigation Grant Program (HMGP). The State will contribute 12.5% or \$60,828.50 and the City of Loveland match would be 12.5% or \$60,828.50. This action would permit the City Manager to sign a contract accepting the grant. A public hearing and first reading of the supplemental ordinance is the first step for appropriating the funds for the project.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

The project adds \$425,979.50 in additional resources to the Budget but requires a City allocation of \$60,828.50 in local match. The net benefit is \$365,150. The TABOR excess revenue is the source for the City match and it will therefore reduce the amount available for other uses.

BACKGROUND:

The FEMA's Hazard Mitigation Assistance programs provide funding for eligible activities that are consistent with the National Mitigation Framework's Long-term Vulnerability Reduction capability. The Hazard Mitigation Grant Program (HMGP) is one of the grant programs that support implementation of the National Mitigation Framework. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and implemented by Title 44, Code of Federal Regulations, Sub-Part N, Part 206.431.

The City of Loveland requested and was awarded \$486,867.00 as sub-grantee (the State is the grantee) through HMGP to purchase the equipment and services required to install a stand-alone emergency generator, an enclosure, concrete pad, and electrical/gas connections for utilization in the continuous operation of the Chilson Recreational Center as a shelter during power outages.

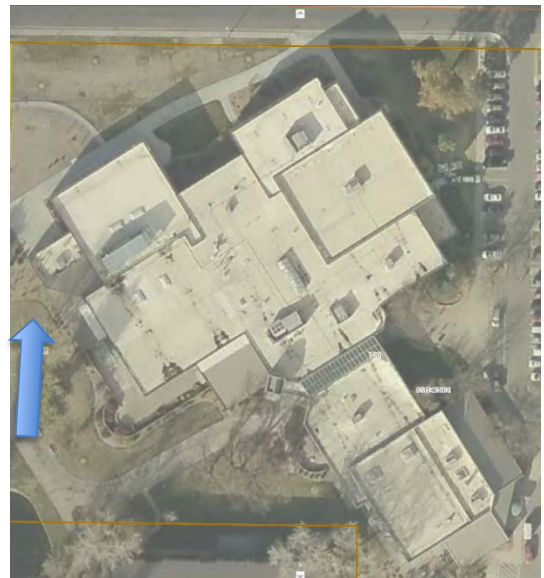
The general specifications for critical components of the proposed hard-wired, building connection for a generator are:

- 600 KW / 480V generator Diesel/Natural gas dual-fuel
- Wiring and harnesses engineered for 600 KW / 480V generator
- Interception of the power main going into the building
- Set a new main disconnect with new automatic transfer switch outside



The proposed generator will be installed in the area of the northwest wall of the Chilson Recreation Center, near the electrical room and will be accessed from the concrete drive on the NW corner of the building. The installation will not require major modifications to the exterior of the facility but will include a single wall penetration for wiring and also anchors required for cabinet mounting. Installation of this generator connection will not entail significant ground disturbance because the proposed site is already covered with concrete. The proposed location of the connection is indicated on Figure 6, page 13.

The proposed generator will provide a near 100% level of protection; it will reliably allow for emergency power generation to the facility under utility outages. Anticipated run times will be for the duration of the emergency sheltering needs or for the duration of the utility outage, whichever is longer. Fuel for the generator will be provided



by the belly tank, as seen in Figure 1 and/or by natural gas services already plumbed to the building.

The grant is a good opportunity to improve the reliability of the Chilson Recreation Center as a shelter in the event of an emergency for 12.5% of the project total cost.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

FIRST READING

July 21, 2015

SECOND READING

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR AN EMERGENCY GENERATOR AT THE CHILSON RECREATION CENTER.

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for installation of an emergency generator at the Chilson Recreation Center, a designated emergency evacuation center; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for installation of an emergency generator at the Chilson Recreation Center, a designated emergency evacuation center, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$365,150 from a federal grant in the General Fund are available for appropriation. That revenues in the amount of \$60,859 from a State matching grant in the General Fund are available for appropriation. That reserves in the amount of \$60,858 from excess tabor revenue (fund balance) in the General Fund are available for appropriation. Revenues in the total amount of \$486,867 are hereby adopted as a supplement to the 2015 budget and appropriated for installation of an emergency generator at the Chilson Recreation Center, a designated emergency evacuation center. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

100-22-222-0000-32000	Federal Grants	365,150
100-22-222-0000-32100	State Grants	60,859
Fund Balance	Tabor Reserve	60,858

Total Revenue **486,867**

Appropriations

100-22-222-0000-49399	FRCHILSONGEN Other Capital	486,867
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Total Appropriations **486,867**

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

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

ADOPTED this ____ day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney



CITY OF LOVELAND

DEVELOPMENT SERVICES DEPARTMENT

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

AGENDA ITEM: 10
MEETING DATE: 7/21/2015
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For The Capital Expansion Fee Plan Based Study

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the supplemental budget request is denied, the project will be completed without additional consulting support from BBC Research & Consulting. The result would be a delay in the completion of the report. The report would also not have the full benefit of the consultant's expertise in the subject area.
3. Adopt a modified action. An option would be to supplement the project with staff support from the Development Services Department. While this would assist in the completion of the report, it would still entail the loss of the consultant's expertise. This option would also place more workload on the Department.
4. Refer back to staff for further review and consideration. If referred back to staff, there would be a delay in the completion of the study.

SUMMARY:

This is an administrative action. The proposed ordinance appropriates a total of \$35,800 from General Fund balance, the proceeds of which would be used to pay for additional professional and consulting services necessary to complete the Capital Expansion Fee Plan Based Study. The original estimated cost for the study was \$85,000. The work completed so far on the study has required more research than originally anticipated and a far higher level of interaction and participation with the Boards and Commissions that have a stakeholder interest in the level of the Capital Expansion Fees. The requested supplemental appropriation is necessary to complete the study in time for the September 22, 2015 Council study session.

BUDGET IMPACT:

- ☐ Positive
- ☒ Negative: The appropriation is from the General Fund balance.

☐ Neutral or negligible

BACKGROUND:

In late 2012, at the culmination of the Capital Expansion Fee five-year update, Council directed staff to study the “plans-based” approach of determining Capital Expansion Fees the (“CEF Study”). The original schedule was to have departments that rely on CEFs for capital funding would update their master plans in 2013 and these plans would provide the foundation for the plans-based fees. The Public Works Department through the Facilities staff was directed to complete a city-wide plan for buildings and capital equipment (the “Facilities Master Plan”). The Parks and Recreation Department through a consulting contract with MIG completed the Parks and Recreation Master Plan. It was anticipated that, based on the plans, the CEF Study would be completed in 2014. It is now projected to be completed for presentation to Council at the September 22 study session.

Through a competitive Request for Proposals process, staff selected BBC Research and Consulting (“BBC”) from Denver, Colorado, to provide consulting and research support for the Capital Expansion Fee study which included the integration of the CEF study results into the Comprehensive Plan project. All of the Plans were delayed by the 2013 flood and the flood recovery response in 2014. Both of the Facilities Master Plan and the Parks and Recreation Master Plan are now completed. During the course of the CEF portion of the update, city management determined that additional outreach meetings to Boards & Commissions should be undertaken to encourage more input to the study process. The outreach meetings were conducted in February and March. A second round of outreach was completed in April and May. By increasing the consultant’s time and resources for such meetings, the original amount of funds budgeted for the CEF Study has been used. In consultation with BBC, city staff has determined that an additional \$35,800 is required to complete the Study.

The additional amount of \$35,800 requested in the supplemental appropriation is from the General Fund. Funding support for the Facilities Master Plan and the Parks & Recreation Master Plan have be charged to Capital Expansion Fees for the departments that benefit from the fees. Staff has prepared a summary table on the next page to show the distribution of costs.

At the bottom section of the table, Combined Spending and Proposed Appropriations, the charges to CEF funds are shown. They vary from a low 2.9% for Trails and a high of 5.8% for Parks and 5.8% for Recreation. The nine fees that are charged total to 64.1% of the total cost; the General Fund Contribution is 35.6%.

Current Level of Funding

	<u>Funding Source</u>	<u>CEF Study</u>	<u>Master Plans</u>	<u>Grand Total</u>
100-91-902-0000-43450	General Fund	\$88,832.98	\$29,499.56	\$118,332.54
100-51-501-0000-43450	Parks & Recreation		25,000.00	25,000.00
100-51-501-0000-43899	Parks & Recreation		28,760.00	28,760.00
375-51-501-0000-43450	Golf		5,000.00	5,000.00
<u>Capital Expansion Fees</u>				
260-91-902-0000-43450	Parks		20,000.00	20,000.00
261-91-902-0000-43450	Recreation		20,000.00	20,000.00
262-91-902-0000-43450	Trails		10,000.00	10,000.00
263-91-902-0000-43450	Open Lands		14,439.00	14,439.00
264-91-902-0000-43450	Fire - Rescue		13,965.45	13,965.45
265-91-902-0000-43450	Law Enforcement		13,965.45	13,965.45
266-91-902-0000-43450	General Government		13,965.45	13,965.45
267-91-902-0000-43450	Library		13,965.45	13,965.45
268-91-902-0000-43450	Cultural / Museum		13,965.45	13,965.45
		\$88,832.98	\$222,525.81	\$311,358.79

Proposed Supplemental Appropriation

100-91-902-0000-43450	General Fund	<u>\$35,800.00</u>	<u>\$35,800.00</u>	<u>\$35,800.00</u>
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Combined Spending and Proposed Appropriations for the CEF Study and Master Plans

	<u>Non-CEF Funds</u>				<u>Percent of Total</u>
100-91-902-0000-43450	General Fund	\$124,632.98	\$29,499.56	\$154,132.54	44.4%
100-51-501-0000-43450	Parks & Recreation		25,000.00	25,000.00	7.2%
100-51-501-0000-43899	Parks & Recreation		28,760.00	28,760.00	8.3%
375-51-510-0000-43450	Golf		5,000.00	5,000.00	1.4%
<u>Capital Expansion Fees</u>					
260-91-902-0000-43450	Parks		\$20,000.00	\$20,000.00	5.8%
261-91-902-0000-43450	Recreation		20,000.00	20,000.00	5.8%
262-91-902-0000-43450	Trails		10,000.00	10,000.00	2.9%
263-91-902-0000-43450	Open Lands		14,439.00	14,439.00	4.2%
264-91-902-0000-43450	Fire - Rescue		13,965.45	13,965.45	4.0%
265-91-902-0000-43450	Law Enforcement		13,965.45	13,965.45	4.0%
266-91-902-0000-43450	General Government		13,965.45	13,965.45	4.0%
267-91-902-0000-43450	Library		13,965.45	13,965.45	4.0%
268-91-902-0000-43450	Cultural / Museum		13,965.45	13,965.45	4.0%
		\$124,632.98	\$222,525.81	\$347,158.79	100.0%
		35.9%	64.1%		

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 21, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR THE CAPITAL EXPANSION FEE PLAN BASED STUDY

WHEREAS, the City has received and/or reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for the Capital Expansion Fee Plan Based Study; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for the Capital Expansion Fee Plan Based Study, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$35,800 from fund balance in the General Fund are available for appropriation. Revenues in the total amount of \$35,800 are hereby appropriated to the 2015 City budget for the Capital Expansion Fee Plan Based Study. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

Fund Balance	35,800
--------------	--------

Total Revenue	35,800
----------------------	---------------

Appropriations

100-91-902-0000-43450 CFPCEF13 Professional Services	35,800
--	--------

Total Appropriations	35,800
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

ADOPTED this ____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney



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: 11
MEETING DATE: 7/21/2015
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews

TITLE:

A Resolution Of The Loveland City Council Authorizing The City Clerk To Notify The Larimer County Clerk And Recorder Of The City Of Loveland's Intention To Participate In The Statewide Election To Be Held On November 3, 2015, as a coordinated election with the County

An Ordinance Providing That The City Of Loveland's Regular Election To Be Held November 3, 2015 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder and, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern

RECOMMENDED CITY COUNCIL ACTION:

Hold a public hearing and approve the resolution and the ordinance on first reading

OPTIONS:

1. Adopting the ordinance ensures the actions will be completed timely as required by State statute and City Charter.
2. Deny the action, could affect the City's ability to participate in the coordinated election.

SUMMARY:

The proposed resolution is an administrative action authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to participate in a coordinated election with the County on November 3, 2015.

The proposed Ordinance is a legislative action needed to allow the City's regular election on November 3, 2015, to be so conducted on November 3, 2015 as a coordinated election with the Larimer County Clerk and Recorder.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:

As provided in City Charter Section 6-2, the City of Loveland's next regular election is to be held on November 3, 2015. A statewide special election is also scheduled for November 3, 2015. In the past the City has participated in this statewide special election by coordinating its regular election with the Larimer County Clerk and Recorder. State law requires the City to notify the

Larimer County Clerk and Recorder of its intention to participate in this upcoming statewide special election as a coordinated election at least 100 days prior to the election. The proposed Resolution authorizes this notification.

In addition to directing that the City's regular election on November 3, 2015, be held as a coordinated election with Larimer County, the proposed Ordinance provides that the City's election will be governed by the Colorado Uniform Election Code, but only to the extent necessary to conduct the City's election as a coordinated election with Larimer County as part of the statewide special election. In all other respects, the City's regular election will be governed by the Colorado Municipal Election Code, the City Charter and applicable City ordinances.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Resolution
2. Ordinance

RESOLUTION #R-39-2015

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
AUTHORIZING THE CITY CLERK TO NOTIFY THE
LARIMER COUNTY CLERK AND RECORDER OF THE
CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN
THE STATEWIDE ELECTION TO BE HELD ON
NOVEMBER 3, 2015, AS A COORDINATED ELECTION
WITH THE COUNTY**

WHEREAS, the City of Loveland intends to participate in the statewide election to be held on November 3, 2015, and to coordinate its regular election on November 3, 2015, with the Larimer County Clerk and Recorder; and

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

WHEREAS, this Resolution constitutes the City's formal decision to participate in the November 3, 2015, statewide election to be coordinated with the Larimer County Clerk and Recorder.

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

Section 1. That the City Clerk is hereby authorized and directed to notify the Larimer County Clerk & Recorder of the City's intention to participate in the November 3, 2015, statewide election and to coordinate its participation in that election with the Larimer County Clerk and Recorder with respect to the City's regular election on November 3, 2015.

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

APPROVED this 21st day of July, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

FIRST READING: July 21, 2015

SECOND READING: _____

ORDINANCE # _____

AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION, TO BE HELD ON NOVEMBER 3, 2015, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

WHEREAS, on July 21, 2015, the Loveland City Council has adopted Resolution #R-____-2015 authorizing the City Clerk to notify the Larimer County Clerk and Recorder ("the County Clerk") of the City of Loveland's intention to participate in the November 3, 2015, statewide election and to coordinate the City's November 3, 2015, regular election in that statewide election with the County Clerk; and

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

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

WHEREAS, since it is the intent of the City Council that the City's regular election to be held on November 3, 2015, be a coordinated election with the County Clerk as part of the statewide election on November 3, 2015, the purpose of this Ordinance is to provide that such coordinated election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct that election as a coordinated election, and otherwise the City's regular election on November 3, 2015, shall be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

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

Section 1. That the City's November 3, 2015, regular election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with the County Clerk, as part of the statewide election to be held on November 3, 2015. In all other respects, the City's regular election on November 3, 2015, shall be governed by the Municipal Election Code, the City Charter, and applicable City ordinances.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Approved this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



CITY OF LOVELAND
PARKS & RECREATION DEPARTMENT
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2903 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 7/21/2015
TO: City Council
FROM: Marilyn Hilgenberg, Parks & Recreation
PRESENTER: Marilyn Hilgenberg, Interim Open Lands Manager, Parks & Recreation

TITLE:

A Resolution Adopting “*A Bigger Vision for the Big T: A Conservation and Recreation Assessment*”

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution.

OPTIONS:

1. Deny the action. Result would be not pursuing public access repairs and improvements in the Big Thompson corridor needed as a result of the 2013 Flood.
 2. Adopt a modified action. (specify in the motion)
 3. Refer back to staff for further development and consideration. Staff would require direction from Council.
-

SUMMARY:

This is a legislative action to adopt “*A Bigger Vision for the Big T: A Recreation and Conservation Assessment*.” The assessment includes recommendations regarding priority projects and opportunities to address the impacts of the 2013 Flood on recreation amenities and conservation areas in the Big Thompson River corridor from west Loveland to Estes Park.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

“*A Bigger Vision for the Big T: A Recreation and Conservation Assessment*” is a partnership between the City of Loveland and Larimer County, with additional funding provided by a Great Outdoors Colorado Flood Recovery Grant. The 2013 Flood destroyed nearly all of the federal, state, county, and city recreation facilities along the main stem and North Fork of the Big

Thompson River. This assessment includes information about pre- and post-flood conditions of recreation facilities; identification, feasibility, and prioritization of potential recreation and conservation project areas based on existing conditions and public feedback; and a recommended Action Plan for partnerships among stakeholders to “build back better than before.” This plan analyzes the possibilities, coordinates with other planning efforts and stakeholders, and creates a clear plan of action to implement a vision for land protection and recreational access in the canyon.

The draft of the Big Thompson Recreation and Conservation Plan was presented to City Council at a Study Session on May 26, 2015. Public input has been received via several open house meetings and two online surveys, initially regarding project areas and scope, and subsequently in response to the draft plan. Public feedback has been incorporated into the adoption draft. This vision plan provides a framework for potential future uses and facilities. Site-specific plans for priority projects will include review and analysis of existing conditions, opportunities and constraints. Site-specific planning and design will also incorporate additional, more focused public input at the neighborhood level.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. “A Bigger Vision For The Big T: A Recreation and Conservation Assessment” Adoption Draft (http://www.larimer.org/bigthompsonplan/bigger_vision_big_T.pdf)

RESOLUTION #R-40-2015

A RESOLUTION ADOPTING “A BIGGER VISION FOR THE BIG T: A CONSERVATION AND RECREATION ASSESSMENT”

WHEREAS, the City’s Parks and Recreation Department, in cooperation with Larimer County, has prepared a recreation and conservation plan for the Big Thompson River corridor, known as “*A Bigger Vision for the Big T: A Conservation and Recreation Assessment*”; and

WHEREAS, This plan analyzes the possibilities, coordinates with other planning efforts and stakeholders, and creates a clear plan of action to implement a vision for land protection and recreational access in the canyon; and

WHEREAS, on July 8, 2015, the Open Lands Advisory Commission adopted a motion recommending that the City Council adopt “*A Bigger Vision for the Big T*”; and

WHEREAS, the City Council desires to adopt “*A Bigger Vision for the Big T*” as in the best interest of the citizens of the City of Loveland.

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

Section 1. That “*A Bigger Vision for the Big T: A Conservation and Recreation Assessment*,” a copy of which is on file with the Loveland City Clerk, is hereby adopted and shall be used by the City to provide a framework for potential future uses and facilities for conservation and recreation along the Big Thompson River corridor.

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

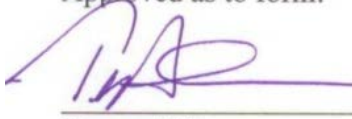
ADOPTED this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

A BIGGER VISION FOR THE BIG T: A RECREATION AND CONSERVATION ASSESSMENT



Adoption Draft | July 2015



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ACTION PLAN

APPENDIX A. SUMMARY OF EXISTING PLANS AND POLICIES

APPENDIX B. MANAGEMENT OF LARIMER COUNTY AND CITY OF LOVELAND EXISTING PROPERTIES

APPENDIX C. BIG THOMPSON RIVER RESTORATION MASTER PLAN CONCEPTUAL TREATMENT PLANS

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CHAPTER 1. PROJECT PURPOSE

Imagine a future storm event where intense rains, similar to those experienced in 1976 and again in 2013, bring flows in the Big Thompson River to extreme flood levels. Except this time, the effects are different. No homes or businesses are destroyed and no one is killed or injured. After the storm passes, the Big T's natural floodplain continues to provide open space, river parks, recreation, habitat for wildlife and fish, a system of hiking and biking trails, and permanently conserved working farms and ranches. Of course the river is changed by flood events, erosion and sedimentation continues to occur, and recreation facilities located in the floodplain are likely to require some level of repair and maintenance. However, the floodplain continues to store and dissipate flood waters as part of a normal flood cycle. The difference is that in this scenario, development in Estes Park, Loveland, and in unincorporated Larimer County occurred wisely and in suitable locations, and in ways that do not pass the cost of flooding on to other properties, other communities, or future generations.

This is a future envisioned by Larimer County and the City of Loveland, in concert with the Big Thompson River Restoration Coalition (BTRRC) and local and state agencies. This partnership has embarked on a careful examination of damaged recreation and conservation properties and potential new opportunities along 40 miles of the mainstem and North Fork of the Big Thompson River between the municipal boundaries of Loveland and Estes Park. In doing so, there is a keen awareness of needing to address a bigger vision for the Big Thompson, one that will involve the cooperation of a host of agencies, interests, and property owners.

The extreme flooding that occurred along the mainstem and North Fork of the Big Thompson River in September 2013 resulted in two fatalities, severe erosion and sediment deposition, 47 homes and 30 bridges destroyed with much more extensive damage to property and critical infrastructure, and loss of significant economic, riparian, aquatic, recreation and scenic resources. The river's riparian and aquatic habitat was severely damaged in most locations, impacting wildlife and devastating the recreational fishery and the ecological functions provided by vegetation. In addition, hundreds of homes and businesses were damaged or destroyed, and many of these properties are unsuitable for reconstruction or future development. Large portions of US Highway 34 and County Road 43 were also destroyed, severing the connections between Loveland and Estes Park, and stranding the communities of Drake, Glen Haven and Cedar Park,

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as well as canyon residents. Evacuation routes and emergency services were obstructed by a lack of access. Access to Rocky Mountain National Park, one of the largest tourist attractions in Colorado and a major contributor to the local, regional and state economy, was cut off.

An estimated 1.8 million people travel through the canyon annually. Many of these are recreationists who historically fished, picnicked, or just lingered by the river at one of the Big Thompson recreation sites. This displacement is not only a lost opportunity for visitors to the region, business owners, and Colorado residents alike, it has also resulted in increased pressure on other sites on the Arapaho-Roosevelt National Forest, such as the Poudre River Canyon.

A regional vision for restoring and enhancing public recreational opportunities and conserving lands along the river corridor is needed to prioritize strategic investment, coordinate funding strategies, and facilitate unified decision-making among stakeholders. The plan can serve to coalesce community support for future conservation and recreation initiatives and catalyze actions needed to implement strategic projects. Given the importance of the "Big T" and its role as a gateway to Rocky Mountain National Park, the issue at hand is not why should we rebuild parks, restore resources, and enhance the setting. Rather, it is how can we do this most wisely and effectively while leveraging available funding.



Viestenz-Smith Mountain Park, before and after the 2013 flood. Source: City of Loveland

A Bigger Vision for the Big T

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Both the Urban Land Institute (ULI) study¹ and the recently adopted Larimer County Open Lands Master Plan (2015) call for a regional Vision Plan for conservation and recreation along the Big Thompson River. Such a vision is needed to coordinate and leverage funding for improvements, operations and maintenance, and to facilitate interactions among river stakeholders. The ULI report challenged

¹ Northern Colorado Estes Park, Fort Collins, and Loveland: Connected Systems, Connected Futures: Building for Resilience and Prosperity (2014) commissioned by Loveland, Estes Park, and Fort Collins, contained a number of recommendations regarding Big Thompson River resiliency and reconstruction efforts that are cited throughout this study. The report can be accessed at http://uli.org/wp-content/uploads/ULI-Documents/NorthernColorado_PanelReport_lo.pdf

Northern Colorado to "clarify the vision of the future – for each town and, more importantly, the larger region... That vision plan can help prioritize land acquisition and easements, work to integrate the river into the green infrastructure for regional resilience, coordinate funding strategies for implementation efforts... [and] provide strategic coordination of preventative measures" (ULI 2014). This study fulfills this ambition.

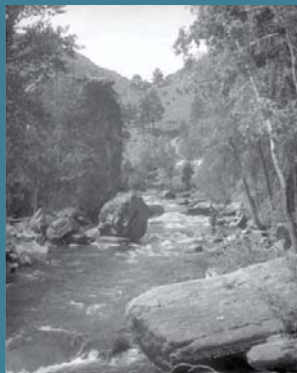
But it is only the beginning.

HISTORIC RECREATIONAL USE

The Big Thompson River and its canyon has long been one of the special places in Colorado. Its scenic beauty, dramatic canyon walls, abundant wildlife and flowing waters have been drawing visitors for well over a century. The canyon is renowned as a place to enjoy a scenic drive, stop for a picnic, or fish for trout.

The origin of the river's name is the subject of some debate. One theory is that it was named for David Thompson, a renowned explorer who is not known to have ever been in Colorado. Other theories identify various early day explorers, ranging from a member of John Fremont's party to a prospector killed by Indians during the California gold rush. None of these theories stand up to scrutiny. The Loveland Historical Society asserts that the most likely candidate for the river's name is Phillip Thompson, an early day fur trader who operated out of Fort Vasquez in the early 1830's (<http://lovelandhistorical.org/>). Regardless of the source of its name, the river was well documented by the second half of the 1800's. But the canyon's inaccessibility prevented many visitors from actually seeing it until the first road was developed through the Narrows in 1904. This road was primitive and narrow but began the process of road improvements that ultimately led to stage coach travel, followed by Stanley Steamers in the first decades of the 1900's. With increased travel, the demand for hotels and other services increased, leading to the development of the Forks Hotel at Drake and the Mont Rose Inn in Cedar Cove.

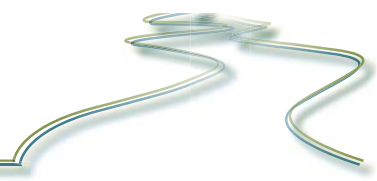
Even with these improvements, the road remained primitive, as described by Sharlyn Wamsley in "Reflections on the River": "Until 1928 the road was one lane with turnouts for passing cars." It wasn't until the late 1930's that an improved, modern highway was completed, which stimulated the development of numerous tourist facilities and summer homes, hundreds of which have since been damaged or washed away by the floods of 1976 and 2013.



Source: Denver Public Library, Fisherman's Paradise ca. 1909



Source: Denver Public Library, Picnic along the Big Thompson ca. 1910-1920



SUMMARY OF 1976 AND 2013 BIG THOMPSON FLOOD IMPACTS

Flooding in the Big Thompson River watershed is part of a recurring natural cycle. Prior to the 2013 flood, the last major event occurred in 1976, a span of only 37 years. With two catastrophic floods indelibly stamped in our memory, and because of the natural course of flood events in a system such as this, we can be confident that the river will flood again. The river's position in a steep, narrow canyon makes it prone to damaging flooding, which has been exacerbated by development that has constricted the floodway even further. US 34 and residential and tourist development occupy land that was formerly part of the Big Thompson River floodplain. The constricted channel increases flow velocities and the erosive power of the water it carries. This, in turn, results in bank scouring and added sediment, which is then carried downstream and deposited at locations where additional damage may occur.

The 1976 Big Thompson flood is known as the deadliest flood in Colorado's history. On July 31st of that year, over a foot of rain fell in a period of 24 hours, producing a wall of water 20 feet high that scoured the canyon and carried away buildings, cars and the people within them. Over 140 lives were lost and an estimated \$38 million in property damage resulted.

The 1976 flood generated an estimated maximum discharge of approximately 31,200 cubic feet per second (cfs) at the mouth of the canyon. This flood started in the evening and was over by the next day. In contrast, the 2013 flood generated an estimated discharge of approximately 15,500 cfs at the mouth of the canyon with higher than normal flows lasting for over a week. The reduced peak flows and storm surge in 2013 resulted in far fewer fatalities. However, the extended duration of high flows of the 2013 flood event created more significant erosion and sedimentation problems through much of the canyon and areas downstream of the canyon mouth. The 2013 flood also impacted more infrastructure in the lower plains.

The 2013 flood resulted from a long-duration precipitation event, which resulted in about 10 inches of rain falling over the course of four days in Estes Park and vicinity. The 2013 flood reached record levels, wiping out dozens of businesses including almost all of the storefronts in Glen Haven and the iconic Indian Village, which had also been swept away in the 1976 flood but rebuilt.

In 2013, damages to roads and infrastructure were estimated to total between \$80-100 million, excluding impacts to private roads. More than 80 properties were determined to be over 51% damaged. Properties with this level of damage located in the regulated floodway are not eligible to be rebuilt.



Source: David Cupp, The Denver Post, August 2, 1976

[by the numbers]
an approximate assessment of
damages from two recent floods

1976

144 lives lost
418 homes destroyed
138 homes damaged
52 businesses destroyed

2013

2 lives lost
47 homes destroyed
Approximately 88 homes in floodplain
to be razed and/or removed
338 homes substantially damaged
(requiring building permit for repair)
20 miles of roads damaged or destroyed
30 bridges completely destroyed
35 bridges severely damaged



Morey Wildlife Reserve before and after the 2013 Flood. Source: City of Loveland



MOREY WILDLIFE RESERVE

Known as an abundant oasis for birds, deer, elk and turtles and a refuge for nature lovers, Morey Wildlife Reserve was a picturesque restored gravel-mine pond in west Loveland. During the 2013 flood, the river changed course, and forged a path through the reserve and onto the Mariana Butte Golf Course, immediately east of the open space. The result is that the entire pond – covering a little more than 10 acres and 8 feet deep in places – is completely silted in. Today the landmark Morey pond resembles a moonscape. Restoring the reserve to be better than it was before means not re-excavating the silt, sediment and debris, and allowing nature to run its course, literally.

LARIMER COUNTY LAND USE CODE SECTION 4.2.2:

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: 1.) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or 2.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

The river corridor is a patchwork of public (City/County/US Forest Service) and private land holdings that include existing residential and commercial development, recreational use sites, agricultural lands, and active or reclaimed gravel operations. Land ownership directly adjacent to the river is primarily private; however, the US Forest Service manages the majority of the upland areas. County ownership in the corridor is a result of the acquisition of properties substantially damaged by the 1976 Flood. These county lands are managed by Larimer County Natural Resources Department, which converted four of these properties into public parks. City of Loveland ownership in the canyon dates back to the 1930's, when the City's first hydro-electric plant was built in the current location of Viestenz-Smith Mountain Park. The 1976 flood destroyed the power plant and with its reconstruction, the City developed the mountain park for public use of the site. The City also owns land near the mouth of the canyon, for municipal water treatment, storage and conveyance, as well as properties just west of the City limits, for conservation and recreation purposes.

A broad goal of this plan is to reduce potential future impacts from flooding by helping to keep high risk lands in the floodplain free of permanent structures and primarily in a natural condition through recreation or conservation uses.

EXISTING PLAN DIRECTION

Public preferences have clearly expressed a need to focus on land conservation and recreation within the Big Thompson Canyon. The Larimer County Help Preserve Open Space Ballot language, approved in 1995 and overwhelmingly extended in 2014 by an 82% approval, which provides funding to both Larimer County and the City of Loveland, specifically allows revenues to be used for trails and passive recreational facilities: "Lands considered highly desirable for preservation using revenue from Larimer County's attributable share and in cooperative partnerships with other entities include... riparian lands and access to riparian lands along the Big Thompson River." As a result, current master planning efforts that included public outreach by the County and City of Loveland have included the Big Thompson River as a priority.

Existing Plans & Public Feedback Table

Outreach during this study confirmed and expanded upon the significant input received in prior outreach and plans such as:

Plan	Plan Goals/Recommendations	Public Input Highlight
Larimer County Open Lands Master Plan (2015)	This plan reaffirmed the Open Lands Program's Role in continuing conservation and recreation efforts in the Big Thompson River and North Fork corridors; a commitment to partnerships to conserve lands along these rivers to enhance their long-term ecological functions, recreational opportunities, and scenic beauty; and supporting regional coalitions like the BTRRC that serve as a knowledge-sharing network and strategically coordinate watershed planning and preventative measures for flooding and drought through conservation mechanisms. The master plan carries forward a regional trail along the Big Thompson River as a priority from the 2001 plan.	"Ecological restoration/improvement of rivers is important now and will be critical to development...and maintaining water quality to allow sustainable human population growth." -Survey Respondent "Acquiring easements adjacent to or near streams and rivers (is an important priority for acquisition)." -Survey Respondent
City of Loveland Parks and Recreation Master Plan (2014)	This plan identifies potential open lands including the Big Thompson River 100-year floodplain, lands surrounding Viestenz-Smith Mountain Park, Cedar Creek, Green Ridge Glade, and the Wild Nature Reserve/Morey Wildlife Reserve area. The Big Thompson River is Loveland's only natural waterway and contains more than one-fifth of all the forests, ponds, riparian and upland habitat surveyed within the study City of Loveland Natural Areas Sites (2008). Thus, the river is an extremely important natural resource and this plan recommends protection techniques to improve and enhance the corridor for both wildlife and human use. The plan also found that Loveland provides fewer trails and pathways and less accessible open space acreage on average than peer communities of Fort Collins and Longmont. The study also concluded that Loveland would need to increase its acres of parkland and open space and miles of hard and soft-surfaced trails to maintain current service levels and be well-positioned to provide abundant recreational opportunities as it grows in the future.	"Although open lands are important for environmental stewardship, residents indicated that the most important reason to acquire open lands is to increase opportunities for outdoor recreation (e.g. hiking, biking, fishing, rafting, camping, etc.). In fact, "hiking/nature walks" is the top activity people would like to participate in more frequently. Access also includes views and vistas of the surrounding landscape and its natural assets. Respondents in many outreach forums noted a desire for more water access to support recreation activities such as swimming, fishing, tubing and rafting. Fishing had the highest latent demand of any recreation activity—meaning that residents would like to fish more frequently if the resources and opportunities existed to do so." -Key Survey Results
Big Thompson River Restoration Master Plan (2014)	This plan describes general channel stabilization and design concepts for reaches of the Big Thompson and North Fork rivers, including public lands that were used for recreation. The plan includes river restoration recommendations and identifies areas with high potential for aquatic and riparian habitat enhancements that would significantly improve the ecology of the area. The plan has data that can be used to assess threats associated with flooding, erosion, and sedimentation. No specific recommendations were developed regarding land conservation for natural resource, recreation or scenic values, though these activities would complement the master plan's intent.	Riparian area repair, river bank restoration and stabilization were key priorities: "the loss of riverside vegetation results in a faster moving river with greater rate of erosion, impacting downstream properties." -Survey Respondent
Our Lands-Our Future (2013)	Results from this study's outreach confirmed and expanded upon the significant input received in prior studies, such as the Our Lands-Our Future county-wide surveys and outreach in 2012 and 2013. When asked "How would you allocate \$100 in public funds?" from a list of 15 categories, the number one priority was "Buy land or acquire rights to protect lakes, rivers, streams, and preserve water quality" (Larimer County 2013). Three other priorities were not far behind: <ul style="list-style-type: none"> • Buy land or acquire rights to protect wildlife habitat and rare species • Buy land or acquire rights for more outdoor recreation opportunities (hiking, walking, biking, horseback riding) • Buy land or acquire rights to create greenways or trail corridors that connect communities and parks 	"We used to be the #1 place to live, let's get that back and provide more opportunities to have fun in the mountains - cleaning the river, and volunteer opportunities for people to help out in the restoration." -Survey Respondent

This table provides a brief overview of the adopted plans and public input highlighting the unique role that the Big Thompson River plays in watershed protection and outdoor recreation. A full summary of existing plans policies is available in Appendix A.

PLANNING FOR THE VISION

Developing the Vision for the Big Thompson River corridor took place over the course of six months and involved members of the community, City of Loveland and Larimer County elected officials and board members, and representatives of the partner agencies and organizations. Partners include Colorado Department of Transportation (CDOT), US Forest Service (USFS), Colorado Parks and Wildlife (CPW), Estes Valley Land Trust (EVL), Estes Valley Recreation and Parks District (EVRPD), and the Big Thompson River Restoration Coalition (BTRRC). Outreach included interviews with recreation providers, land managers, public forums, the BTRRC steering committee and mailing lists, and online surveys.

Partner agencies and organizations participated in four technical advisory committee worksessions to discuss and coordinate the plan development and plan implementation.

Public Involvement Summary

Plan Development	Review and Approval
Planning Team Larimer County Natural Resources, City of Loveland Open Lands, Logan Simpson	Larimer County Open Lands Advisory Board Board of County Commissioners
Technical Advisory Committee/Partners CDOT, CPW, USFS, Other Departments of Larimer County and City of Loveland, Big Thompson River Restoration Coalition	City of Loveland Open Lands Advisory Commission City Council
Public and Stakeholder Participation	
Participants County-wide Participation Study Area Landowners and Residents Recreation Groups Conservation Interests	Events Open House and Online Survey #1: Scoping Open House and Online Survey #2: Draft Vision Plan Website and Fact Sheet OLAB and OLAC tours



Source: Logan Simpson

Summary of Public Outreach

Public meetings were attended by residents of the Big Thompson Canyon but also included residents from other parts of Larimer County and representatives of recreation groups and conservation interests.

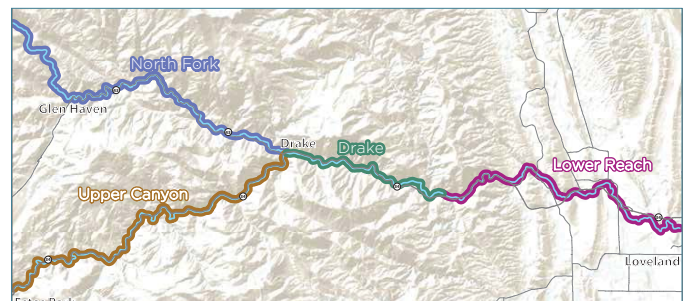
The public meetings were a one-stop-shop, public open house format held to provide information on the intent of the planning effort and the activities of various agency partners and to receive feedback from Big Thompson Corridor stakeholders on the Bigger Vision for the Big T. Project updates also included two related efforts:

- CDOT: status of the US 34 redesign effort and timeframe for constructing permanent repairs.
- Big Thompson River Restoration Coalition: presentation of the final BTRRC Restoration Master Plan and capacity-building for its implementation.

Informational and interactive boards were prepared and included displays on the purpose of the meeting, goals and outcomes of the project study, and the status of conservation and recreation resources in the study area. Display materials presented at the meetings were organized by river reach, which included the North Fork, Upper Canyon, Drake, and Lower Reach.

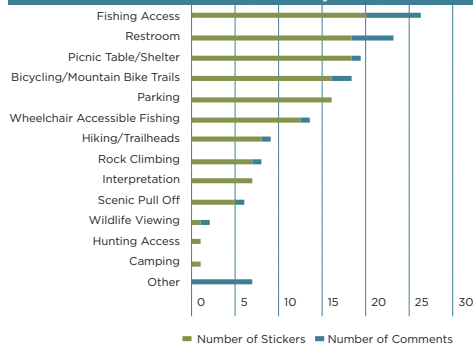


Source: Logan Simpson



At the February 12, 2015 public open house, participants were asked to place stickers representing desired recreation uses and facilities at their preferred locations, as well as provide comments on each type of use and the opportunities that could occur along each river reach. The majority of the feedback emphasized restoring past uses, such as fishing access, restrooms, and picnic tables. There was also strong interest in bicycle safety improvements to US 34 and in reconstructing a wheelchair-accessible fishing pier.

Public Recreation Priorities (February 2015)



Major themes expressed by meeting attendees included:

Recreation

- Importance of restoring previously existing recreation sites
- Improving access to the river for fishing, including safe pull-off locations
- Install road biking lanes along US 34 and CR 43 along with improving mountain biking on US Forest Service trails
- Support for respecting private property and strategies to minimize trespassing
- Maintaining highway safety
- Need for public restrooms along the corridor
- Viestenz-Smith Mountain Park was frequently mentioned as a top priority for rebuild. Forks Park was also identified an important location.
- Desire to construct a sustainable trail connecting the Big Thompson River to the Crosier Mountain or Round Mountain Trail Systems, along with improving the existing trails throughout the canyon.

Conservation

- Identified conservation opportunities focused on fisheries and restoration of a healthy river ecosystem. Other comments highlighted the importance of restoring vegetation and protecting floodplains from encroachment through the use of conservation easements and other protection strategies.

Timeline

Analysis of Existing Protected Land and Recreation Infrastructure

October- December 2014

Evaluate the Feasibility of Recreation and Conservation Opportunities

Public Meeting #1, January - March 2015

Present Draft Vision Plan

Public Meeting #2, April- May 2015

Final Vision and Assessment

June 2015

Partners Involved



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A Bigger Vision for the Big T

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"The Big Thompson River corridor will be a renowned resource that combines abundant wildlife and high quality scenery with access via public property to river-related recreation opportunities. Strategic investments along the Big Thompson River and its tributaries will *mitigate* flooding impacts, *strengthen* tourism, *improve* and *restore* a resilient river ecosystem, and *benefit* the people who live in and visit the Big Thompson Canyon."

- Vision Statement, A Bigger Vision for the Big T: A Recreation and Conservation Assessment

Case Study: South Platte Greenway: A Dream Come True

The South Platte Greenway is a model of river revitalization, community connections, and long distance multi-use trail development. The South Platte Greenway extends from the City of Thornton through Metro Denver and connects to the Mary Carter Greenway for a total distance of almost 30 miles, ending at Chatfield State Park. The South Platte Greenway is a unique environmental, recreational, cultural, scientific and historical amenity that links Denver's past and its future. Like the Big Thompson through Loveland, the river corridor is extremely constrained by historic industry and residential uses, a major railroad corridor, and many land owners. The South Platte Greenway Foundation, Denver Parks and Recreation, and the South Suburban Park Foundation have led efforts to reclaim the South Platte River from a virtual cesspool to a place of environmental and recreational pride. Today the partnership has completed over 100 miles of hiking and biking trails, over 20 parks and natural areas, designed and built numerous whitewater boat chutes, and vastly improved the health of the watershed and its habitats. This effort has helped create over \$100 million of green improvement, facilitating over \$10 billion in residential and commercial development.

For more information, visit The Greenway Foundation website at <http://www.thegreenwayfoundation.org/> and view The River North Greenway Master Plan at http://www.denvergov.org/Portals/747/documents/planning/masterPlans/RINO_masterPlan.pdf



A BIGGER VISION FOR THE BIG T

The Big Thompson River watershed is essential to the maintenance of a clean and natural water supply. The river corridor serves as a floodplain that conveys runoff and storm events and provides vital habitat for a variety of aquatic and upland species. Appropriate areas are also prime outdoor recreation and educational resources that are close to urban populations and accessible to large numbers of visitors. The Big Thompson River offers a largely unrealized opportunity to become one of the best models on how to protect and enhance a major canyon along the urbanizing Front Range.

While some portions of the corridor have already been conserved — separately and in partnership with other entities such as the City of Loveland, Larimer County, CPW and USFS — other portions remain unprotected.

Project Goals and Other Outcomes

Through this Conservation and Recreation Assessment, Larimer County and the City of Loveland will work collaboratively with the public, other agencies, private and non-profit sectors to:

- Assess existing protected lands and identify the feasibility and priorities for conserving additional lands within the Big Thompson corridor;
- Assess existing recreation amenities and identify the feasibility and locations for future recreational access/facilities within the Big Thompson corridor;
- Assign a priority, potential funding sources, and agency responsibilities to potential projects.

Broader outcomes of the study include:

- Reduce risk to lives, private property and critical infrastructure;
- Improve water quality and ecological function;
- Improve river function and resiliency throughout the year, as well as during flood events, by maximizing the area available for the river and its floodplain;
- Enhance the scenic qualities and wildlife habitats of the river corridor;
- Provide access to the river and other sites for recreation;
- Strengthen partnerships and collaborations to enable this vision to be implemented; and
- Increase appreciation, respect, and understanding of the river's function and values.

CHAPTER 2. PRE- AND POST-FLOOD CONDITION ASSESSMENT

BIG THOMPSON RIVER NATURAL RESOURCES

The Big Thompson Canyon is home to a wide array of flora and fauna including trout and other aquatic species, forested uplands with extensive ponderosa pine forests, and rocky, inaccessible slopes that shelter bighorn sheep. This chapter summarizes some of the natural values that occur in this setting.

Terrestrial Habitat

Protection and enhancement of the natural environment along the river is constrained by residential and commercial land uses and recreation activities. The impact of increasing recreation levels on the river's natural environment is slowly becoming apparent. Informal trails, invasive weeds, trash, dog feces and human activity affect the habitat of the river. The level and extent of human activity may also affect sensitive wildlife habitats that support a wide variety of species, including big and small game species, as well as numerous non-game amphibian, mammal and bird species, including critical raptor nesting and roosting sites. Therefore, it is important to provide a comprehensive recreation plan that provides recommendations for area specific restoration and habitat protection practices.

Topography of the corridor is mostly canyon, with steep cliffs and mountains on both sides. The river winds through the canyon creating a unique environment where only particular wildlife can thrive.

Bighorn sheep, the state animal for Colorado, are a prominent species throughout the Big Thompson Canyon, which provides an important lambing area, water source, and migration corridor. Many people stop along US 34 to view bighorn sheep and interpretive signage that existed at the Idylwild Reservoir rest stop prior to the 2013 Flood.

Bighorn sheep live on sunny mountain slopes, usually above 8,000 feet, where there is plenty of grass and a clear uphill escape route. Stocky-bodied with strong legs, bighorn sheep are well-designed for bounding over mountain slopes. Sheep do not pioneer new range or move to new habitats easily, even those adjacent to areas in current use. Limited habitat can lead to overcrowding, stressing the animals and spreading disease.

Riparian Habitat

An evaluation of riparian vegetation was conducted by Alpine Ecological Resources, as part of the Big Thompson Restoration Master Plan. The following summary is taken from the Restoration Master Plan (2014). The 2013 flooding removed or damaged much of the riparian vegetation along the Big Thompson River and North Fork. The report also notes that historic land use practices in the canyon had already resulted in the loss or degradation of riparian habitat at many locations.

Riparian vegetation is dependent on both surface and groundwater associated with the river and on the Big Thompson typically consists of an overstory dominated by cottonwood (*Populus* spp.) and a shrub layer dominated by willow (*Salix* spp.). At many locations above 6,000 feet, the shrub layer is dominated by water birch (*Betula occidentalis*) or thinleaf alder (*Alnus incana* spp. *tenuifolia*) instead of willow.

The headwaters of the Big Thompson River are located in Rocky Mountain National Park and then the river traverses through Estes Park and into the upper canyon. The large majority of the upper canyon segment generally lacks floodplain areas due to the narrowness of the canyon. Also, most of the small areas of floodplain remaining have little restoration potential since they contain US 34 and/or residential development. Areas with low restoration potential are confined, very rocky, and/or have exposed bedrock in and along the channel. The degree to which key services are provided depends on many factors, including the relative size of the habitat/floodplain. For instance, reaches along the North



Bighorn Sheep along US 34. Source: Charlie Johnson



Representative photographs showing change in riparian vegetation before and after the 2013 Flood (photos not taken in precisely the same location). Source: Google Earth (top); Tom Keith.

Fork and portions of the Big Thompson west of Loveland are ideal locations to restore aquatic habitat. However some sections of narrow canyons are bounded by exposed bedrock and have less potential for riparian vegetation habitat (and the resulting services) than the broad floodplain of the lower reaches.

Per the 2014 Big Thompson River Restoration Master Plan, restoration potential in the lower canyon is highly varied. Areas with high restoration potential generally have a wider undeveloped floodplain with little or no riparian vegetation remaining. Such areas typically occur where the channel gradient is slightly lower and substantial sediment deposition occurred. Remaining riparian vegetation is typically limited to widely scattered cottonwoods and a few other tree and shrub species.

Reaches with a lower restoration potential in the lower canyon are similar to those in the upper canyon and have limited floodplain areas and modifications from US 34 and/or residential development. The Narrows section has a very low restoration potential due to the narrow, rocky canyon setting with extensive exposed bedrock.

Lower reaches east of the Narrows generally have a higher restoration potential. Generally, the reaches with higher restoration potential contain large areas of undeveloped land, including gravel ponds. Many areas lack riparian vegetation, either from scouring or deposition associated with the flooding. Even before the flood, some of these lacked riparian vegetation due to down-cutting and/or the installation of levees that disconnected the river from its floodplain. Typically, riparian vegetation, both pre- and post-flood, consists of a narrow band of cottonwoods and other trees. A few shrubs are present immediately adjacent to the channel.

Restoration potential along the North Fork and tributaries are highly varied with most of the upper reaches having a lower restoration potential, except for a segment of West Creek through the town of Glen Haven. The lower restoration potential is mainly due to a lack of undeveloped floodplain and the natural absence of riparian vegetation. Most of the lower reaches have a higher restoration potential, including those areas with a wider undeveloped floodplain and little or no riparian vegetation.

Larimer County and the City of Loveland currently manage several open spaces along the North Fork and mainstem of the Big Thompson River. Larimer County recently completed its Open Lands Master Plan that provides priorities and strategies for management. The plan specifies the importance to complete substantial river restoration work on county lands both in-stream and along the banks to re-establish and enhance a functioning ecosystem both in the canyon and below. Proper land management will benefit all wildlife species by reducing fragmentation, preserving travel corridors, and allowing wildlife to more naturally disperse.

Fisheries

The natural condition of the Big Thompson River has been dramatically altered from its natural state. Riprap, diversions, dams and other human-made features have altered the hydrological regime of the river and its floodplain, affecting both aquatic and terrestrial habitat potential. The 2013 flood scoured the river; moving large boulders, changing courses in some locations, removing vegetation and causing debris and sediment to accumulate in stream corridors. Although a natural process that provides benefits from a river function and ecological perspective, there may be places where significant debris/sediment accumulation may increase the risk or likelihood of issues during future flooding.

The Idylwild Dam was part of a hydroelectric generating system managed by City of Loveland Water and Power, and was the only obstruction between the Olympus Dam and the water diversion at the canyon mouth. The Idylwild Dam was located on USFS land and was damaged beyond repair by the 2013 flood. Following the dam's removal and decommissioning by the City of Loveland, the USFS has resumed management of the property. Removal of this dam returns this section of river to a more natural state to benefit the ecosystem, particularly the fisheries.

The 2013 flood caused the complete collapse of the fisheries, especially downstream of Glen Comfort (mile marker 67). Anglers flock to the Big Thompson River to fish for rainbow and brown trout. Fish counts were completed in fall 2014 revealing the drastic reduction in fish population. However, populations are strong in the upper reaches and those trout will serve to repopulate a natural/wild population. The Big Thompson River is not stocked with hatchery fish.

Channelization of the Big Thompson River, after the 2013 Flood, reduced trout abundance by 90-100% at most locations surveyed. For example, a section of the Big Thompson River at Drake contained 3,206 trout per river mile when surveyed in September 2012. No fish were found at this same location in November 2013 following channelization work. Farther upstream, near the Waltonia Bridge, trout abundance was reduced from 5,895 fish per mile in September 2012 to 130 fish per mile in October 2013. Sections of the Big Thompson River that were not artificially channelized fared much better in terms of trout abundance. The handicap fishing pier access site is located near Highway 34 mile marker 72 and yielded 3,769 trout per mile in October 2011. Following the 2013 flood, this same section contained 4,368 trout per mile, a 16% increase. Relatively little restoration work is needed for sections of the Big Thompson River where post-flood landscapes were not altered or channelized during post-flood reconstruction activities.

Colorado Parks and Wildlife is the lead agency responsible for fisheries management of public waters in Colorado. The primary tool that guides fisheries management in rivers is the multiple-pass electrofishing survey. Electrofishing is a common method used to sample fish populations and determine abundance, density, species composition, and fish condition. These surveys monitor fish populations and identify the impacts of flooding, wildfire, fish disease, competition, and more. These surveys are used to evaluate fishing regulations, the need for reintroduction via stocking, the need for habitat improvement, as well as the success of stream restoration projects. Electrofishing surveys are conducted regularly in all major rivers in the Colorado Front Range, and provide a valuable dataset for evaluating the effects of both the flood and emergency reconstruction efforts on these fisheries. In general, post-flood electrofishing surveys conducted in the Cache la Poudre River and Boulder Creek revealed limited damage and very limited channelization work. As a result, post-flood fishery assessments focused on the Big Thompson River and St. Vrain Creek, as large portions of these rivers were channelized to convey spring runoff and facilitate re-construction.



Trout per mile. Source: CPW, Fall 2014



Source: Jay Zimmerman



Fishing Pier at mile marker 72. No post-flood channel work; number of trout actually increased post-flood. Source: CPW



Channelization near Drake. No fish were found at this location post-flood. Source: CPW



Idelwild Dam pre- (middle) and post- (bottom) 2013 flood. Sources: Loveland Water and Power, CDOT



Channelization near Viestenz-Smith Mountain Park. Trout biomass was reduced by 92% post flood. Source: CPW

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Aquatic Habitat

As part of the 2014 Big Thompson River Restoration Master Plan, Miller Ecological Consultants, Inc. (MEC) conducted an assessment of aquatic habitat following the flood event of September 2013. The following summary of aquatic conditions is taken from the Restoration Master Plan.

Upper segments of the river generally fared better than downstream reaches in terms of damage to the aquatic ecosystem. The Upper Canyon segment (downstream from Olympus Dam to the confluence with the North Fork) remained the most intact following the flooding and the condition of aquatic habitat in this segment is generally good. Banks remain vegetated at most locations. MEC noted that several sites in this segment with a lower gradient would benefit from restoration efforts designed to restore the braided channel to a single thread. In addition, the report notes that some segments in this reach have a lack of riparian vegetation, which has a negative effect on aquatic habitat.

The most severe damage to aquatic habitat occurred in the Drake and Lower Reach sections (from the confluence with the North Fork downstream to Glade Road). Flood flows in these reaches resulted in large areas of the channel with sediment degradation and aggradation. Viestenz-Smith Park is representative of the type of damage that occurred. The condition of in-channel habitat at this location was rated as moderate to low. MEC also states that the river channel from the mouth of the canyon downstream to Glade Road was highly modified by the flood. This segment experienced both severe degradation and aggradation. The report further notes that some restoration activities have already occurred in this segment. The majority of the stream channel in the upper portion of this reach is riffle habitat that generally lacks run or pool habitat.

On the North Fork, the MEC report states that aquatic habitat restoration is recommended only in minor, localized areas. It further notes that the most severe flood damage occurred on West Creek and the mainstem of the North Fork near Glen Haven.

CPW has a vested interest in protecting the aquatic resources and managing the fisheries of the North Fork and mainstem of the Big Thompson River. The Colorado Water Conservation Board (CWCB) has designated \$300,000 in grant funding to CPW/USFS to be used to restore large continuous sections of river open to public access. These larger parcels will potentially include:

- Downstream of Glen Comfort (0.9 miles)
- Upstream of the Waltonia bridge (2.9 miles)
- Confluence - Drake (0.4 miles); in conjunction with Wildland Restoration Volunteers
- Narrows upstream of the Dam store (1.5 miles)

In-stream work on all properties (public and private) will likely require a 404 permit from the US Army Corps of Engineers. Project timing for work within the 404 permit should be restricted on timing to protect spawning trout.

Hydrology

The mainstem of the Big Thompson River is highly regulated by releases from Olympus Dam, which regulates flows for water supply purposes and was not designed to provide flood control. As a result of this regulation, flows in the Big Thompson River normally fall within a more narrow range than a typical mountain stream. Nevertheless, there is a substantial amount of variation in flow. During the 2014 primary recreational use season extending from May through October, flows at Cedar Cove ranged from a high of 1,340 cfs on May 31 to a low of approximately 60 cfs. Flows in the summer months of July and August typically ranged between 150-250 cfs¹.

American Whitewater states that boating in the canyon generally requires a minimum flow of 400 cfs, which only occurred on 18 days in 2014 during the primary use season. Flows above 400 cfs occurred during a period of less than a month (May 19 to June 14). Although flows above 400 cfs were recorded again in November, conditions at this time of year probably attract only more dedicated boating enthusiasts. At flows in the 400-600 cfs range, the river is considered a Class IV, rising to Class V when flows are in the 900-1200 cfs range. Both of these ratings are indicative of difficult to very difficult boating conditions requiring more advanced boating skills. It isn't clear at this point how the 2013 flood may have affected these ratings and overall boating experience on the river. Lower reaches of the river are also used for tubing.²

As previously discussed in Chapter 1, the Big Thompson River has an established history of flooding. According to a CDOT report, before the 2013 flood approximately 13 significant floods occurred in a period extending back to 1864. Although substantially smaller than the flooding in 1976 and 2013, all but one of these flood events resulted in damages to crops, homes, and businesses in the Loveland Area.³ This history underscores the need to account for flood events in land use decisions and in the planning and design of facilities and infrastructure.



Source: Jay Zimmerman

¹ (http://www.dwr.state.co.us/SurfaceWater/data/detail_tabular.aspx?ID=BTABCMCO&MTYPE=DISCHRG)

² (<http://www.americanwhitewater.org/content/River/detail/td/361/#tab-flow>)

³ (Hydrologic Evaluation of the Big Thompson Watershed Post September 2013 Flood Event, CDOT, August 2014.)

BIG THOMPSON RIVER INFRASTRUCTURE AND RECREATIONAL RESOURCES

CR 43 and US 34 Reconstruction

Many efforts are underway or have been completed to restore and repair the damage that was done in 2013. Immediately following the flood, Larimer County, Natural Resources Conservation Service, and other agencies began exigent work on private property to temporarily stabilize banks and re-grade the roads. At the same time, CDOT began making temporary repairs to US 34 to restore access up and down the corridor. These repairs were completed in just a matter of months and were always considered to be a temporary fix. Currently, CDOT is redesigning the road and intends to begin constructing a new, long-term design later in 2015. This Recreation and Conservation plan has been coordinated with CDOT to the greatest extent possible.

The reconstruction of portions of CR 43 by Central Federal Lands (CFL) began in the fall of 2014. The reconstruction of CR 43 involves the permanent, accelerated reconstruction of 9.5 miles of roadway between Drake and Glen Haven. The project involves building a more resilient CR 43 by shifting the roadway away from the river onto bedrock and work to be done includes rock blasting, rebuilding bridges along CR 43, embankment armoring, restoring the river in areas impacted by roadway construction and asphalt paving. Work is expected to be completed by the end of 2015.

Land Use

Land use in the Big Thompson River corridor is a mix of recreation, residential, agricultural (in the lower reach), and some commercial uses. Local businesses dot the corridor. Land management ranges from all levels of government to private individuals. The Big Thompson River meanders through the Arapahoe Roosevelt National Forest. Locations where US 34 meets Forest Service lands are often used for hunting and fishing access. Although this study discusses primarily lands managed by the respective open lands programs at Larimer County and the City of Loveland, multiple departments within these municipalities also manage lands within the study area including utilities and road and bridge departments.

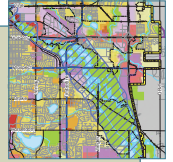
After the devastating flood of 1976, Larimer County acquired 164 substantially damaged parcels in the Big Thompson Canyon. Four of those parcels became designated County Parks and include public river access for fishing, picnicking, and general outdoor enjoyment of such a stunning canyon. Many of the remaining properties were being sold or had been sold in the 15 years prior to the 2013 Flood with building restrictions. Buyers were typically adjacent landowners.

Recreation and conservation should be compatible with County and municipal plans and land use goals, and should address new development occurring adjacent to the river. The great majority of the river corridor is zoned O-Open, which allows for residential uses and tourism-related lodging and related uses. The minimum lot size in this zone is 10 acres. Downstream of the Narrows, most of the river corridor is zoned FA-1, Farming, which allows similar uses as the O zone with the exception of most of the tourism accommodation uses. The minimum lot size in the FA-1 zone is 2.3 acres. Floodplain regulations in Larimer County require a setback of 100 feet from the centerline of the river.

In many places, existing land use is compatible with current recreational uses. In other areas, such as residential areas, conflicts from noise and trespassing occur during peak use periods.

Continued development along the river exacerbates natural resource and river function issues. Historically, adjacent land uses have channelized river segments and reduced connectivity to the adjacent floodplain, wetland and riparian areas. Federal regulations prohibit the destruction of wetlands, current county/city regulations limit development in riparian and floodplain areas, with provisions that the building is elevated above the base flood level and the required 50-foot setback <1 acre or 100 feet for more than one acre is maintained.

Case Study: Carrots (Land Conservation Funding) + Sticks (Floodplain Regulations) Conserve the Poudre River's Urban Floodplain



The community and City of Fort Collins has codified their commitment to protect the Cache La Poudre River and its floodplain that runs through the city's core. Land conservation funding (incentivizing private property owners to relocate) and floodplain regulations that discourage and prohibit development in the floodplain are credited for greatly minimizing the structural and infrastructure damage during the 2013 Flood. A system of natural areas and minimal infrastructure allowed the floodplain to do what it was supposed to do: dissipate the velocity and volume of floodwaters.

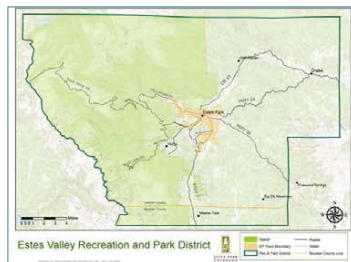
Fort Collins' Comprehensive Plan and Development Code aims to further minimize future hazards and damage and to protect the quality of streams, rivers, and water resources. For example, the city encourages a minimum buffer of development 300 feet from riparian areas of the Poudre River for public safety and to allow natural hydraulic and hydrologic processes to occur. In addition, the Comprehensive Plan emphasizes conservation of the natural features to restore and enhance the corridor for habitat, biodiversity, and aesthetic and recreational values.

For more information, see the Fort Collins, Colorado case study on pages 21-26 of "Community Case Studies 2004" available at: http://www.floods.org/PDF/NAI_Case_Studies.pdf

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EVRPD's service area includes more than half of the Big Thompson Canyon

Overview of Public Land Ownership

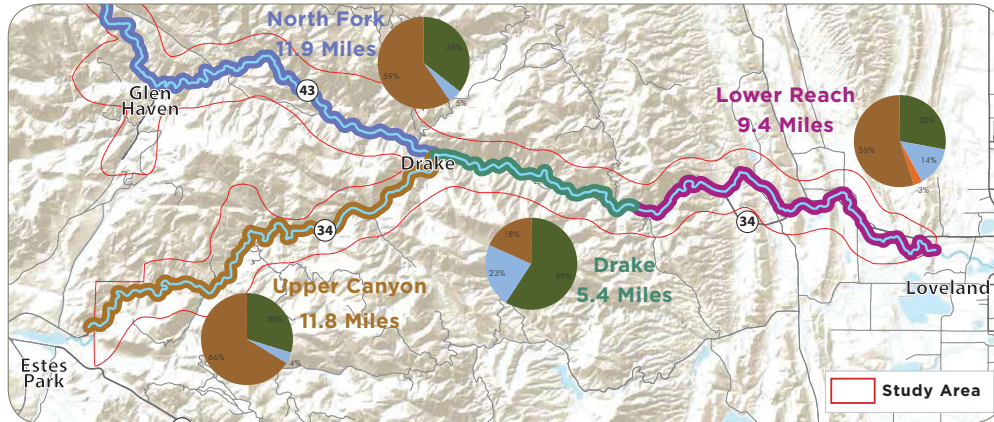
The table below summarizes the public ownership types along the Big Thompson River.

Agency	Property Type	Conservation Resources	Recreation Resources
US Forest Service	All property managed by USFS within the study area	The majority of this area is located in Management Areas 3.5 and 4.2, which primarily emphasizes wildlife habitat and scenery with management strategies to provide habitat for elk and bighorn sheep, and protect scenic resources.	Three day use picnic areas: Glen Haven, Lower North Fork Thompson, and Upper North Fork Thompson Big Thompson Fishing Pier Crosier Mountain Trails/Trailheads
Larimer County	Publicly accessible lands	Riparian and aquatic habitats.	River access at 4 sites: Glade, Narrows, Forks and Sleep Hollow Parks. Public access restricted due to 2013 flood.
	All conservation easements	Riparian and aquatic habitats.	No public access.
	1976 FEMA Parcels	Variety of uses. From vacant to maintenance.	No to Limited public access.
City of Loveland	Parks and Open Lands	Conservation and riparian habitat	Public access restricted due to 2013 flood.
State of Colorado (State Land Board, CDOT, CPW)	Utilities		No public access
	Lands owned by the State, Lands designated SWAs		CPW has 3 State Wildlife Areas: The Narrows, The Forks, and the State Fish Hatchery. The Fish Hatchery will be decommissioned and disposed. CDOT Maintenance Facility.

In addition to the property ownership above, Estes Valley Recreation and Park District (EVRPD) takes an active role in providing recreation activities throughout the Estes Valley. The mission of the EVRPD is to plan, direct, organize, and implement recreational programs, manage facilities, and provide public park and recreation opportunities for residents of the District and visitors to the community. The District encompasses approximately 320 square miles and includes within its boundaries primarily unincorporated land and the Town of Estes Park. The permanent population of the EVRPD varies between 10,800 and 11,600 in any given year. District boundaries are generally described as two miles north of Glen Haven; one mile east of Drake; south almost to Pinewood Springs (two miles past the Boulder/Larimer County line); and the Continental Divide on the west.

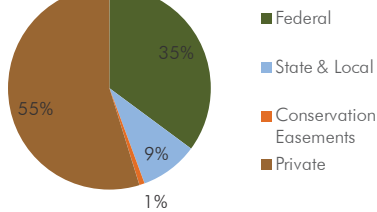
Although their facilities are primarily located outside of this plan's study area, EVRPD works cooperatively with many of the same partners including the Town of Estes Park, Larimer County Natural Resources, National Park Service, USFS, Bureau of Reclamation, CPW, EVLT, Estes Valley Improvement Association, and other agencies. EVRPD does not manage any facilities along the Big Thompson River or North Fork, except for an outdoor shooting range off of Noels Draw Lane. The trails committee has worked to promote the development and maintenance of a comprehensive and sustainable trail system throughout the Estes Valley. These trails are important assets between the Town of Estes Park and the communities of Drake and Glen Haven.

Conserved Miles of River in Big Thompson Study Area

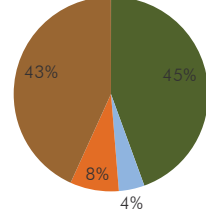


**Miles of River by Property Manager
in Study Area - 38.4 Miles**

**Acres Conserved
in Study Area - 22,182 Acres**



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Conserved Properties	Property Manager of River		Property Manager of Land Area	
	Miles	%	Acres	%
Federal	13.5	35.1%	9,858.9	44.4%
State & Local	3.6	9.2%	942.8	4.3%
Conservation Easements	0.3	0.8%	1,800.8	8.1%
Non-Conserved Properties				
Private	21.1	54.8%	9,580.1	43.2%
Total	38.5		22,182.6	

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Conserved Properties

The study area is generally a ½ mile buffer from the river centerline but should not be taken literally given changing river conditions and professional judgment. The study area was defined for general planning purposes. The preceding conserved lands map and table lists miles and percentage of river corridor in ownership by private, conserved on private or Federal/State/Local ownership.

Private Property

Private property comprises 55 percent of the river frontage. Due to the dispersed pattern of public ownership, landowner concerns about trespass and security are ever constant.

Population

Many people call the mainstem and North Fork of the Big Thompson River home either full-time or part-time. The majority of full-time residents live in the Glen Haven, Drake, and Cedar Cove communities. Part-time residents occupy cottages and cabins during summer months.

In June 1976, just before the flood, the full-time canyon population was estimated to be 600 and the part-time residents numbered approximately twice that. Current population in the canyon is likely to be substantially lower. The 2013 flood inflicted significantly fewer casualties than the 1976 flood, partly due to the significant reduction in residential properties that resulted from the 1976 flood and the timing of this flood. In addition, the 1976 flood occurred in July, peak summer vacation time, while the 2013 flood took place in September, after many part-time residents left for the season. The 1976 flood also occurred the weekend of the celebration of the centennial anniversary of Colorado becoming a State and there were numerous celebration activities planned throughout the state.

Through the damage assessment process, 89 parcels throughout the study area were determined to be significantly damaged. Of these properties, three-quarters (68 parcels) were residential houses, often cabin or cottage houses.

Recreation and Tourism

The quality of the recreation experience for all users of the river is affected by a number of factors, apart from short-term flood recovery and restoration activities. Even with regulations in place, trespassing and other problems related to recreation management continue to increase. Recreational use along the Big Thompson River is an important component of the local economy. Fishing, sight-seeing, wildlife viewing, boating, road biking, and hunting attract a large number of visitors to the corridor. An important component in any management decision relating to the river is economic impact. As Front Range population and Rocky Mountain National Park visitation continues to grow, there will be more users through this corridor and more demand for this finite resource.

Visitation along the river corridor is made up of three distinct user groups, which of course overlap.

- Destination visitors (recreationists whose sole purpose is river recreation such as fishing, boating, picnicking at public recreation areas)
- Through visitors (sightseeing, wildlife viewing, interpretation, lodging, hiking, road biking)
- Dispersed visitors (hunters, campers, hikers, rock climbing primarily on USFS lands) that do not require major facilities and rely on access points to USFS lands.

Visitation

Recreation visitation specifically in the canyon is difficult to track because the recreation sites are free and open to the public. However, an estimated 1.8 million people travel through the canyon annually.

Fly fishing accounts for the major contribution to "destination" visitation and thus economic impact of recreation. On average each angler spends \$103.16 for each day of fishing.⁴ Past estimates of angler visitation have equated to 2,559 angler days per month on the Big Thompson, totaling an annual economic impact of fishing in the canyon estimated at \$2.37 million.⁵

A previously existing private campground at Drake also attracted overnight visitors.

⁴ Southwick Associates, The Economic Contributions of Outdoor Recreation in Colorado: A regional and county-level analysis, February, 2014.
⁵ Colorado Parks and Wildlife, Big Thompson River Standard Regulations Section, Creek Census Summary (Multi-Years)

Recreation Facilities in the Big Thompson Study Area



[by the numbers]

estimated costs of damage to recreational facilities by manager

Larimer County: \$818,000 +
City of Loveland: \$2,535,000 +
Forest Service: \$3,078,181 =

\$6,431,181

DAMAGE ASSESSMENT OF POST-FLOOD RECREATION FACILITIES

The spectrum of recreation uses throughout the canyon is wide and diverse. The multiple levels of recreation development include dispersed uses such as hunting and hiking into the National Forest, developed uses such as picnicking and maintained trails, and general enjoyment through wildlife viewing and scenic vistas.

River access, via public property, is a highly utilized resource of the Big Thompson Canyon. River access was available at a number of spots throughout the canyon. In addition, river access, along with hunting access, often occurred where US 34 intersects with National Forest Lands.

Recreation sites were well dispersed along the Big Thompson River Corridor. However, a cluster of Forest Service picnic sites were located on the North Fork just downstream of Glen Haven.

The following table illustrates the previously existing recreational facilities and amenities. As already discussed, the majority of facilities and amenities provided at these recreation sites were destroyed during the 2013 flood. The following table details which opportunities still exist by site. Black boxes represent an open amenity that was not impacted by the flood, and grey boxes represent a destroyed facility.

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Pre-Flood/Post-Flood Recreation Uses + Facilities

			Uses and Facilities															<div><div></div> Use/Facility Open in 2014</div> <div><div></div> Past Use/Facility Destroyed in the 2013 Flood</div>	
	Map #	Name	Current Manager	Kayak/Canoeing	Trailhead (hiking and/or biking)	Hiking along river	Equestrian Trail	Mountain Bike Trails	Fishing access	Accessible recreation (fishing pier)	Hunting access to USFS Lands	Picnic tables/shelter	Camping	Watchable Wildlife Site	Interpretation	Parking spaces	Restrooms		
Lower Reach	1	Morey Wildlife Reserve	Loveland		TH													<div><div></div></div> Master Plan to be developed to include trails, parking, river access.	
	2	Glade Park	Larimer														30	<div><div></div></div> Grills, Porta potty	
	3	Narrows Park	Larimer / CPW														6	<div><div></div></div> County maintains the property.	
Drake	4	Viestenz-Smith Mountain Park	Loveland		TH												-70	<div><div></div></div> Master Plan underway, which will feature an educational center, trails, bridge, restrooms, parking, and other day use facilities.	
	5	Round Mountain National Recreational Trail	USFS/Loveland		TH												10	<div><div></div></div> Loveland currently maintains the restroom and parking lot.	
	6	Idylwilde Rest Stop	USFS														?	<div><div></div></div> Loveland has decommissioned Idylwilde Dam which will revert back to USFS management. Site will be restored with no planned recreation sites.	
	7	Forks Park	Larimer / CPW														10	<div><div></div></div> Managed by CPW as State Wildlife Area. CPW installed/maintained the restrooms, parking.	
Upper Canyon	8	Big Thompson River (at Waltonia Bridge)	Private														?	<div><div></div></div> Parking area for fishing access.	
	9	Fishing Pier (1.5 miles west of Waltonia)	USFS														?	<div><div></div></div> 270 feet long parking area, Bighorn Sheep viewing area, fishing pier will be rebuilt in 2015.	
	10	Sleepy Hollow Park	Larimer														5	<div><div></div></div>	
North Fork	11	Crosier Mountain Trail/Trailhead (near Drake Rt 43)	USFS		TH												8	<div><div></div></div> Possibly expanding in future.	
	12	Crosier Rainbow (Borrow pit) Trail/ Trailhead	USFS		TH												15	<div><div></div></div> Will be available for parking. No other facilities are planned as of 12/2014.	
	13	North Fork- Lower Picnic Site	USFS			?											?	<div><div></div></div> Working with Central Federal Lands on Rt 43 to leave parking area for fishing access. No other facilities are planned as of 12/2014.	
	14	North Fork- Upper Picnic Site	USFS			?											?	<div><div></div></div> Decommissioned.	
	15	Glen Haven Picnic Site	USFS														?	<div><div></div></div> Decommissioned, cultural site will remain.	
	16	Crosier Mountain Trail/Trailhead (near Glen Haven)	USFS														?	<div><div></div></div>	
	17	Dunraven Trailhead/Signal Mountain Bulwark Ridge	USFS		TH												23	<div><div></div></div> 23 parking spaces, trail reconstruction scheduled for 2015.	

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CHAPTER 3. A BIGGER VISION

Through this assessment and many supporting plans and outreach, County residents and stakeholders have clearly communicated that recreational uses and the natural values of the Big Thompson River are essential to their safety, quality of life, economic recovery, and health and wellness. The loss of nearly all recreational facilities and inability to access long-time favorite destinations have kept thousands of visitors away and diminished revenues from lodging, services and other economic activities. Flood effects and subsequent reconstruction efforts have significantly impacted a self-sustaining trout fishery and natural resources river-wide on public as well as private lands.

The plan described in the remainder of this chapter can be summed up in just a few words – it seeks to provide a high quality recreation experience similar to or better than what existed prior to the 2013 flood and restore river function and resiliency of the corridor through conservation and reservation. Yet it isn't an effort to return to the past and recreate what was previously there. It is a bigger vision to preserve the Big Thompson River's natural assets and rebuild visitor infrastructure in ways that will not only protect but enhance the river floodplain. In some cases, use areas can be expanded, better access will be provided, and connections between public lands will be enhanced. In other cases, previous use areas may not be reopened in the same manner as they previously existed. Some new public recreation areas may also be developed. In all cases, facilities will be developed in a manner consistent with their location in a flood hazard area by selecting locations that minimize risks, incorporates resilient design, and uses materials natural to the setting.

The overall result will be a network of recreational access and use areas that range from simple pull outs along the highway that offer river access to other sites that include developed facilities. The plan recommends the development, redevelopment, or restoration of 20 sites along the river corridor. Through a combination of US Forest Service lands and park sites provided by Larimer County and the City of Loveland, public access to the river will be available at regular intervals and only rarely will the distance between access points exceed one mile.

Fundamental to the reconstruction effort is a commitment to respecting private property. Federal, state and local agencies will work in cooperation with private property owners to direct recreationists toward public access points to minimize trespass issues. Regulatory information, including no trespassing signs, is built into each priority project design.

Each of these projects is described in the remainder of this chapter. Case studies from similar river corridors highlight what can be accomplished through a tenacious commitment to a sustainable vision and the funding needed to accomplish it. The chapter concludes with best practices that, if implemented, would strengthen ecosystem, land use, and partnership resiliency river-wide.

TIMING AND CONDITIONS OF PRIORITY PROJECTS

The partners' ability to provide the recreation facilities is dependent on funding availability. Public investments should be distributed in a manner that ensures a range of high quality recreational experiences and conservation of the natural environment. These investments must be balanced, not only on the Big Thompson River, but on a county-wide basis. As a consequence, the timing of implementing this plan is dependent on funding availability from grant sources, open land priorities elsewhere in Larimer County and the City of Loveland, and landowner interest.

Conservation of private lands is always predicated on fair agreements with property owners; therefore they would occur only on a willing -seller basis. Available resources must achieve a balance between urgent, immediate demands and farsighted, long-range goals. Therefore, the vision emphasizes working with willing landowners to develop conservation strategies that meet both the landowner's financial needs and the partners' goals to conserve and provide recreation access to significant open lands and floodplains.

Specific properties for potential conservation easements or acquisitions by Larimer County, City of Loveland, or Estes Valley Land Trust will be reviewed by their respective citizen advisory boards and approved by elected officials or designated agency management.

FROM VISION TO REALITY

This vision plan provides a framework for potential future uses and facilities. Site-specific plans for priority projects will include review and analysis of existing conditions, opportunities and constraints. Site-specific planning and design will also incorporate additional, more focused public input at the neighborhood level.



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Case Study: Choreographed Experiences in the Cache la Poudre River Canyon

The vision of the Cache la Poudre Wild and Scenic River is to protect the outstanding scenic features of the canyon and the existing free-flowing character of the river, while providing high quality recreation opportunities. The canyon is a popular location for fishing, picnicking, hiking, horseback riding, rafting, camping, site seeing, and biking along Highway 14. Scenic quality is protected through cooperation with private landowners, county zoning, scenic easements, or land acquisition from willing sellers, to ensure that new developments maintain the natural beauty of the area. Impacts from heavy recreational use are minimized through coordinating public and private facilities to provide a balanced variety of services to meet the needs of the public, designing highway access to off-street parking, designating specific river access points to protect the riparian vegetation, and standardized signs to improve safety. Existing Forest Service campgrounds are maintained with high landscaping standards and potential new campgrounds will be developed in areas already being impacted by camping use. Camping will only be allowed in designated campsites. As a result, more people will be served in campgrounds, with less congestion along Highway 14 and less impact on the river.

For more information, see the Cache la Poudre Wild and Scenic River Final Management Plan <http://www.rivers.gov/documents/plans/cache-la-poudre-plan.pdf>.

Map source: The Coloradoan viewable at <http://archive.coloradoan.com/interactive/article/99999999/XPLOEO3/399990141/Interactive-map-Poudre-Canyon-camping-guide>

PRIORITY PROJECTS

As described in previous chapters, the most important public investments needed to restore and enhance the river's setting and recreation opportunities include:

- Fishing access points
- Hiking, biking, and horseback riding trails
- Restoration of riparian and fishery resources per the 2014 BTRRC Restoration Master Plan in tandem with priority projects
- Public restrooms (located above the 100-year floodplain whenever possible)
- Safer bicycle infrastructure on US 34
- Limiting future property and facility losses through appropriate design and removing at-risk development from the floodplain
- Though some areas of the floodplain may be appropriate for active-use parks, visitor infrastructure should be minimized within the 100-year floodplain in favor of prioritizing passive uses with smaller footprints, including trails and fishing access

An assessment of potential projects is shown in the Evaluation Worksheet and series of four maps. Each site identified by the partners or public were evaluated based on the following criteria:

- **Site Feasibility:** How well can the site feasibly accommodate recreation facilities?
 - **Risk Benefits:** How would the property reduce risks to people and/or property? What is the property's demonstrated history of substantial flood damage? How safe is access from major roads?
 - **Recreation Benefits:** How would the property and program enhance river access and/or important recreational opportunities? What is its adjacency or potential connectivity to the river or other public lands that would otherwise be inaccessible?
 - **River Benefits:** How would the project improve river function and/or protect important aquatic habitat?
 - **Upland Benefits:** How would the project improve biological connectivity and/or conserve important riparian/upland habitat?
 - **Pre-Planning:** What is the availability of disaster recovery or existing funding? Is it shovel-ready?
- Based on the evaluation, public input, and site visits, the values of and recreational uses proposed for the most promising projects are presented in the Vision Map, Priority Projects table, and the remainder of this chapter. Note that final recreation programs for the Viestenz-Smith Mountain Park and some US Forest Service use areas along the North Fork will be determined through separate, concurrent master planning.

It is assumed that all priority projects described below (pages 26-30), along with future potential acquisitions, will undergo a full-scale restoration effort to reconnect the river with its floodplain and restore native riparian vegetation.

Evaluation Worksheet

		Evaluation Criteria							Project Benefit Score (Total)
		Site Feasibility	Would the project achieve or enhance the following?				Project Readiness		
			Reduces risks to people and/or property by removing at risk uses/parcels	Provides enhanced river access and/or important recreational opportunities	Improves river function and/or protects important aquatic habitat	Improves biological connectivity and/or protects important riparian/upland habitat	Pre-Planning; Availability of disaster recovery or existing funding		
Lower Reach	Loveland West	●	●	●	●	●	●	●	<div></div>
	Glade Park	●	●	●	●	●	●	●	<div></div>
Drake	Narrows Park	●	●	●	●	●	●	●	<div></div>
	Cedar Cove and Trailhead/Trail	●	●	●	●	●	●	●	<div></div>
	Viestenz-Smith Mountain Park	●	●	●	●	●	●	●	<div></div>
	Round Mountain National Recreational Trail	●	●	●	●	●	●	●	<div></div>
	Indian Village Area	●	●	●	●	●	●	●	<div></div>
	Idylwild	●	●	●	●	●	●	●	<div></div>
	Forks Park Area	●	●	●	●	●	●	●	<div></div>
	Upper Drake	●	●	●	●	●	●	●	<div></div>
Upper Canyon	Mile marker 75 / Downstream of Waltonia	●	●	●	●	●	●	●	<div></div>
	Waltonia Bridge	●	●	●	●	●	●	●	<div></div>
	Fishing Pier (1.5 miles west of Waltonia)	●	●	●	●	●	●	●	<div></div>
	Sleepy Hollow Park	●	●	●	●	●	●	●	<div></div>
	Glen Comfort Area	●	●	●	●	●	●	●	<div></div>
	Loveland Heights	●	●	●	●	●	●	●	<div></div>
	Common Point Shooting Range	●	●	●	●	●	●	●	<div></div>
	Estes Park Gateway	●	●	●	●	●	●	●	<div></div>
North Fork	Hatchery Area	●	●	●	●	●	●	●	<div></div>
	Glen Haven Downtown / Crosier Mountain Trailhead	●	●	●	●	●	●	●	<div></div>
	Crosier Mountain Trail/Trailhead (near Drake Rt 43)	●			USFS to Determine Future Use				
	Crosier Rainbow (Borrow pit) Trail/Trailhead	●			USFS to Determine Future Use				
	North Fork- Lower Picnic Site	●			USFS to Determine Future Use				
	North Fork- Upper Picnic Site	●			USFS to Determine Future Use				
	Glen Haven Picnic Site	●			USFS to Determine Future Use				
	Dunraven Trailhead/Signal Mountain Bulwark Ridge	●			USFS to Determine Future Use				

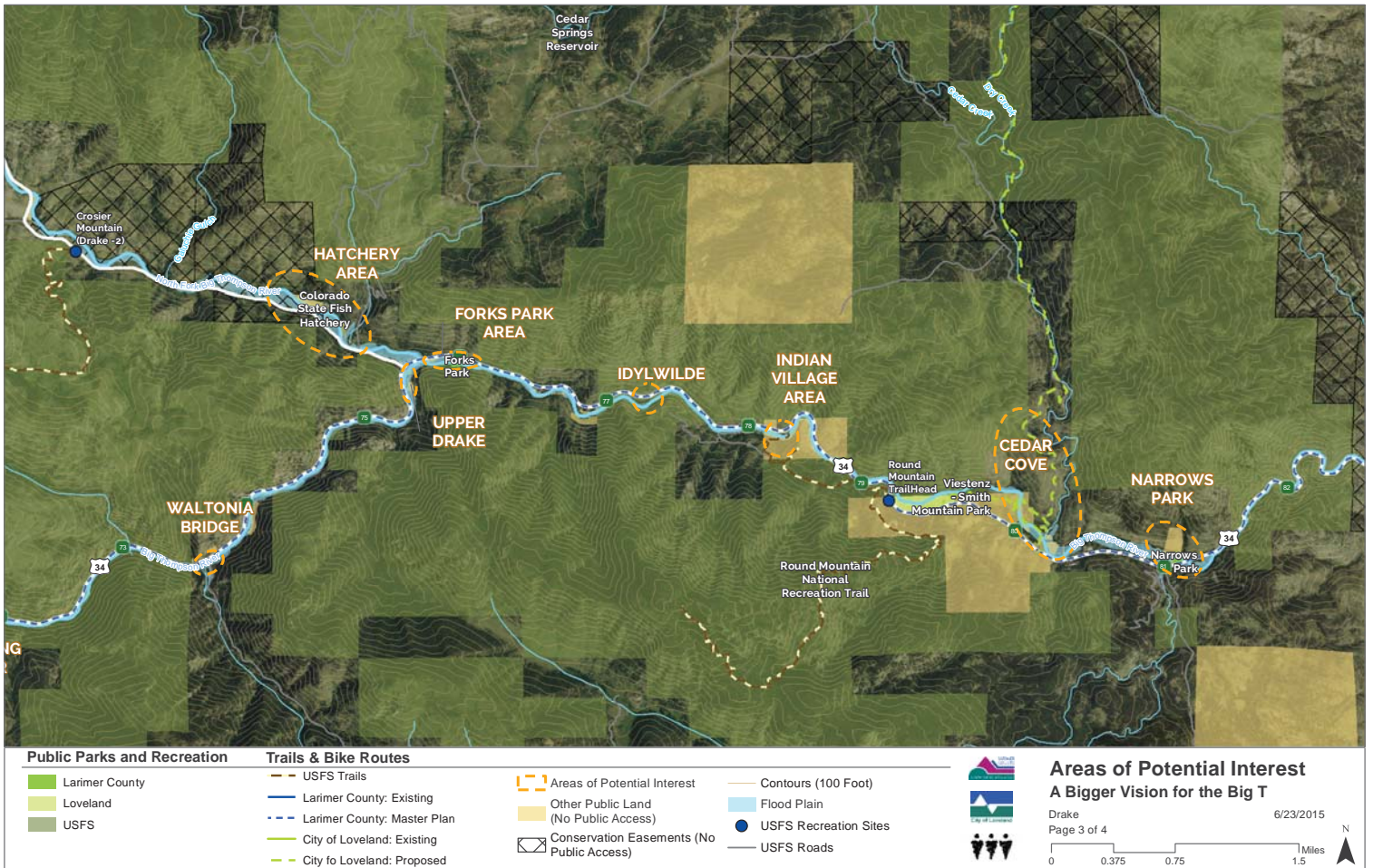
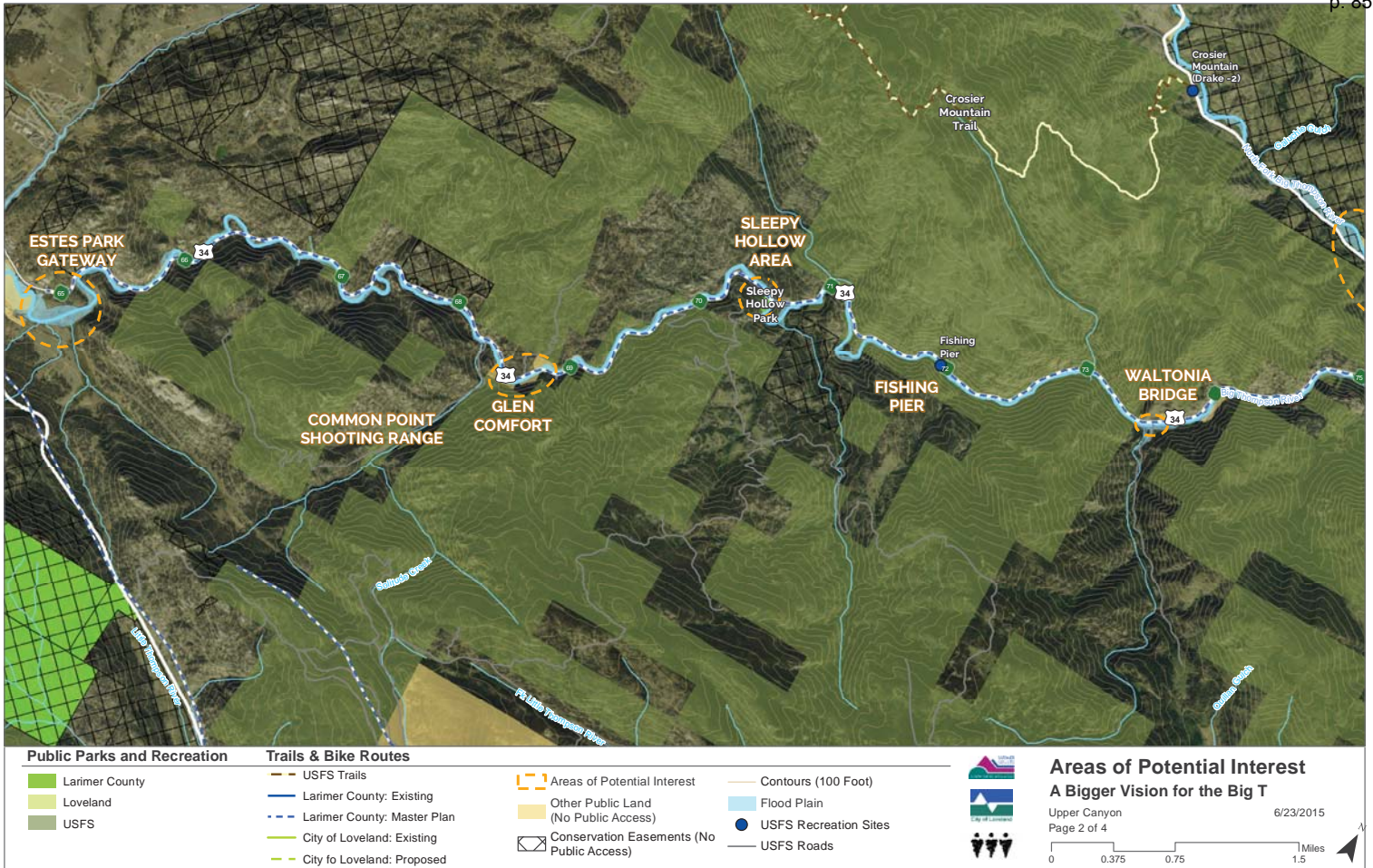
Legend: ● None ● Low ● Moderate ● High

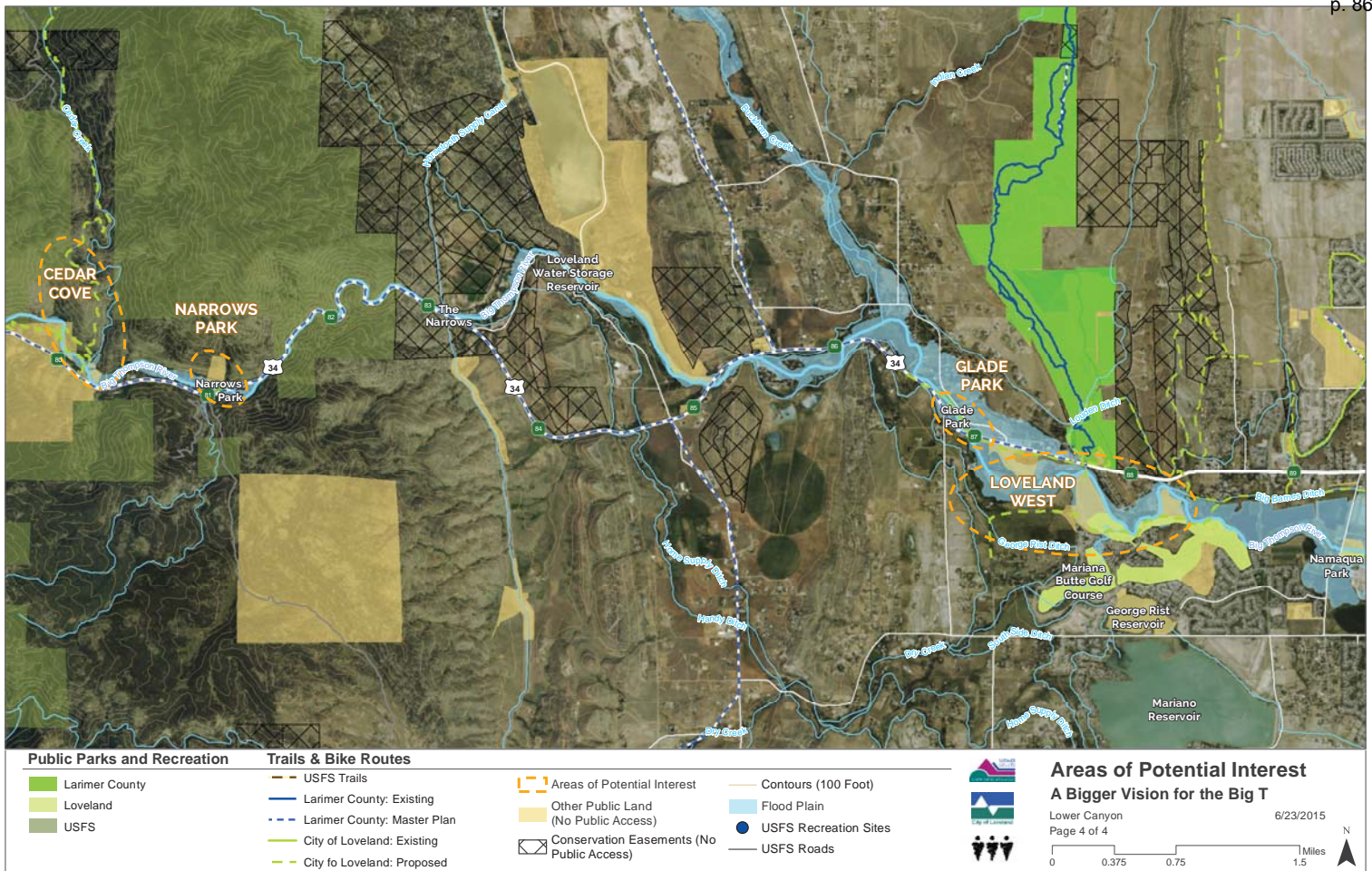
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A Bigger Vision for the Big T

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Pre-flood



2013 Post-flood

Loveland West+ Big Thompson Multi-Use Trail

The Big Thompson River corridor has been a high priority for the City of Loveland and this area adds a new dimension to the recreation opportunities in the center of a triangle extending between Morey Wildlife Reserve, Glade Park, and Devil's Backbone Open Space. Both the 2014 Loveland Parks and Recreation Master Plan and 2015 Larimer County Open Lands Master Plan have looked forward to connecting the east-west Big Thompson Multi-Use Trail to the north-south Blue Sky Trail across US 34. There are multiple potential options to cross US 34 that will require detailed site planning (including Glade Park, Rossum Drive, and existing culverts). Another key recommendation is extending the Big Thompson Multi-Use Trail upstream from the Morey Wildlife Reserve (with a new trailhead) to Glade Park.

Opportunities/Constraints

- Adjacent to existing public land
- Wildlife corridor along river and ditches
- Connects existing recreational infrastructure such as trails, trailheads, access points, etc.
- Feasible public access to Big Thompson River
- High sedimentation loads during flood events
- Wide regulatory floodplain
- High riparian, wildlife, and aquatic habitat values – identified in City of Loveland Natural Areas Sites (2008), Our Lands-Our Future (2012), Big Thompson River Restoration Master Plan (2014), and City of Loveland Parks & Recreation Master Plan (2014)

Potential Recreation Program

- Big Thompson multi-use trail (1 mile) connections to Glade Park and Devil's Backbone Open Space
- Interpretation
- Trailhead/Parking on city-owned property
- Wildlife watching
- Fishing / river access
- Restroom



2013 Flood. Source: CDOT

Glade Park

Pre-flood, Glade Park was a popular family gathering spot with 30 parking spaces. To reduce flood risk, an additional parking area could be located on an adjacent property outside of the floodway or on city-owned property near Morey Wildlife Reserve.

Opportunities/Constraints

- Previous County Park
- Adjacent to existing public land
- Wildlife corridor along river
- Feasible public access to Big Thompson River
- Regulatory floodplain
- History of substantial flood damage upstream of the US 34 bridge
- County ownership is almost wholly within the floodway and new facilities would likely be damaged in future floods
- High riparian, wildlife, and aquatic habitat values – identified in Our Lands-Our Future (2012), and Big Thompson River Restoration Master Plan (2014)

Potential Recreation Program

- West terminus of Big Thompson multi-use trail (0.5 miles) with connection to Loveland West and Devil's Backbone Open Space
- Parking (if additional lands acquired)
- ADA Restroom (if additional lands acquired)
- Picnicking and cooking grills (if additional lands acquired)
- Interpretation
- Wildlife watching
- Accessible fishing / river access



2013 Flood



2013 Flood



2015 photo showing height of debris left in trees



2013 Flood. Source: CDOT



2015 photo post clean up

Narrows Park

Narrows Park became a County park after the 1976 flood destroyed the homes on nine contiguous properties on both sides of the river. High flood waters in 2013 destroyed the parking area, grills, and pathways. Due to its susceptibility to flood damage, the site would continue to serve as a fishing access point with minimal facilities. Off-street parking, if offered again, would need to be located on an adjacent parcel outside of the floodway.

Opportunities/Constraints

- Adjacency to existing public land
- Access to the Big Thompson River
- History of substantial flood damage upstream of the US 34 bridge, including substantially damaged properties adjacent to existing county land
- Geological hazards (landslides, sedimentation areas, erosion risk)
- Ties in with existing recreational infrastructure such as trails, access points, etc.
- Previous County Park with established recreational uses
- Access from public roads
- Flood risk (within regulatory floodplain)

Potential Recreation Program

- Parking (if additional lands acquired)
- Wildlife watching
- Fishing / river access
- Restroom (if additional lands acquired)

Cedar Cove + Trailhead/Trail

Once a residential subdivision, only a few homes have withstood two major floods and half of the properties are now owned by Larimer County. With restoration and landowner agreements, the area holds significant promise as a trailhead with connections to Viestenz-Smith Mountain Park and Bobcat Ridge Natural Area (managed by Fort Collins) as anticipated in Loveland's Parks and Recreation Master Plan.

Opportunities/Constraints

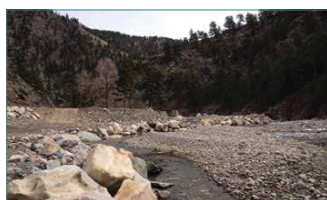
- High riparian habitat quality and aquatic improvement potential
- Adjacency to existing public land
- Access to the Big Thompson River
- Flood risk (within regulatory floodplain)
- History of substantial flood damage with heavy sedimentation and channel migration
- Potential regional trail access and connection to recreational infrastructure.
- Connects public land (County, City, USFS)
- Geological hazards (landslides, sedimentation areas, erosion risk)

Potential Recreation Program

- Potential trail connection to Bobcat Ridge Natural Area (7.4 miles) and Viestenz-Smith Mountain Park (1.5 miles) if additional land acquisitions/trail easements acquired
- Parking
- Interpretation
- Wildlife watching
- Picnicking
- Restroom
- Trails
- Fishing / river access



2013 Flood. Source: CDOT



2015 Post-flood

Indian Village Area

In addition to the 20-acre Viestenz-Smith Mountain Park, the City of Loveland owns nearly 400 adjacent acres. This undeveloped land serves utility and watershed protection functions, as well as accommodating the popular Round Mountain National Recreation Trail and trailhead. The 1-mile Foothills Nature Trail climbs to a 1930s Civilian Conservation Corps era scenic overlook. This trail system could be expanded on public property downstream to Cedar Cove or upstream near Indian Village to the US Forest Service's decommissioned Idylwild area, which had served as a popular recreation site and bighorn sheep viewing area until the 2013 flood.

Opportunities/Constraints

- River access via public property
- History of substantial flood damage
- Feasible public access to Big Thompson River
- Offers recreational access to other public lands that would otherwise be inaccessible.
- Ties in with historic/existing recreational infrastructure such as trails, access points, etc.
- Access from public roads
- Adjacency to existing public land

Potential Recreation Program

- Parking
- Fishing / river access
- Wildlife watching and scenic pull offs
- Hunting access to USFS lands via pedestrian bridge
- Improvements to the Round Mountain trailhead or a second trailhead below the CCC scenic overlook.
- Multiple routing options for a multi-use or natural surface trail system from Idylwild to Cedar Cove through Round Mountain and/or Viestenz-Smith Mountain Park (4 miles). (if additional trail easement acquired)



2013 Flood. Source: CDOT

Forks Park and Upper Drake Area

Like Narrows Park, Forks Park came into being after extensive flooding and sedimentation at the confluence of the Big Thompson and North Fork destroyed the majority of residential subdivisions in 1976. The 2013 flood again re-routed the river and caused substantial damage, obliterating all of Forks Park's facilities. Forks Park remains highly visible and accessible near the intersection of US 34 and CR 43; with appropriate design and river restoration, the Forks could be rebuilt and possibly expanded to serve as a recreation hub in the center of the canyon and support local businesses.

Opportunities/Constraints

- River access via public property
- Access from public roads
- Previous county park with established recreational uses
- Adjacency to existing public land
- Flood risk (within regulatory floodplain)
- History of substantial flood damage with heavy sedimentation and channel migration
- High riparian habitat quality or ecological improvement potential
- High fishery quality and/or aquatic habitat improvement potential
- Kayaking/Canoeing access
- Wildlife viewing area - bighorn sheep movement corridor
- Substantially damaged parcels adjacent to existing county land



2013 Post-flood

Potential Recreation Program

- Multi-use or natural surface trail
- Parking
- Restroom
- Interpretation
- Wildlife watching and scenic pull offs
- Fishing / river access
- Hunting access to USFS lands
- Picnicking
- Boating access put in for floating downstream to Viestenz-Smith Mountain Park



Pre-flood

Fishing Pier

Surrounded by US Forest Service lands, the parking area and interpretive panels were untouched by the 2013 flood though the popular fishing pier was washed downstream. Bighorn sheep can be seen on the nearby hillsides often for over 100 days a year. Grants are already in place to reconstruct the accessible fishing pier.

Opportunities/Constraints

- Funding available to rebuild handicap-accessible fishing pier
- Previously existing recreational uses.
- Wildlife viewing opportunity – bighorn sheep
- Fishing access
- High quality fishery and/or aquatic habitat improvement potential

Potential Recreation Program

- Parking
- Accessible river access
- Fishing / river access
- Interpretation
- Wildlife watching and scenic pull offs



Post-flood



Pre-flood

Sleepy Hollow Area

This beloved picnic area is located on both sides of US 34 at mile 12. It offers unique fishing access in a deep, partially secluded canyon. The restroom survived the 2013 flood, but picnic and parking amenities were destroyed.

Opportunities/Constraints

- Offers recreational access to USFS lands that would otherwise be inaccessible.
- Large substantially damaged parcels near existing county land
- Previously established recreational uses on public land
- Scenic river segments that are separated from the road
- Steep slopes
- Geological hazards (landslides, sedimentation areas, erosion risk)
- High quality fishery and/or aquatic habitat improvement potential
- River access via public property

Potential Recreation Program

- Multi-use trail
- Restroom
- Parking
- Picnicking
- Interpretation
- Wildlife watching
- Fishing / river access



2013 Flood. Source: CDOT



2013 Flood. Source: CDOT

Estes Park Gateway

Below Olympus Dam, the Big Thompson River begins its descent into the rocky canyon across a lush meadow and riparian gallery that forms a prominent viewshed from Mall Road, US 34, and US 36. Whether through acquisition or conservation easement, the permanent stewardship of the ranchland, riparian area, and fishery at the gateway to Estes Park has been a priority for decades.

Opportunities/Constraints

- High quality riparian habitat
- High quality fishery and/or aquatic habitat improvement potential
- Scenic quality/ critical view sheds
- Ties in with existing recreational infrastructure such as trails, access points, fishing access
- Feasible public access to Big Thompson River and its tributaries

Potential Recreation Program

- Land acquisition or trail easement would be necessary for public access including:
 - Interpretation
 - Wildlife watching
 - Fishing / river access
 - Trails



2015 Post-flood



Pre-flood

Glen Haven Downtown / Crosier Mountain Trailhead

On summer days more than 30 cars line CR 43 in downtown Glen Haven as hikers climb to the Crosier Mountain Trailhead. A partnership with local businesses could relocate the trailhead for direct access off of "main street" rather than through a residential neighborhood. Parking and amenities would be provided by local businesses who would benefit from the hiking destination.

Opportunities/Constraints

- History of substantial flood damage
- Geological hazards (landslides, sedimentation areas, erosion risk)
- Flood risk (within regulatory floodplain)
- Flood hazard mitigation
- Ties in with existing recreational infrastructure such as trails and access points

Potential Recreation Program

- Potential new trailhead in downtown Glen Haven to the Crosier Mountain Trail system, with stairs up the side of mountain (if additional lands or trail easements are acquired)
- Parking
- Trails including Mountain biking access
- Hunting access to USFS lands
- Picnicking



2015 Post-flood

Priority Projects

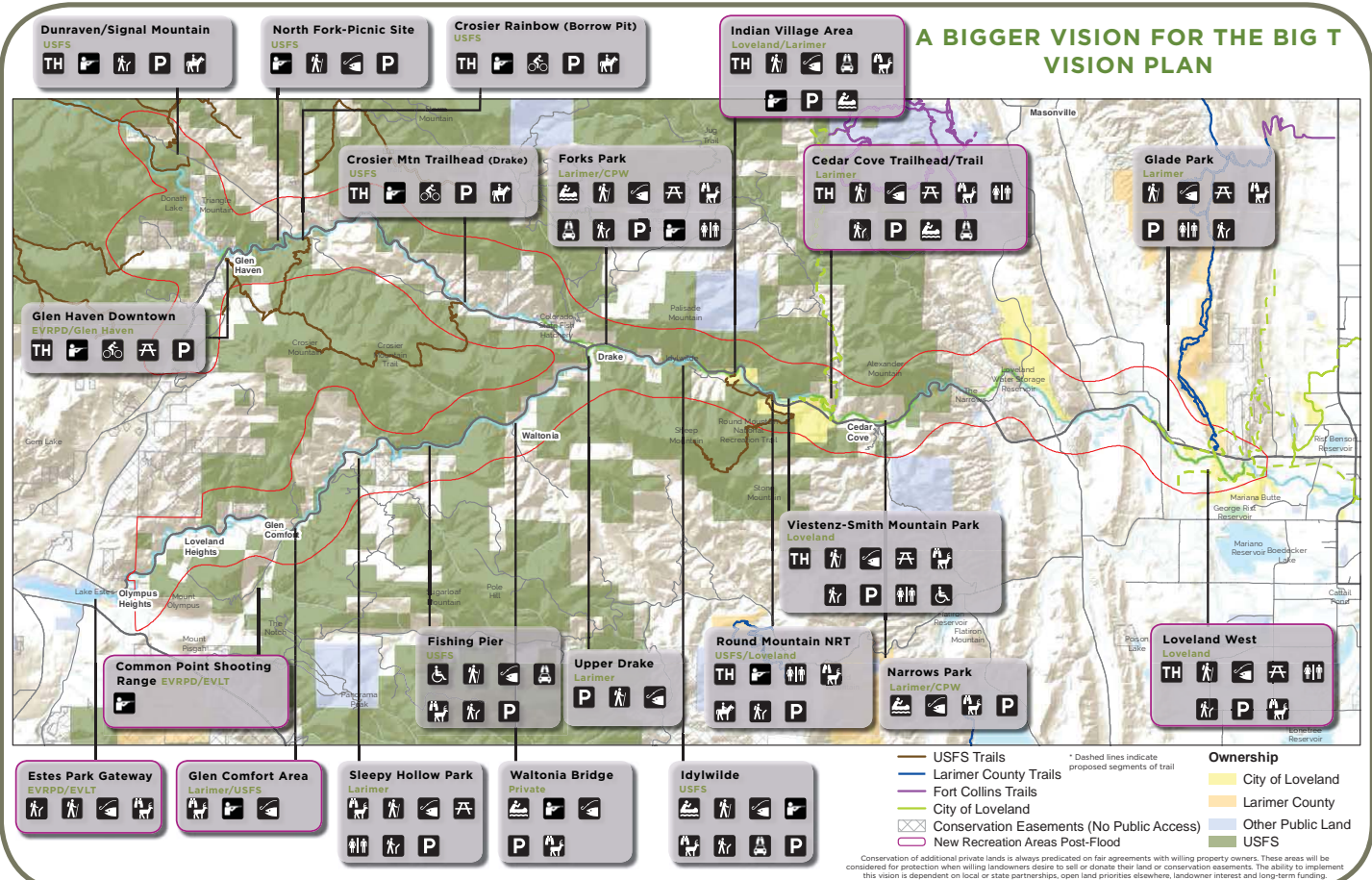
	Name	Existed Pre-Flood?	Lead Agency/ Future Manager	Potential Uses and Facilities																
				Kayaking/ Canoeing	Trailhead (hiking and/ or biking)	Hiking along river	Equestrian Trails	Mountain Biking Trails	Fishing access	Accessible recreation (fishing pier)	Hunting access to USFS Lands	Picnic Area	Scenic pull- offs	Wildlife Viewing	Interpretation	Parking spaces	Restrooms	Regulatory Signage		
Lower Canyon	Loveland West	Y	Loveland		TH	🚶			🎣			🏕️		🏠	🚶	P	🚻	⚠️		
	Glade Park	Y	Larimer			🚶			🎣			🏕️		🏠	🚶	P	🚻	⚠️		
	Narrows Park	Y	Larimer / CPW	🏊					🎣					🏠		P		⚠️		
Drake	Cedar Cove and Trailhead/Trail	N	Larimer	🏊	TH	🚶			🎣			🏕️	🏠	🏠	🚶	P	🚻	⚠️		
	Viestenz-Smith Mountain Park	Y	Loveland		TH	🚶			🎣	♿		🏕️		🏠	🚶	P	🚻	⚠️		
	Round Mountain National Recreational Trail	Y	USFS/Loveland		TH		🐎				🏹			🏠	🚶	P	🚻	⚠️		
	Indian Village Area	N	Loveland/Larimer	🏊	TH	🚶			🎣		🏹		🏠	🏠		P		⚠️		
	Idylwild	Y	USFS	🏊		🚶			🎣		🏹		🏠	🏠	🚶	P		⚠️		
	Forks Park	Y	Larimer/ CPW	🏊		🚶			🎣		🏹	🏕️	🏠	🏠	🚶	P	🚻	⚠️		
	Upper Drake	Y	Larimer			🚶			🎣							P		⚠️		
Upper Canyon	Waltonia Bridge	Y	CDOT/Larimer	🏊					🎣		🏹			🏠		P		⚠️		
	Fishing Pier (1.5 miles west of Waltonia)	Y	USFS			🚶			🎣	♿		🏕️	🏠	🚶	P		⚠️			
	Sleepy Hollow Park	Y	Larimer			🚶			🎣			🏕️	🏠	🚶	P	🚻	⚠️			
	Glen Comfort Area	N	Larimer/USFS						🎣		🏹		🏠					⚠️		
	Common Point Shooting Range	Y	EVRPD								🏹							⚠️		
	Estes Park Gateway	N	EVRPD/EVLT			🚶			🎣				🏠	🚶				⚠️		
North Fork	Glen Haven Downtown Crosier Mountain Trailhead	Y	EVRPD/Glen Haven		TH		🐎	🚴			🏹	🏕️				P		⚠️		
	Crosier Mountain Trail/Trailhead (near Drake Rt 43)	Y	USFS		TH		🐎	🚴			🏹					P		⚠️		
	Crosier Rainbow (Borrow pit) Trail/Trailhead	Y	USFS		TH		🐎	🚴			🏹					P		⚠️		
	North Fork- Lower Picnic Site	Y	USFS			🚶			🎣		🏹					P		⚠️		
	Dunraven Trailhead/Signal Mountain Bulwark Ridge	Y	USFS		TH		🐎				🏹			🚶	P			⚠️		

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A BIGGER VISION FOR THE BIG T VISION PLAN



Use of Other Larimer County and Loveland Properties

Approximately 152 parcels were acquired by Larimer County using FEMA funding following the 1976 flood. These properties serve a variety of functions, from the Big Thompson Parks (Glade, Narrows, Forks, Sleepy Hollow), fishing access, and hazard avoidance. More than 90% have river frontage and are not buildable (located in the floodway), and a limited number could be built upon despite some constraints. Apart from the formally-designated Big Thompson Parks, these properties are not maintained or signed and, taken collectively, their management burdens (trespassing, littering, illegal camping, nuisance complaints, road maintenance costs) often outweigh the benefits they provide to the public. Dozens of parcels have been sold by the County to private landowners, some of which were damaged again in the 2013 flood.

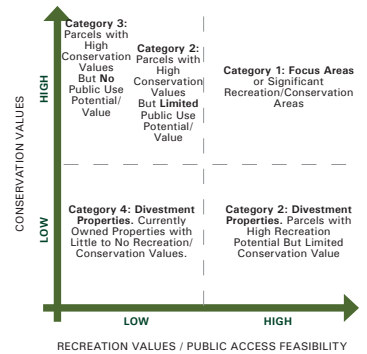
Similarly, Loveland owns nearly 550 acres along the Big Thompson, approximately 150 acres offers public access. As described under "Other Uses of Loveland Property" above, there are opportunities for improving trail connectivity without adding major facilities.

This study recommends that management of Larimer County and City of Loveland properties should consider the conservation and recreation values present on these properties. As shown in the figure at right, County and City properties can be categorized on a spectrum that accounts for property purpose, conservation mechanism, degree of naturalness, and potential for recreational use facilities. These categories can also be used by project partners to evaluate substantially damaged parcels that are eligible for FEMA funding.

- **Category 1. Recreation Parcels.** These are property areas where the County, Loveland and/or partners would actively seek to develop new or re-build recreation amenities, implement the BTRRC Restoration Master Plan, and/or purchase parcels for conservation. Signage would include interpretive, regulatory, and no trespassing displays.
- **Category 2. Conservation Parcels with Limited Public Use.** These are fee-simple parcels that would be retained for conservation or scenic values, may be open to the public (primarily for river access) but no infrastructure would be provided, including no formal parking areas. Regulatory signage would be installed. Restoration would be limited to the most cost-effective treatments but could include fish habitat projects.
- **Category 3. Conservation Parcels with No Public Use.** Public use would not be practical due to the lack of established access, difficult access, size, maintenance difficulty, or conservation easement (private property). These parcels would be retained for the purposes of river function, most being located wholly or partially in the floodplain. Restoration would be limited to the most cost-effective treatments. No trespassing signage would be installed.
- **Category 4. Divestment Parcels.** Properties with little conservation or recreation value should be disposed or traded. If retained for purposes other than conservation or recreation, the Larimer County Natural Resource Department and City of Loveland would have no management responsibility.

These four categories are further described and applied to Larimer County and City of Loveland properties in Appendix B.

Conservation and recreation criteria for future use of Larimer County and City of Loveland Properties



Proposed Off-Street Trail System Improvements

The following table summarizes the off-street trail components of the proposed priority projects presented earlier and which would be constructed on public land. Trail easements or land acquisition would be needed for the Cedar Cove Trail and Glen Haven Downtown Trailhead. Agency coordination with US Forest Service, Colorado Water Conservation Board, US Fish and Wildlife and Colorado Parks and Wildlife would occur for any trail segments adjacent to the river.

Priority Off-Street Trail Projects

Name	Distance	Start	End	Potential Partners	Trail Type	Purpose / Notes
Big Thompson Multi-Use Trail (north and south of the river near US 34)	1.5 miles	Morey Wildlife Reserve	Glade Park and Devils Backbone Open Space	Loveland, Larimer County	Shared Use Path or Natural Surface Trail	Multiple recreation users.
Cedar Creek Trail	7.4 miles	Cedar Cove	Bobcat Ridge Natural Area	Loveland, Larimer County, USFS, Fort Collins	Natural Surface Trail	Mountain biking, hiking, jogging, horseback riding, snowshoeing, nature observation
River Trail to Cedar Cove (downstream of Viestenz-Smith Mountain Park)	1.5 miles	Viestenz-Smith Mountain Park	Cedar Cove	Loveland, USFS	Shared Use Path and/or Natural Surface Trail	Multiple recreation users. North of US 34
Foothills Nature Trail Extension (upstream of Viestenz-Smith Mountain Park)	0.5 miles	Foothills Nature Trail at CCC scenic overlook	Near Indian Village	Loveland, USFS	Shared Use Path and/or Natural Surface Trail	Multiple recreation users. Could be phased to end at Loveland's Rosedale property near Indian Village, building off of the Foothills Nature Trail.
River Trail to Idylwilde (upstream of Viestenz-Smith Mountain Park)	1.5 miles	Near Indian Village	Idylwilde	Loveland, USFS, Larimer County	Shared Use Path and/or Natural Surface Trail	To extend a continuous river trail from Cedar Cove to Idylwilde, this segment would start at Loveland's Rosedale property near Indian Village and continue on US Forest Service land to the decommissioned Idylwilde reservoir site.
Glen Haven Downtown / Crosier Mountain Trailhead	0.1 miles	Downtown	Current Crosier Mountain Trail	Glen Haven Association, EVRPD, Larimer County, USFS	Natural Surface Trail. Stairs in steep areas.	New trailhead on CR 43 near commercial amenities. Trail-based recreation and hunting access

As noted in Chapter 1, one of the greatest needs identified by the public is for a safer, contiguous bicycle facility on US 34. CDOT is working with the Federal Highway Administration Emergency Relief program to rebuild US 34 and make the corridor more resilient to future natural threats. CDOT is currently in the preliminary design process for 15 miles of the permanent roadway and bridge improvements from Estes Park to Loveland. CDOT remains committed to coordinating with and looking for as many win-win opportunities as possible throughout the US 34 corridor. Following the Governor's directive to "build back better than before," the US 34 Team has identified the following goals for the project:

- There are two key challenges associated with an improved bicycle facility on US 34: funding and physical constraints.

Second, there is not enough space for a continuous off-street trail because of steep terrain and lack of public land and right-of-way.

Contiguous 6-foot shoulders are key since constructing 6-foot shoulders in some segments but not others would not result in a safer, continuous corridor through the canyon. Bicyclists and other users would still have to negotiate segments with inadequate shoulders. While the 6-foot shoulder would accommodate bicycle use better than the current roadway, which has a shoulder varying from 1 to 6 feet in width, a wider shoulder alone would not serve as a bike path for a range of users, e.g. families with children, and presents some additional safety concerns. For example, though of inadequate width for vehicle parking, the shoulder may become an attractive nuisance to drivers who stop to take a photo or even briefly park, which may pose a safety hazard in and of itself and may also force bicyclists to merge with traffic to avoid stopped cars. In order to encourage motorists to park in designated areas, rather than within the 6 foot shoulder, this assessment recommends that signs be installed to indicate the distance to the next vehicle pull-off to motorists know there are designated stopping points - these could coincide with the developed parks proposed for the canyon.

In summary, the 6-foot paved shoulders in permanent repair segments and additional signage will be an improvement to the pre-flood conditions for both bicyclists and motorists. A continuous 6-foot paved shoulder and further safety improvements from Loveland to Estes Park is dependent on additional funding, for which partners and citizens are encouraged to apply and advocate.



CHAPTER 4. BEST MANAGEMENT PRACTICES

BUILDING BACK BETTER THAN BEFORE

Through recovery efforts, including restoration of recreation areas, careful planning and design can make the Big Thompson River better and stronger than it was before. Under the Governor's "build back better and stronger" initiative, reconstruction efforts are not "simply going back to the way things were but about coming back stronger; not just bouncing back but bouncing forward. In that context, even a devastating storm can contain a silver lining in presenting the opportunity – or necessity – to think differently about one's future and to bypass the slow evolutionary processes that sometimes prevent building stronger places. In the end, [our community] should emerge not as if nothing ever happened, but actually stronger and better able to withstand greater shocks in the future" (ULI 2014). In hazardous areas, "building back better" often means not rebuilding or building in a different location.

Resilience – in its environmental, land use, partnership, and recreation dimensions – entails designing for reduced failure probabilities (better facility design), reduced negative consequences when failure does occur (through reduced costs), and reduced time required to recover. Resiliency means adopting more stringent development requirements to protect public health, safety, and welfare as well as protecting environmental resources. For example, where a property has a demonstrated history of significant flood damage (e.g., Drake, Cedar Cove, Viestenz-Smith Mountain Park), a resilient facility includes minimal infrastructure located at grade or below and no above-ground facilities within the floodway. Resiliency requires community awareness (adapting to the temporary and permanent changes that they present) and preparedness for natural hazards – drought and wildfire in addition to floods – as well as preparation for exposure to other potential environmental and community threats and risks like changes in climate. Lastly, resiliency relies on the health of the natural systems (i.e., aquatic habitat, water quality, soil conservation) that support and sustain life.

Best practices that would strengthen the Big Thompson River resiliency follow; many of which are already codified in existing plans and studies. Site specific recommendations will be developed for each property during design processes.

RECREATION BEST MANAGEMENT PRACTICES

Recreational uses should be managed at sustainable levels that preserve a high quality recreational experience and protect the natural environment. In the interest of maintaining the health of the river and providing an enjoyable recreational experience for all, users of the river should follow – and land managers enforce – best management practices on the river, including:

- Respect private property
- Respect other river users (e.g., fisherman, wildlife watchers, etc.)
- Day use only, except on designated US Forest Service recreation sites
- Pets must be leashed and under physical control at all times
- Stay on established trails to protect natural resources and wildlife
- Use or discharge of firearms is prohibited except at designated hunting areas
- Fireworks are strictly prohibited
- Open fires are prohibited, outside of designated fire pits or grills
- Glass containers are prohibited
- Alcohol over 3.2% is prohibited unless permitted in designated areas
- Life jackets, flotation devices and proper footwear for swimming and wading activities
- No littering or styrofoam coolers
- No bathing or diapers in river
- All state fishing regulations and catch and release BMPs should be followed
- For Larimer County regulations, see <http://larimer.org/naturalresources>
- For City of Loveland regulations, see <http://cityofloveland.org/parks>
- For USFS regulations, see http://www.fs.usda.gov/detail/arp/passess-permits/?cid=fs91_058268

Education

Educational programs offered by CPW, Larimer County, City of Loveland, and USFS should provide information to river users and landowners, with a goal of improved safety and environmental and social conditions through increased knowledge of various aspects of river use, requirements and rights. Access points should provide signage and other educational exhibits to educate users on the best management practices on the river as well as on topics of natural and cultural significance about the Big Thompson River, the canyon, and its resources.

Access

Access points from US 34 are the primary recreation management tool for the river. Access points should be used as a tool to control the types and levels of use on the river. Larimer County Natural Resources Department and CDOT should review proposed developments and access improvements in the study area. Access point signage and gates should be installed and/or maintained to reflect current management restrictions. New facilities constructed at these access points should be in conformance with the desired recreation intensity level.

Signage

A limited, unified system of signage and kiosks will be added to the river corridor to support management activities and goals. Signage should be unobtrusive yet effectively provide a corridor orientation map including public access points, toilet locations, seasonal restrictions, recreation BMPs, and safety precautions. Similarly, a brochure could be developed that highlights the recreation amenities and made available online and at key locations.

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"The awareness, energy, and resources that communities bring to recovery from a painful and heart-wrenching disaster can catalyze actions that contribute to broader objectives of livability and sustainability. Those communities that recognize that linkage become stronger, more vibrant, and better able to withstand future events, because they have laid the groundwork for maintaining themselves as healthy, functional, and self-sufficient—they bounce forward... The true test will be to see if these communities can summon and apply the same strengths in the calm before the next storm to implement long-term physical, financial, and organizational measures of prevention and protection."

- From the 2014 Urban Land Institute (ULI) Advisory Services Panel Report for Northern Colorado, Connected Systems, Connected Futures: Building for Resilience and Prosperity

PARTNERSHIP RESILIENCY

Enduring partnerships and communication processes are essential to ensuring a strategic and shared approach to conservation, stewardship and funding over the long term. As shown in Table 3-6, the Big Thompson Watershed would benefit from deeper regional cooperation and a greater understanding of the larger natural systems that have shaped its history. This project and other recent collaborations such as *Our Lands-Our Future* and annual Big Thompson Watershed and Poudre River forums are important steps in the right direction. Institutionalizing lessons learned from past disasters may mean new, self-sustaining institutions to support agencies, such as formalizing the role of the Big Thompson River Restoration Coalition into a non-profit status. Collaboration is critical and regular dialogue on how to best use conservation as a tool to avoid or diminish these regular – though unpredictable – disasters is a priority. Partnership resiliency is not only about preparedness for these types of risks, but also the ability to respond effectively in unison.

Partnership Resiliency Best Practices

Best Practice	Authority/Source
Formalize the Big Thompson River Restoration Coalition. Create a regional non-profit organization with a mission to address the following issues for the entire watershed: disaster recovery, hazard mitigation (flood & fire), forest health, fishery and water quality, open space and recreation. The BTRRC is currently in the process of creating a formalized structure and permanent watershed-wide non-profit entity.	ULI Resiliency Report 2014
Resiliency working group. The group should continue to shape regional collaboration on key river and infrastructure resiliency issues. Could be part of the BTRRC mission, or led by another interagency group.	ULI Resiliency Report 2014
Expand the annual Big Thompson Watershed Forum. The critical issues facing the future of the Big T have evolved since the Watershed Forum's founding to include river resiliency, recreation, land conservation, land use in addition to traditional water quality/quantity topics. Highlight this plan's vision and recommendations, and the recommendations of the BTRRC Restoration Master Plan and ULI Resiliency Report. The forum can be a venue to prioritize actions and community resources available in three pressing areas:	ULI Resiliency Report 2014
1. Resiliency by Unbuilding; 2. Financing Resiliency; and 3. Leading Resiliency	

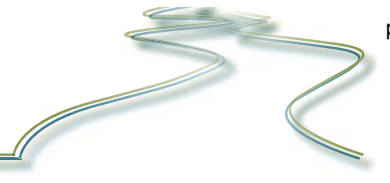
Case Study: Multiple Agency Management: the Arkansas Headwater Recreation Area



The Arkansas is one of the nation's most popular rafting rivers. From scenic and family-friendly Browns Canyon National Monument to boat-rocking Bighorn Sheep Canyon and Royal Gorge stretches, all Federal and state land along the Arkansas River is managed through a unique, cooperative partnership between Colorado Parks and Wildlife, the Bureau of Land Management, and the US Forest Service.

The Arkansas Headwaters Recreation Area (AHRA) is a model of interagency management that provides recreation and resource protection taxpayer efficiencies. The AHRA "park" is actually a linear recreation area that follows the Arkansas River for 150 miles from the high mountains near Leadville, Colorado, to Lake Pueblo, on the edge of Colorado's plains. These agencies along with local governments, private organizations and individuals are responsible for managing the land and resources of the upper Arkansas Valley. The goal is to balance increasing recreation use and other demands with resource protection. Colorado Parks and Wildlife and BLM provide the primary management for intensive river uses as well as the region's many resources. The partners have acquired important river access for the public and developed recreational facilities such as campgrounds, picnic areas, boat ramps, wildlife viewing areas, fishing access sites and OHV trails.

For more information, see the Colorado Parks and Wildlife Arkansas Headwaters Recreation Area Brochure at <http://cpw.state.co.us/placetogo/parks/ArkansasHeadwatersRecreationArea/Documents/ArkansasBrochure.pdf>



RIVER AND ECOSYSTEM RESILIENCY

Allow rivers to act as rivers by providing sufficient space for flooding and the ability of rivers to move laterally within their floodplains. The September 2013 floods demonstrated in dramatic fashion the power of rivers and the limitations of FEMA-generated flood hazard maps — many of the residential properties destroyed or damaged by flooding were not located within a defined floodplain, including areas along both the Big and Little Thompson Rivers. These maps are a good starting point to identify inundation related flood hazards, but do not provide guidance to communities and home owners related to erosion hazards. Conserving additional lands along rivers provides additional space for the river to naturally move within its floodplain providing an added level of resilience to what can be achieved by floodplain regulations alone. In addition, floodplains provide critical habitat, wildlife movement corridors, and a scenic setting through which people travel to Rocky Mountain National Park and other regional attractions.

Table 3-4. River and Ecosystem Resiliency Best Practices

Best Practice	Authority/Source
Undertake strategic land acquisition for river enhancements. Strategic fee-simple acquisition of flood-prone property or conservation easements in partnership with willing sellers is necessary to expand the natural water corridors to better mimic their predevelopment footprint. Acquisition or relocation of structures located in the most vulnerable areas should be prioritized. By acquiring floodplain land and restoring the ecological functionality of the river, a valuable community amenity can be created. Floodplain properties have preservation potential as working farms, riparian habitat, and water-based recreation sites.	City of Loveland Parks & Recreation Master Plan 2014, ULI Resiliency Report 2014, Larimer County Open Lands Master Plan 2015
Allow rivers to act as rivers. Work to restore the natural geomorphic processes of the river. This will require increasing the area for some channel migration where the river moves back and forth, and reconnecting the river to its historic floodplain.	ULI Resiliency Report 2014, City of Loveland Parks & Recreation Master Plan (Appendix E) 2014, BTRRC Restoration Master Plan 2015
Implement the BTRRC Restoration Master Plan. Restoration does not necessarily mean returning the river to a naturalized condition; it may also mean engineering the full functionality of the processes of the river within a designed landscape infrastructural system. Every effort should be made to follow the restoration and stabilization projects in the BTRRC Restoration Master Plan.	BTRRC Restoration Master Plan 2015, ULI Resiliency Report 2014
Native Fishery Recovery and Monitoring. Recovery of aquatic habitats and a native trout fishery is a high priority. Fish habitat management will be coordinated with CPW efforts to improve the fisheries, including fish stocking or removal, fishing regulations, habitat improvements and whirling disease control programs. Aquatic habitat improvements to the river should continue, including riparian enhancements and new structures. These improvements should be targeted to improve the aquatic environment for trout or dynamic river functions. Improvements to the river should be natural in appearance and in character with the surrounding environment.	Colorado Parks & Wildlife, BTRRC Restoration Master Plan 2015.
Riparian Restoration and Monitoring. Manage riparian vegetation to protect and enhance the natural habitat of the river, placing special emphasis on protecting cottonwood, willow and wetland vegetation. Some of the most productive, diverse and resilient habitats are the cottonwood and willow-dominated riparian areas. These riparian areas provide habitat for a large number and diversity of wildlife species, and many wildlife species depend either entirely or significantly on the availability and quality of these habitats for their necessary life cycles. Many of these habitats include a mix of woodland, shrub and grassland riparian communities. They also absorb and filter runoff, attenuate overbank flows and maintain river channel stability. Vegetation recruitment among cottonwood and willow stands should be carefully monitored, in many cases natural recruitment will be adequate. This mosaic should be preserved and enhanced through additional river restoration projects.	Colorado Parks & Wildlife, BTRRC Restoration Master Plan 2015.
Stormwater Regulations. Actively enforce stormwater management regulations, including erosion BMPs in Federal, state, and local construction projects. Properly locate snow storage areas.	Federal, state, and local stormwater management regulations

“Design with nature, not against it: With a consistent historical record of flooding, development patterns should be shaped to allow rivers to act as rivers, providing reasonable space for flood lands and even the ability for rivers to move within their floodplains.”

- From the 2014 Urban Land Institute (ULI) Advisory Services Panel Report for Northern Colorado, Connected Systems, Connected Futures: Building for Resilience and Prosperity

“Many physical interventions—from floating buildings and levees to wet floodproofing—can be employed to create resilience, depending on the particular set of risks faced by a community. However, the most successful strategies will work in concert with the natural ecosystem where they are used. In northern Colorado, that means development patterns must be able to respond with agility to the cycles of fire, flood, and drought that strike the region. Regular forest burns and the cleansing and depositional activities of floods are necessary to support important ecosystems that in turn support us and create the beauty that makes this region stand out.”

- From the 2014 Urban Land Institute (ULI) Advisory Services Panel Report for Northern Colorado, Connected Systems, Connected Futures: Building for Resilience and Prosperity

LAND USE AND INFRASTRUCTURE RESILIENCY

Big Thompson communities can plan for and strengthen land use and infrastructure resiliency by continuing to identify, assess, and monitor development in risky areas such as floodplains, erosion hazard zones, steep slopes, and potential wildfire locations to be appropriately sited and designed. Integrating land conservation planning with infrastructure planning can assist in protecting critical infrastructure (bridges, emergency access, power and fuel supply, water supply, sewage treatment and outflow) by dissipating the velocity and volume of flood water.

As stated in the BTRRC Restoration Master Plan, the communities and jurisdictions along the Big Thompson River have been active and responsible in floodplain management since the 1980s, which is a contributing factor to the relatively low loss of life in the 2013 flood compared to the 1976 flood. Additionally, some buildings in the Big Thompson Canyon that had been the site of loss of life during the 1976 flood were never rebuilt, in part due to floodplain management ordinances. Yet many structures remain in highly hazardous floodplain locations. Even with restoration and mitigation measures, the flood risk to these structures cannot be eliminated. Such structures can only be protected from flood risk by relocation or floodproofing/retrofitting.

The affected jurisdictions should continue the practices of responsible floodplain management into the future, as described below.

Land Use and Infrastructure Resiliency Best Practices

	Authority/Source
Retain Strong Floodplain Regulations. Just as the river constantly erodes its banks, there is constant pressure on local governments to relax the time-tested safeguards that protect public health, safety, and welfare. It is recommended that the Town of Estes Park, City of Loveland, and Larimer County retain their current strong regulations that go beyond FEMA guidelines to require a no-rise certification within the floodway and discourage residential development in the 100-year floodplain. However, these communities should establish a policy to gradually remove buildings and infrastructure in the floodway with the exception of bridges, infrastructure used to convey stormwater, or other facilities that can sustainably operate in a floodway. Communities are entitled to adopt measures that are more stringent than set forth in the FEMA and State rules and regulations for floodways, and these communities have had the foresight to prepare such regulations and should continue their enforcement.	ULI Resiliency Report 2014
500-year floodplain. In general, buildings should be limited in the 500-year floodplain. All essential facilities should be located outside of the 500-year Big Thompson River floodplain.	ULI Resiliency Report 2014
Discourage the placement of earth fill or dumping of any construction material within the floodplain. Enforce violations when they occur.	Larimer County Floodplain Regulations, City of Loveland Floodplain Regulations, and Parks & Recreation Master Plan (Appendix E) 2014
Update floodplain maps. The area inundated in 2013 was largely similar to the 100-year floodplain, but there were important variations. Current mapping also does not consider erosion risk, outside of the mapped floodplain, which resulted in the loss of life during the 2013 flood. Further, channel migration occurred in many locations. There is little doubt that future flooding will likely occur beyond the currently mapped 100-year floodplain. County and municipalities should work with the State of Colorado and FEMA to update their Flood Insurance Rate Maps (FIRMs) in order to account for the changes that have occurred. Uncertainty with the maps should not stop the development and implementation of recovery plans.	ULI Resiliency Report 2014
It is also important to consider new ways to map and convey risk as currently being implemented through FEMA's Risk MAP program. For more information on developing maps that better account for this dynamism, see: The State of Vermont's Fluvial Erosion Mapping program at: http://www.waterquality.org/rivers/docs/rv_municipalguide.pdf For more information on the types of flood risk products available through Risk MAP, see FEMA's site at: http://www.fema.gov/risk-map-flood-risk-products	
Design infrastructure to work with nature, not against it. Where possible, trails should be built upland and kept out of sensitive riparian areas and forest. Elongate the span and flood conveyance of recreational bridges in parks. Where possible, limit bridges to pedestrian bridges only that can be constructed at a lower cost and maneuver changes in grades easier than vehicular bridges.	City of Loveland Parks & Recreation Master Plan (Appendix E) 2014

River Restoration Recommendations

Infrastructure located within or near the floodplain will require some type of bank stabilization for protection during flooding. High gradient streams in canyon reaches will typically require bank stabilization similar to what is naturally stable in these systems during floods, i.e., something similar to bedrock or very large rock (see the following example).

In high energy reaches cobbles, small boulders, woody debris, and even established vegetation will likely become mobile during large flood events as was observed during the 2013 flooding. This is why in high energy reaches the 'natural' bank stabilization observed is often large rock and bedrock, sometimes with little to no riparian vegetation.

Natural vegetated banks failed in equal measure during the 2013 floods in similar high energy reaches. This is why the Big Thompson River Restoration Plan recommended a variety of bank stabilization treatments so the correct treatment can be applied where needed (to be determined by future hydraulic models and other parameters). The plan also encouraged road setbacks where feasible to allow more room for restoration.

Poorly designed riprap may transfer erosive energy towards opposing bends or downstream areas, but can also be designed to not impact opposing banks and/or downstream areas. The master plan recommends hard armor and be vegetated with a set back away from the channel when possible. This will provide more room for natural processes to occur within the remaining cross section. Riprap does not prevent all channel movement, only the bank it is intended to protect.

The assessments completed for the BTRRMP were also used to guide the development of the proposed conceptual plans and treatments. The conceptual plans include ten different treatments that will help create a more resilient and healthy river corridor. The recommended treatments will need to be reassessed as to their need and applicability based on possibly different future conditions. The proposed plans are an attempt to meet the goals of the master plan while addressing the risks and needs of the corridor. By their nature, master plans are created at a conceptual level and are not intended to be used for final design purposes.

Most of the aquatic and riparian habitat in the canyon corridor was damaged to varying degrees. Aquatic and riparian habitat improvement potential was assessed for the river corridors and scores weighted for each project reach to inform the BTRRMP and to score project reaches for future project prioritization.

Aquatic Habitat Improvement Potential (AHIP). Miller Ecological Consultants, Inc. (MEC) evaluated the study area to identify reaches that would benefit from restoration. AHIP ratings range from five (5) for areas that have little or no instream variability and for which establishment of appropriate in-channel aquatic habitat structure is recommended, to zero (0) for areas where no restoration is needed or possible.

Riparian Ecological Improvement Potential (REIP). Alpine Ecological Resources evaluated the study area for the potential to assist natural riparian recovery processes, enhancing or creating riparian complexes of forbs, shrubs, and trees on floodplain benches. The REIP ratings range from five (5) for areas with high potential to one (1) for areas with low potential or need. Areas rated highly are disturbed areas that have substantial potential to restore large riparian floodplain complexes, such as gravel pond locations in Loveland. Areas rated two (2) to three (3) are important to restore as well to improve aquatic habitat, and to provide filtering of storm runoff before it reaches the main river channel. Areas rated one (1) are characterized by little or no available floodplain, steep canyon walls with exposed bedrock, little soil present, or relatively intact riparian habitat.



Source: allestespark.com

River Restoration Recommendations Table

	Recreation and Conservation Project	Management Category	AHIP	REIP	Treatments ¹	Applicable Conceptual Plan ²
Lower Canyon	Loveland West	1	3.0	4.6	Floodplain Bench, Aquatic Restoration, Stabilization, High Flow Channel	29- Morey Open Space
	Glade Park	1	3.7	4.2	Aquatic Restoration, Floodplain Bench	27- Glade Road
	Narrows Park	2	3.6	4.8	Floodplain Bench, Stabilization, Riparian Restoration, Aquatic Restoration (South of Road), High Flow Channel	22- Jasper Lake
Drake	Cedar Cove and Trailhead/Trail	1	3.9	4.0	Aquatic Restoration, Floodplain Bench, Stabilization, High Flow Channel	21- Cedar Cover
	Viestenz-Smith Mountain Park	1	1.8	3.5	Floodplain Bench	20- V-Smith Mountain Park
	Round Mountain National Recreational Trail	1-Trailhead only	NA	NA	NA	NA
	Indian Village Area	1	0.6	3.9	Floodplain Bench, Stabilization	18- Idylwilde
	Idylwilde	2	3.6	4.7	Floodplain Bench, Aquatic Restoration, Stabilization, Riparian Restoration	17- Old Idylwilde Dam
	Forks Park	1	2.5	3.9	Stabilization, Floodplain Bench, Increase Capacity	15-East Drake
	Upper Drake	3	0.0	4.0	Stabilization, Wall or Elevated Roadway (North side of River), Floodplain Bench, Increase Capacity	14-Drake
Upper Canyon	Waltonia Bridge	2	0.3	2.4	Riparian Restoration, Stabilization, Wall or Elevated Roadway (North side of River)	11-Waltonia
	Fishing Pier (1.5 miles west of Waltonia)	1	0.3	1.4	Riparian Restoration - Partial	10- USFS-2
	Sleepy Hollow Park	1	0.0	2.6	Riparian Restoration- Partial	8- Seven Pines
North Fork	Glen Comfort Area	2	0.0	2.0	Flood Plain Bench, Stabilization, Riparian Restoration - Partial, Aquatic Restoration	4-Bella Vista
	Common Point Shooting Range	2	NA	NA	NA	NA
	Estes Park Gateway	2	.3	2.7	Riparian Restoration-Partial, Aquatic Restoration	1-Evergreen Point
	Glen Haven Downtown Crosier Mountain Trailhead	2	5	4	Aquatic Restoration, Floodplain Bench, Stabilization, Riparian Restoration	42- Glen Haven
	Crosier Mountain Trail/Trailhead (near Drake Rt 43)	1	NA	NA	NA	57- Crosier Mt Trail
	Crosier Rainbow (Borrow pit) Trail/Trailhead	1	NA	NA	NA	54- Dunraven
	North Fork- Lower Picnic Site	1	NA	NA	NA	53- NR- Canyon 1
	Dunraven Trailhead/Signal Mountain Bulwark Ridge	1	NA	NA	NA	53- NR- Canyon 1

1. See Appendix C for Conceptual Treatment Graphic
2. See the BRTTC Restoration Master Plan for map sheets.



FUNDING THE FUTURE

Clearly, planned recreation improvements and implementation of resilience strategies in the floodplain will require a major investment. Funding those investments will be a challenge for each of the agencies and organizations involved. The damage estimates reported in Chapter 2 are staggering. However, there are a variety of constantly changing funding sources that could be used for private and public projects.

The partners should work with the state legislature for a special appropriation to fund improvements in the canyon similar to what was done for US 36, which received \$8 million in 2014.

The most promising funding sources include the communities' share of Larimer County's Help Preserve Open Space sales tax, Great Outdoors Colorado grants, and even general fund allocations. For a complete listing of open space funding resources, see *Our Lands – Our Future*, Chapter 5 and Appendix D.

Great Outdoors Colorado has been funding open space, parks and recreation projects in Colorado for over 20 years, including many in Larimer County and its municipalities. In 2014, GOCO awarded over \$300,000 to the City of Loveland and Larimer County for flood recovery efforts to damaged parks, trails, and open spaces, including funding that supported this planning study on the Big Thompson River. In addition to special funding for flood recovery efforts, GOCO routinely funds projects for development. For perspective, GOCO's total awards announced in 2014 totaled more than \$32 million, with the largest project being a grant of \$8 million for construction of a trail corridor between Lyons and Estes Park along U.S. Highway 36. Nearly \$7 million was awarded last year for open space protection projects.

GOCO's 2015 draft strategic plan places substantial emphasis on protecting, enhancing and/or providing access to Colorado's waterways. The projects defined in this plan fit well within this identified priority.

Federal disaster recovery funds include Community Development Block Grant - Disaster Recovery (CDBG-DR), Recover Colorado Infrastructure Grant Programs and CDBG-DR Resilience Planning Grant Programs. CDBG-DR Recover Colorado Infrastructure Grant Programs¹ can be used with local cost share for Federal Emergency Management Agency (FEMA) Public Assistance, FEMA Hazard Mitigation Grant Programs or Natural Resources Conservation Service Emergency Watershed Protection Programs. Funds may also be used to enhance public infrastructure projects beyond FEMA eligible costs.

The CDBG-DR Resilience Planning Grant Program² will support capacity building through local staffing, basic planning and studies, and long range planning for disaster recovery in Larimer County.

The Watershed Resilience Pilot Program³ is a holistic program designed to align watershed restoration and risk mitigation with community and economic development goals using a collaborative, multi-jurisdictional, coalition-of-partners approach. These watershed program funds will support capacity building through watershed coalition staffing; multi-objective planning, modeling, and conceptual design activities; and project implementation to address long-term catalytic watershed system improvements that build resilience in watersheds that sustained damage from recent federally-declared flood and fire disasters.

The above funding sources are one-time or highly competitive. An ideal funding policy would be long-term, fair, consistent, and strategically limited. It would also provide incentives to create a desired market behavior—in this case, removing development from threatened areas. One such approach recommended in the ULI Resiliency Report is a floodplain occupancy fee that could be levied in addition to property taxes and applied to only those properties lying within a designated floodplain district (e.g., the 100-year floodplain). The funds received from the fee could be used to (a) finance the acquisition and removal of properties within the flood zone, (b) fund incentives such as reimbursement of relocation costs and other tools designed to encourage residents and businesses to move outside the flood zone, and (c) restore the acquired land to a more natural condition. By design, the program would end when the policy objective had been met, and it would affect only those people who are in high-risk zones.

As with all master plans, a bigger vision will require further planning, engineering, design, permitting, and stakeholder input before projects are constructed. The amount of work proposed is likely not feasible for an individual agency to accomplish alone. It will be most efficient if multiple recreation, restoration and conservation projects can be completed simultaneously and collaboratively. For example, as CDOT begins the permanent repairs along US 34, access to each priority project could be accommodated and at the same time the adjacent reach of river and opposing bank could be restored. Many initiatives and many partners are walking in step towards conserving and restoring the Big Thompson River watershed as well as further repairing tourism infrastructure.

¹ For more information on CDBG-DR Recover Colorado Infrastructure Grant Programs, see <http://dola.colorado.gov/cdbg-dr/content/local-governments-recover-colorado-infrastructure-grant-program>

² For more information on CDBG-DR Resilience Planning Grant Programs, see <http://dola.colorado.gov/cdbg-dr/content/resilience-planning-and-capacity-building>

³ For more information on the Watershed Resilience Pilot Program, see <http://dola.colorado.gov/cdbg-dr/content/watershed-resilience-pilot-program>. The Colorado Department of Local Affairs (DOLA) administers these competitive funds in partnership with the Colorado Department of Natural Resources (DNR), Colorado Watershed Conservation Board (CWCBC).

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ACTION PLAN

The vision requires perpetual partnerships. The partners should continue to convene no less than quarterly to advance key river and infrastructure resiliency issues, recreation and conservation priorities, funding opportunities, management efficiencies and accountability.¹ Agency responsibilities, below, serves to guide implementation of the study's recommendations. In addition to the roles of lead and supporting agencies, non-governmental organizations, user groups and volunteers are also vital resources for implementation, monitoring, and maintenance.

Partner responsibilities are intended to increase management efficiencies and funding potential. For example, to the extent possible there could be one maintenance agreement for servicing all restrooms along the corridor. It is conceivable that a single "recreation manager" could emerge that could provide most functions (ranger, maintenance, etc.) for canyon properties. It is assumed that all Larimer County and City of Loveland properties categorized as management levels 1 or 2, along with future potential acquisitions, will undergo a full-scale restoration effort to reconnect the river with its floodplain and restore native riparian vegetation.

Project	Management Category	Lead Agency: Role	Supporting Agency: Role
Lower Canyon	Loveland West	1	City of Loveland: Acquisition, Design/Development, Trail Connection to Devils Backbone OS and Glade (1/2), Management Larimer County: Acquisition Funding, Trail Connection to Devils Backbone OS and Glade (1/2) CPW: Aquatic Habitat and Riparian Restoration FEMA: Acquisition and Restoration Funding CDOT: ROW for Trail Connection to Devils Backbone OS and Glade
	Glade Park	1	Larimer County: Design/Development, Management City of Loveland: Design/Development partner, trail connection to Loveland West (1/2), Management (cost-share if Larimer County lead) CPW: Aquatic Habitat and Riparian Restoration CDOT: ROW for Trail Connection to Loveland Hogbacks FEMA: Acquisition Funding
	Narrows Park	2	Larimer County: Acquisition, Design/Development, Management CPW: Aquatic Habitat and Riparian Restoration FEMA: Acquisition Funding

¹ These four categories are further described in Chapter 3

Category 1. Recreation Parcels. Actively seek to develop new or re-build recreation amenities, implement the BTRRC Restoration Master Plan, and/or purchase parcels for conservation. Signage would include interpretive, regulatory, and no trespassing displays.

Category 2. Conservation Parcels with Limited Public Use. Fee-simple parcels that would be retained for conservation or scenic values, may be open to the public (primarily for river access) but no infrastructure would be provided, including no formal parking areas. Regulatory signage would be installed. Restoration would be limited to the most cost-effective treatments but could include fish habitat projects.

Category 3. Conservation Parcels with No Public Use. Public use would not be practical due to the lack of established access, difficult access, size, maintenance difficulty, or conservation easement (private property). These parcels would be retained for the purposes of river function, most being located wholly or partially in the floodplain. Restoration would be limited to the most cost-effective treatments. No trespassing signage would be installed.

Category 4. Divestment Parcels. Properties with little conservation or recreation value should be disposed or traded. If retained for purposes other than conservation or recreation, the Larimer County Natural Resource Department and City of Loveland would have no management responsibility.

Project	Management Category	Lead Agency: Role	Supporting Agency: Role
Drake	Cedar Cove and Trailhead/Trail	1	City of Loveland: Acquisition partner, Design/Development, Management, Trail Connection to VSMP, Trail Connection to Bobcat Ridge NA (capital) Larimer County: Acquisition partner USFS: Trail Connection to VSMP, Trail Connection to Bobcat Ridge NA (permitting, management) Fort Collins: Trail Connection to Bobcat Ridge NA (capital) CPW: Aquatic Habitat and Riparian Restoration FEMA: Acquisition Funding CDOT: Access Improvements
	Viestenz-Smith Mountain Park	1	City of Loveland Additional details presented in master plan currently in progress.
	Round Mountain National Recreational Trail	1-Trailhead only	City of Loveland: Design/Development for Facility Upgrades, Trailhead Management USFS: Interpretation, Facility Upgrade Funding, Trail System Management
	Indian Village Area	1	City of Loveland: Acquisition, Design/Development, Management, Trail Connection to VSMP (capital) Or Larimer County: Acquisition, Design/Development USFS: Trail Connection to VSMP (permitting, management) FEMA: Acquisition Funding CPW: Aquatic Habitat and Riparian Restoration CDOT: Access Improvement
	Idylwilde	2	USFS: Management, Trail Connection to Indian Village (permitting). Recreation Improvements are dependent on other partners. Larimer County: Capital Cost to Construct Natural Surface Trail Connection to Indian Village CDOT: Access Improvements per USFS needs CPW: Aquatic Habitat and Riparian Restoration, Watchable Wildlife Improvements
	Forks Park	1	Larimer County: Acquisition, Design/Development, Management CPW: Aquatic Habitat and Riparian Restoration, Acquisition Funding, Watchable Wildlife Improvements FEMA: Acquisition Funding CWCB: Acquisition Funding EVLIT: Acquisition Funding CDOT: Access Improvements
	Upper Drake	3	Larimer County: Acquisition, Design/Development, Management CPW: Aquatic Habitat and Riparian Restoration, Acquisition Funding, Watchable Wildlife Improvements FEMA: Acquisition Funding EVLIT: Acquisition Funding

Project	Management Category	Lead Agency: Role	Supporting Agency: Role
Upper Canyon	Waltonia Bridge	2	CDOT: Access Improvements (pullout), Maintenance Partner?: Maintenance (cost-share) CPW: Aquatic Habitat and Riparian Restoration, Acquisition Funding, Watchable Wildlife Improvements
	Fishing Pier (1.5 miles west of Waltonia)	1	USFS: Design/Development, Management CDOT: Access Improvements (pullout) CPW: Aquatic Habitat and Riparian Restoration, Watchable Wildlife Improvements
	Sleepy Hollow Park	1	Larimer County: Design/Development, Management, Potential Acquisition CPW: Aquatic Habitat and Riparian Restoration EVRPD: Management (cost-share) FEMA: Potential Acquisition of damaged parcels
	Glen Comfort	2	Larimer County: Management along River parcels USFS: Management of USFS Lands CPW: Aquatic Habitat and Riparian Restoration
	Common Point Shooting Range	2	EVRPD: Management
	Estes Park Gateway	2	EVRPD: Acquisition if in fee, Design/Development, Management Or EVLIT: Acquisition if in CE; monitoring Larimer County: Acquisition Fee or CE Funding EVLIT: Acquisition Fee or CE Funding CPW: Aquatic Habitat Improvements, Watchable Wildlife Improvements
North Fork	Glen Haven Downtown Crosier Mountain Trailhead	2	EVRPD: Design/Development of Trailhead/Stairs Glen Haven Association: Maintenance Larimer County: Acquisition Assistance/Expertise FEMA: Acquisition Funding USFS: Management on USFS lands
	Crosier Mountain Trail/Trailhead (near Drake Rt 43)	1	USFS: Design/Development, Management FEMA: Capital Funding EVRPD: Volunteer Maintenance
	Crosier Rainbow (Borrow pit) Trail/Trailhead	1	USFS: Design/Development, Management FEMA: Capital Funding EVRPD: Volunteer Maintenance
	North Fork- Lower Picnic Site	1	USFS: Design/Development, Management FEMA: Capital Funding EVRPD: Volunteer Maintenance
	Dunraven Trailhead/Signal Mountain Bulwark Ridge	1	USFS: Design/Development, Management FEMA: Capital Funding EVRPD: Volunteer Maintenance

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APPENDIX A. SUMMARY OF EXISTING PLANS AND POLICIES

This study's assessment and recommendations were built on relevant direction from existing, adopted plans.

Agency	Plan Name (Date)	Recreation	Conservation
US Forest Service (USFS)	Land and Resource Management Plan (1997)	The area is located in Management Areas 3.5 and 4.2, which primarily emphasize wildlife habitat and scenery with management strategies to provide habitat for elk and bighorn sheep. Management Areas 3.5 and 4.2 prohibit camping where uses impact soil, water and aesthetic resources. Goal 140: Manage trail development at a broad scale to coordinate with trail systems developed by municipalities, counties, states, other federal agencies and partners. Manage recreation, including camping and rock climbing, and grazing uses to reduce erosion or deterioration of riparian areas, watershed conditions and aesthetic resources. Acquire private lands from willing sellers in the Big Thompson River corridor to protect and enhance recreational opportunities and visual aesthetics.	The North Fork upstream of Drake is designated as Management Area 3.5 Forested Flora or Fauna Habitats – Limited Management, with a management emphasis on providing adequate amounts of quality forage, cover, escape terrain, solitude, breeding habitat, and protection for a wide variety of wildlife species and associated plant communities. Drake to Estes Park is designated as Management Area 4.2 Scenery and managed to protect or preserve scenic values and recreational uses of designated scenic byways and other heavily used scenic travel corridors.
Colorado Parks and Wildlife (CPW)	Statewide Comprehensive Outdoor Recreation Plan (2014)	N/A	N/A
North Front Range Metropolitan Planning Organization (NFRMPO)	Regional Bicycle Master Plan (2013)	Proposes a regional bicycle corridor/trail along the Big Thompson River from Johnstown upstream into the Canyon to complete remaining segments of this long-identified corridor.	N/A
Big Thompson River Restoration Coalition (BTRRC)	Big Thompson River Restoration Master Plan (2014)	General channel stabilization and design concepts provided for reaches of the Big Thompson and North Fork rivers, including public lands that were used for recreation. No specific recreation recommendations are addressed.	The plan includes river restoration recommendations and identifies areas with high potential for aquatic and riparian habitat enhancements that would significantly improve the ecology of the area. The plan has data that can be used to assess threats associated with flooding, erosion, and sedimentation. No specific recommendations were developed regarding the land conservation for natural resource, recreation or scenic values though these activities would complement the master plan's intent.
Town of Estes Park	Comprehensive Plan and Action Plan	All development/ redevelopment adjacent to Fall River or the Big Thompson River shall provide access and orientation to the rivers.	Future development will need to be sensitive to the Big Thompson River.
	Estes Valley Habitat Assessment (2008)	N/A	Priorities for an ecological network the Big Thompson below Lake Estes (critical and important habitats, important Elk/Deer movement corridors) and Dry Gulch (Devils Gulch) .

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Agency	Plan Name (Date)	Recreation	Conservation
Larimer County	Comprehensive / Master Plan	The abundance of outdoor recreational opportunities in Larimer County is a key element of the area's quality of life. Open spaces help define the character of the County and provide a welcome contrast to the compact urban form of our communities. Regional parks and open space facilities include the Big Thompson Parks, which cover 12 acres. Improvements for Big Thompson Parks include picnic facilities, toilets and fishing access.	ER-4: Larimer County shall endeavor to protect all areas identified as highest priority on the Important Wildlife Habitat Map, which is adopted by reference as part of the Master Plan.
	Our Lands – Our Future: Recreation and Conservation Choices for Northern Colorado (2013)	This study of needs and preferences identified high demands for more land / facilities / activities that were or could potentially be offered in the Big Thompson River corridor: walking/hiking/running on natural surfaces and pavement, road/mountain biking, camping, fishing, shooting/archery, recreating with dogs, watching wildlife/birding, hunting, picnicking, non-motorized boating, horseback riding, and education. There was also interest in backcountry campsites (without structures), wild zones (areas where children can play in a natural environment with fewer restrictions), and hiking with dogs off-leash.	Study participants strongly supported using public funds for land conservation, with specific priorities for: • Lands or rights that provide regional trail corridors and greenways to connect to communities and parks • Land or acquire rights to protect lakes, rivers, streams, and preserve water quality • Ecologically sensitive lands (significant wildlife • habitat, wetlands, rare plants) • Land or acquire rights for more outdoor recreation opportunities (hiking, walking, biking, horse riding, ... • Invest in management and maintenance of current natural areas and facilities The study also quantified economic benefits of land conservation (such as economic development, enhanced property value, direct use, and recreation and tourism), though it did not analyze the significant benefit of land conservation for flood prevention / mitigation. Map models available at http://tplgis.org/OurLands-OurFuture/ found that lands with the highest values and potential for conservation include: working farms and ranches between the mouth of Big Thompson River and Loveland; and the river (and US 34) as a regional wildlife, open space and trail corridor.
	Open Lands Master Plan (2015)	The 2014 plan carries forward a regional trail along the Big Thompson River as a priority from the 2001 plan (Chapter 4).	The 2014 plan carries forward the Big Thompson River as a conservation priority area from the 2001 plan (Chapter 3, River Corridors Priority Areas): • Continue conservation and recreation efforts in the Cache La Poudre, Big Thompson and Little Thompson river corridors outside the growth management areas of cities and towns. • Pursue partnership opportunities with municipal and state agencies, non-governmental organizations, and user groups to conserve lands along these rivers to enhance their long-term ecological functions, recreational opportunities, and scenic beauty. • Support regional coalitions that serve as a knowledge-sharing network and strategically coordinate watershed planning and preventative measures for flooding and drought through conservation mechanisms; create a vision plan for conservation and recreation, particularly along the Big Thompson River; develop an action plan to coordinate and leverage funding for improvements, operations and maintenance.
	Help Preserve Open Space Ballot language (approved 1995, extended 2014)	Revenues can be used for trails and passive recreational facilities.	"Lands considered highly desirable for preservation using revenue from Larimer County's attributable share and in cooperative partnerships with other entities include... riparian lands and access to riparian lands along the Big Thompson River."



Agency	Plan Name (Date)	Recreation	Conservation
City of Loveland	Comprehensive Plan (adopted in 2005, currently being updated for 2015 with greater emphasis on resiliency and floodplain management)		<p>Goal 5.4: Establish mitigation measures (such as buffer standards) that may need to be taken in such areas as the Big Thompson River Corridor, designated wetlands, and identified natural areas to offset or accommodate the impacts of development.</p> <p>Objective 5.3.2: Restore creeks, streams, and rivers, especially the Big Thompson River Corridor, to their more natural state using best practices.</p> <p>Objective 5.4.1: Protect waterways, including the Big Thompson River, ditches, and individual wetlands and their associated wildlife habitat from the impact of development while providing public access to waterways, lakes and ditches where appropriate.</p> <p>Goal 5.5 – Foster awareness and appreciation of open lands through citizen involvement and community education in order to promote stewardship.</p>
	Parks and Recreation Master Plan (2014)	A multi-use recreational trail is proposed along the Big Thompson from Loveland to Viestenz-Smith Mountain Park. Loveland has completed segments downstream of our study area. E.6 The City will emphasize trail access for citizens inside the City's Growth Management Area. Future connections to regional or statewide trail systems will be done in cooperation with public, multi-agency and private entities.	<p>Identified potential open lands include the Big Thompson floodplain; lands surrounding Viestenz-Smith Mountain Park; Cedar Creek; and Green Ridge Glade. This includes the highly ranked Natural Area Sites 69 and 137 which rate high for overall habitat quality.</p> <p>Appendix E includes Guidelines for Protection of Environmentally Sensitive Areas, with the following recommendations:</p> <ul style="list-style-type: none"> • Work to restore the natural hydrologic processes of the river (which may include some channel migration where the river moves back and forth over time). • Where possible, trails should be built upland and kept out of sensitive riparian areas and forest. • Include the Big Thompson in the area-wide trail connection plan. • Protect viewsheds and other resources in the corridor. • Discourage the placement of earth fill within the floodplain.
	Bicycle and Pedestrian Plan (2012)	A multi-use recreational trail is proposed along the Big Thompson. Loveland has completed segments downstream of our study area.	
	Viestenz-Smith Mountain Park Master Plan (In Progress, 2015)	Restoration of the park is planned to include the re-establishment of picnic areas, multi-use and soft-surface trails, fishing and river access, primarily on the north bank of the river, out of the floodway.	The plan proposes to make the park more resilient to future flood events by incorporating bank protection and stabilization, improving the ecosystem's riparian, upland and aquatic habitats, and locating the river back to its post-flood location.

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APPENDIX B. MANAGEMENT OF LARIMER COUNTY AND CITY OF LOVELAND EXISTING PROPERTIES

As described in *A Bigger Vision for the Big T* (see the discussion in Chapter 3), Larimer County owns approximately 152 parcels acquired using FEMA funding following the 1976 Flood. These properties serve a variety of functions, including the Big Thompson Parks (Glade, Narrows, Forks, and Sleepy Hollow), riparian land protection, fishing access, and hazard avoidance. More than 90% have river frontage and are not buildable (lying in the floodplain), only a select few offer buildable sites for residences. Apart from the formally-designated Big Thompson Parks, these properties have not historically been maintained or signed. Collectively, the resulting management burden (trespassing, littering, illegal camping, nuisance complaints, road maintenance costs) has at times outweighed the benefits they provide to the public. Similarly, Loveland owns 550 acres along the Big Thompson, 20 acres of which is the Viestenz-Smith Mountain Park. The majority of Loveland ownership is managed for water purposes including watershed protection.

A Bigger Vision for the Big T categorizes all Larimer County and City of Loveland ownership in the study area based on the conservation and recreation opportunities present and provides guidelines on their use and management. These categories, described in the following tables, can also be used by project partners to evaluate substantially damaged parcels in the 2013 Flood that are eligible for acquisition using FEMA funding.

These four property categories² were applied to all currently owned Larimer County and Loveland parcels in the study area. The following table summarizes all of the parcels by management category. The following map series illustrates the management categories by parcel. It is assumed that all Larimer County and City of Loveland properties categorized as management levels 1 or 2, along with future potential acquisitions, will undergo a full-scale restoration effort to reconnect the river with its floodplain and restore native riparian vegetation.

Management Categories Applied to Existing Larimer County and Loveland Parcels

Category	Management	Count	Acres
Larimer County			
1	Recreation	56	56.3
2	Conservation with Limited Public Use	26	23.5
3	Conservation with No Public Use	38	25.0
4	Divestment	8	1.3
Larimer County Total		128	106.1
City of Loveland			
1	Recreation	7	87.9
2	Conservation with Limited Public Use	9	439.2
3	Conservation with No Public Use	4	14.7
4	Divestment	0	0
Loveland Total		21	553.7
Total		149	659.8

² These four categories are further described in Chapter 3.

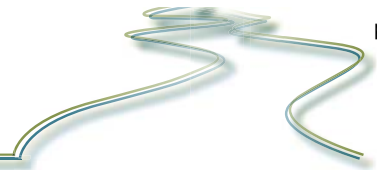
Category 1. Recreation Parcels. Actively seek to develop new or re-build recreation amenities, implement the BTRRC Restoration Master Plan, and/or purchase parcels for conservation. Signage would include interpretive, regulatory, and no trespassing displays.

Category 2. Conservation Parcels with Limited Public Use. Fee-simple parcels that would be retained for conservation or scenic values, may be open to the public (primarily for river access) but no infrastructure would be provided, including no formal parking areas. Regulatory signage would be installed. Restoration would be limited to the most cost-effective treatments but could include fish habitat projects.

Category 3. Conservation Parcels with No Public Use. Public use would not be practical due to the lack of established access, difficult access, size, maintenance difficulty, or conservation easement (private property). These parcels would be retained for the purposes of river function, most being located wholly or partially in the floodplain. Restoration would be limited to the most cost-effective treatments. No trespassing signage would be installed.

Category 4. Divestment Parcels. Properties with little conservation or recreation value should be disposed or traded. If retained for purposes other than conservation or recreation, the Larimer County Natural Resource Department and City of Loveland would have no management responsibility.

Category 1: Recreation Parcels	
Description	<ul style="list-style-type: none"> Significant recreation/conservation area or node. Property areas where the County, Loveland and/or partners would actively seek to develop new or re-build recreation amenities and implement the BTRRC Restoration Master Plan Properties acquired as fee-simple primarily for outdoor, passive recreation use
Access	<ul style="list-style-type: none"> Open to the public Safe parking and visual access off of Highway 34 or other county/city roads. Trail access within and to other properties where practical
Co-location	<ul style="list-style-type: none"> Adjacency to other public recreation/conservation properties is optimum.
Size	<ul style="list-style-type: none"> No size requirement; larger parcels provide more valuable recreation and habitat opportunities. Should be large enough for intended recreation facilities and education opportunities.
Design	<ul style="list-style-type: none"> Design and level of infrastructure will seek to minimize impact downstream in future flood events. Designed for moderate to high level of public use and nature-focused recreational activities May accommodate group activities Designed to support self-directed uses, including outdoor recreation, nature programs and environmental education Amenities provided limited the number of visitors and uses the area can accommodate while retaining the resource value and natural character of the site Recreation uses designed to avoid impacts to high value natural resources, minimize ecological impacts, and maximize river resiliency. Restoration per BTRRC Restoration Master Plan
Potential Amenities to Provide as Appropriate	<ul style="list-style-type: none"> Park identification signage Regulatory signage Interpretive signage Site furnishings (benches, trash receptacles, etc.) for intended scale and use of the site Picnic tables Fishing access Trailhead or entry parking area Off-street parking (gravel) Gate/fencing Soft-surfaced non-motorized recreation trails Vault or flush toilets if permitted
Additional Amenities to Consider as Appropriate	<ul style="list-style-type: none"> Multi-use, hard-surfaced trails Picnic shelter Shade structure or gazebo Viewpoint, viewing blind Fishing pier Bridge Nature playground Small outdoor amphitheater Off-street parking (paved)
Amenities to Avoid	<ul style="list-style-type: none"> Amenities that will be at high risk of future flood damage Lighting On-street parking on U.S. 34 Turf, ornamental, or non-native plantings Active use facilities (sports fields, sport courts, etc.)



Category 2: Conservation Parcels with Limited Public Use

Description	<ul style="list-style-type: none"> Property areas that protect unique landscapes, scenic values, and open space from at-risk development, contribute to river aesthetics, and support river resiliency functions (stormwater detention, floodplain benches, ecological services, etc.). May secondarily provide recreation opportunities Signage would be limited to regulatory signage. Restoration would be limited to the most cost-effective treatments. No trespassing on adjacent private property
Access	<ul style="list-style-type: none"> May be open to the public (primarily for fishing access) but no infrastructure would be provided, including no formal parking areas. May include floodplain, steep slope or other hazard area that precludes development May be connected to other properties via off-street trails
Co-location	<ul style="list-style-type: none"> Preferably located in a complex with other public recreation/conservation properties May be isolated.
Size	<ul style="list-style-type: none"> No size requirement; larger parcels provide more valuable recreation and habitat opportunities.
Design	<ul style="list-style-type: none"> May support self-directed outdoor recreation uses but typically less developed than Category 1 sites Potential restoration per BTRRC Restoration Master Plan
Potential Amenities to Provide as Appropriate	<ul style="list-style-type: none"> Regulatory signage Fishing access Hunting access Parallel parking on U.S. 34 or property frontage Parking pull-off (nose-in)
Additional Amenities to Consider as Appropriate	<ul style="list-style-type: none"> Park identification signage Site furnishings (benches, trash receptacles, etc.) Picnic tables Gate/fencing Soft-surfaced recreation trails (hiking, jogging, mountain biking)
Amenities to Avoid	<ul style="list-style-type: none"> Group activities Turf, ornamental, or non-native plantings Off-street parking (gravel) Vault or flush toilets

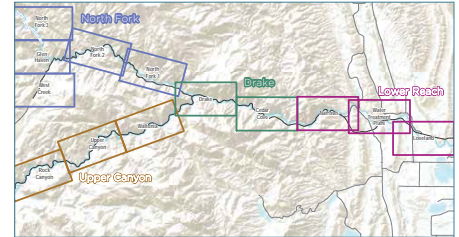
Category 3: Conservation Parcels with No Public Use

Description	<ul style="list-style-type: none"> Properties acquired or retained primarily for the protection of natural resources or wildlife habitat, or prevention/removal of at-risk development. These parcels would be retained for the purposes of river function, most being located wholly or partially in the floodplain. Could be sold with Conservation Easement in place to protect conservation values.
Access	<ul style="list-style-type: none"> No public access. Public use not practical due to the lack of established access, difficult access, maintenance difficulty, or conservation easement (private property).
Co-location	<ul style="list-style-type: none"> Wholly or partially in the floodplain May be isolated from other public lands.
Size	<ul style="list-style-type: none"> No size requirement; larger parcels provide more valuable habitat opportunities.
Design	<ul style="list-style-type: none"> Demolition and removal of structures No development Potential restoration per BTRRC Restoration Master Plan
Potential Amenities to Provide as Appropriate	<ul style="list-style-type: none"> N/A
Additional Amenities to Consider as Appropriate	<ul style="list-style-type: none"> Regulatory signage Un-signed/Un-regulated Fishing access Un-signed/Un-regulated Hunting access
Amenities to Avoid	<ul style="list-style-type: none"> Passive recreation facilities

Category 4: Divestment Parcels

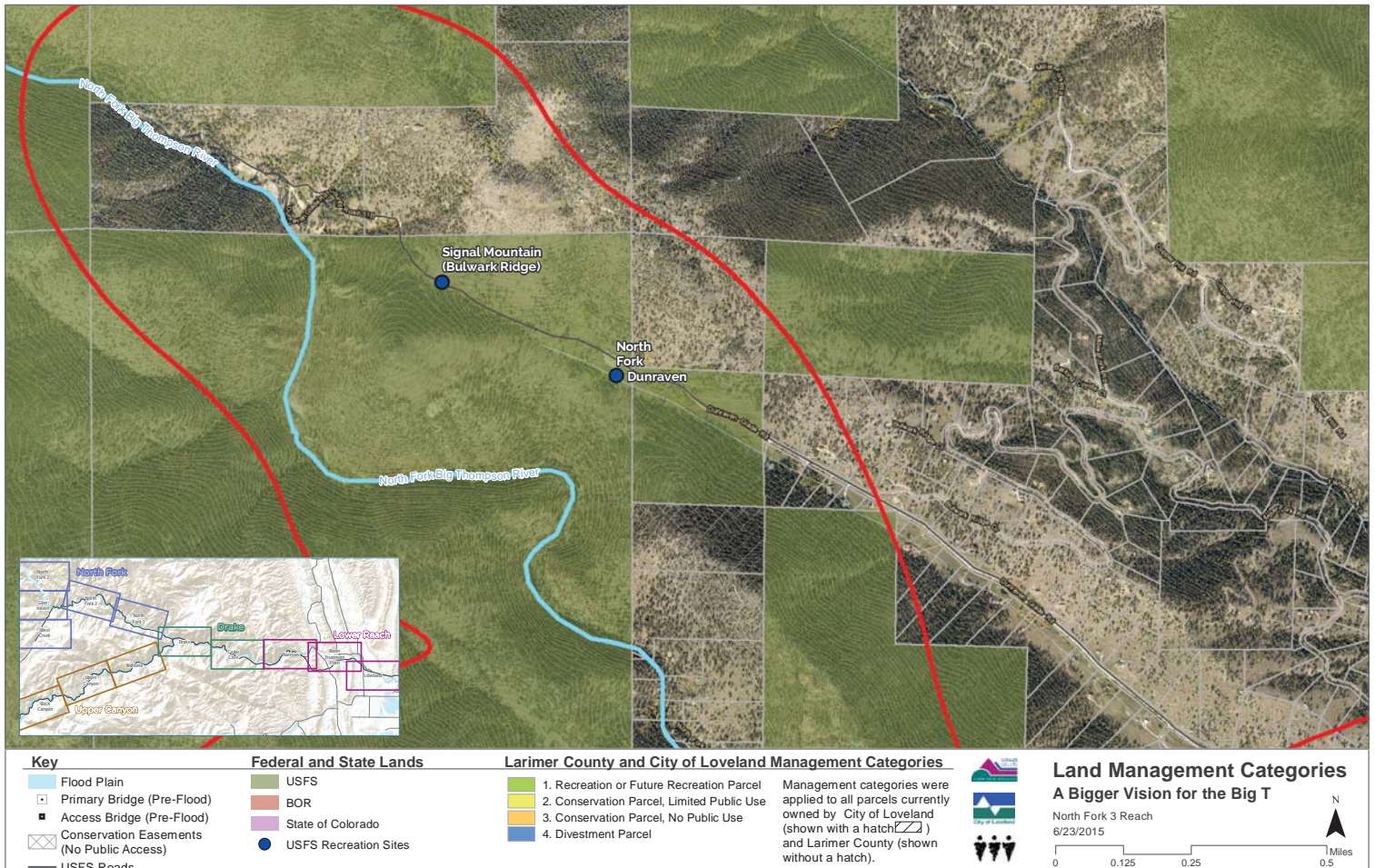
Description	<ul style="list-style-type: none"> Properties with little conservation or recreation value should be disposed or traded. If retained for public works or utility purposes, the Larimer County Natural Resource Department or Loveland Open Lands Program would have no management responsibility.
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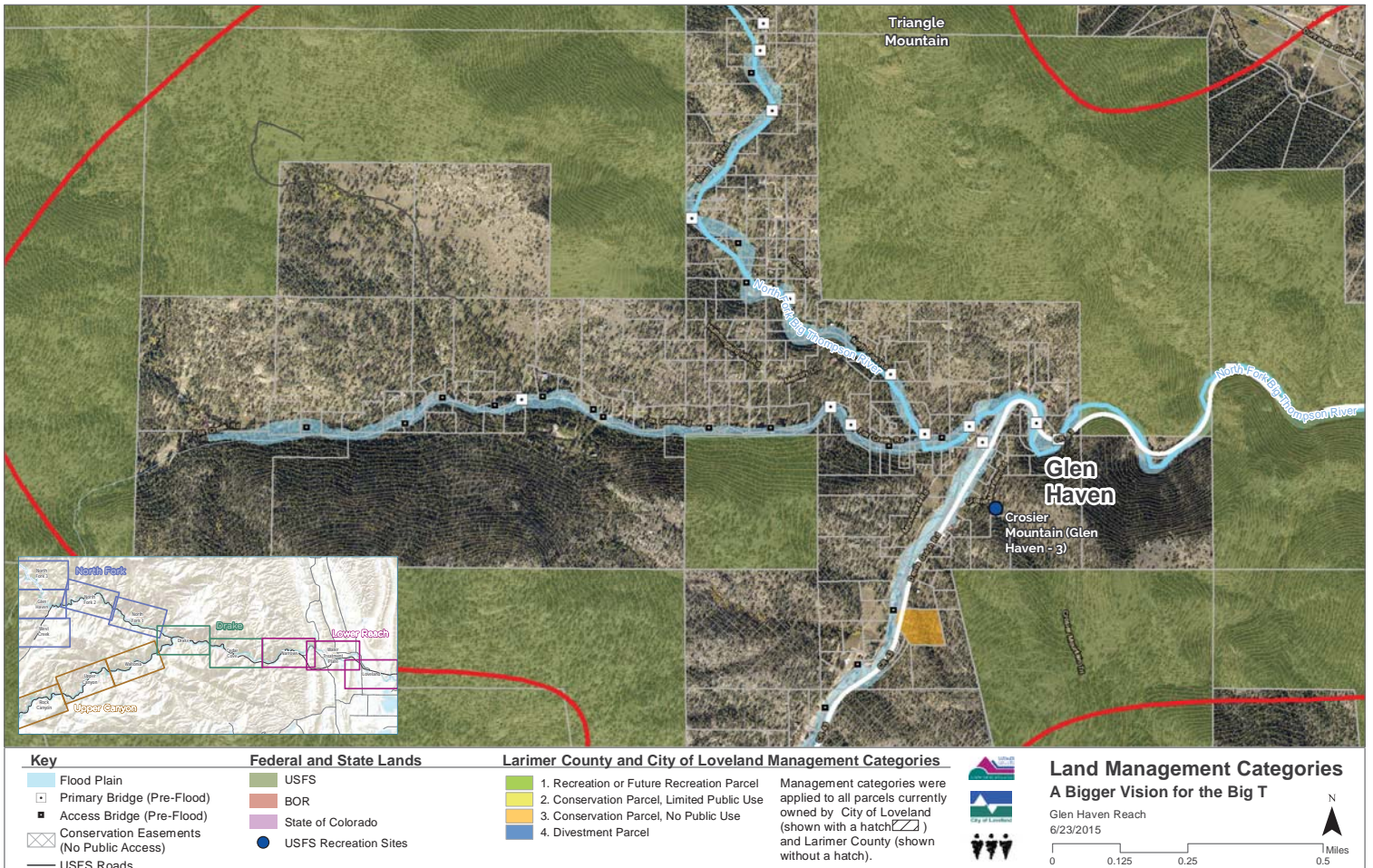
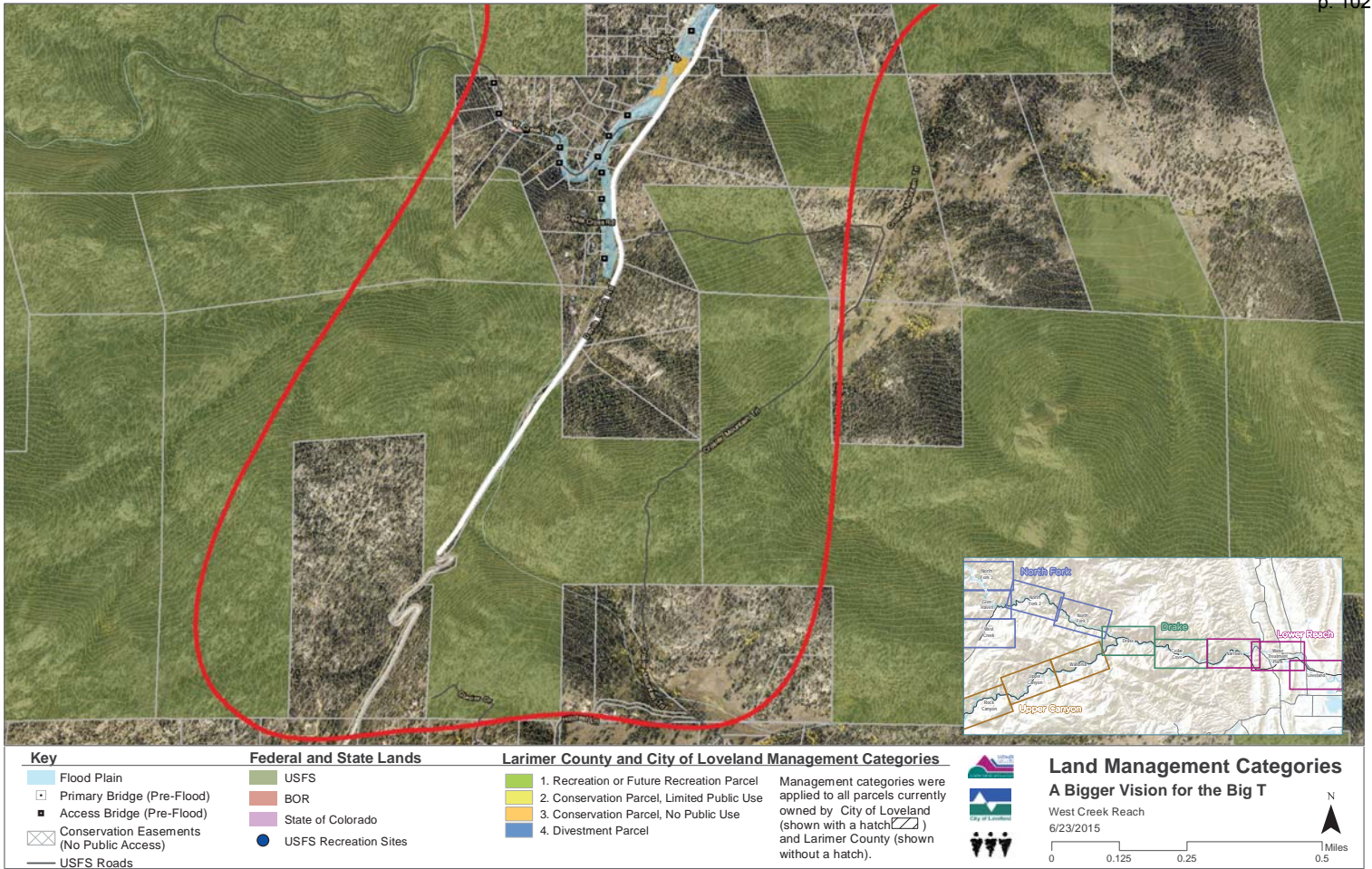
Land Management Categories Index Map

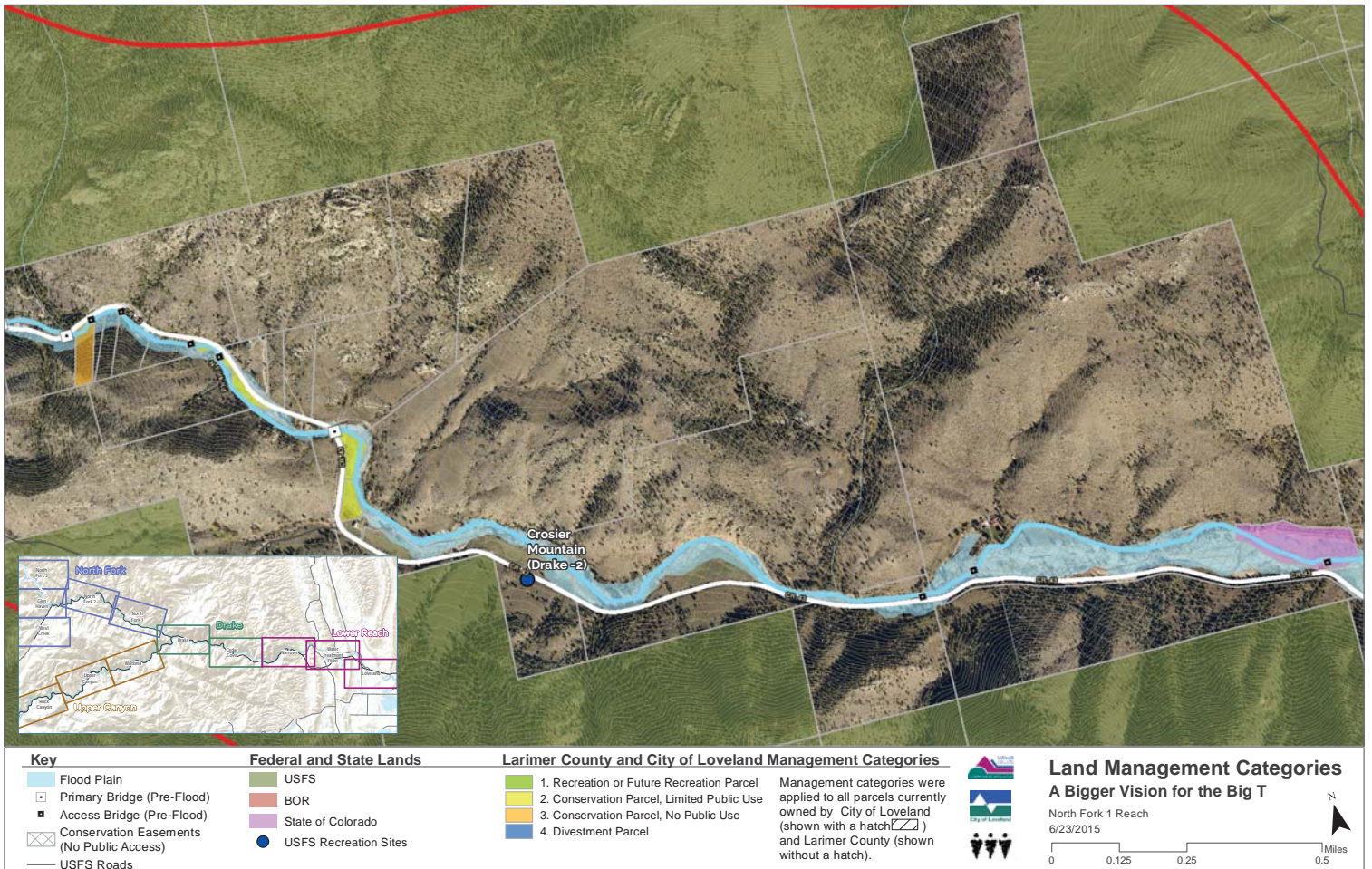
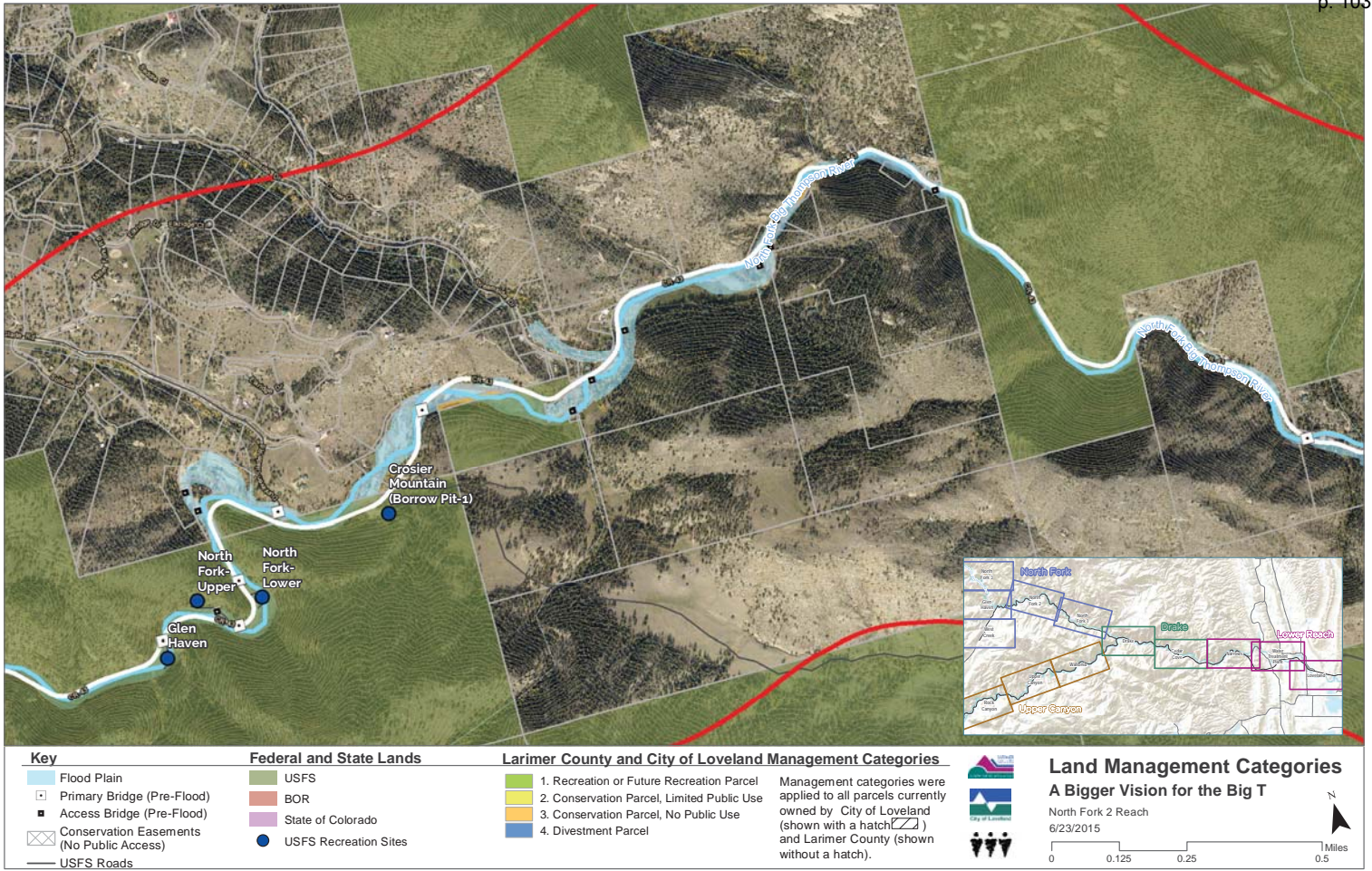


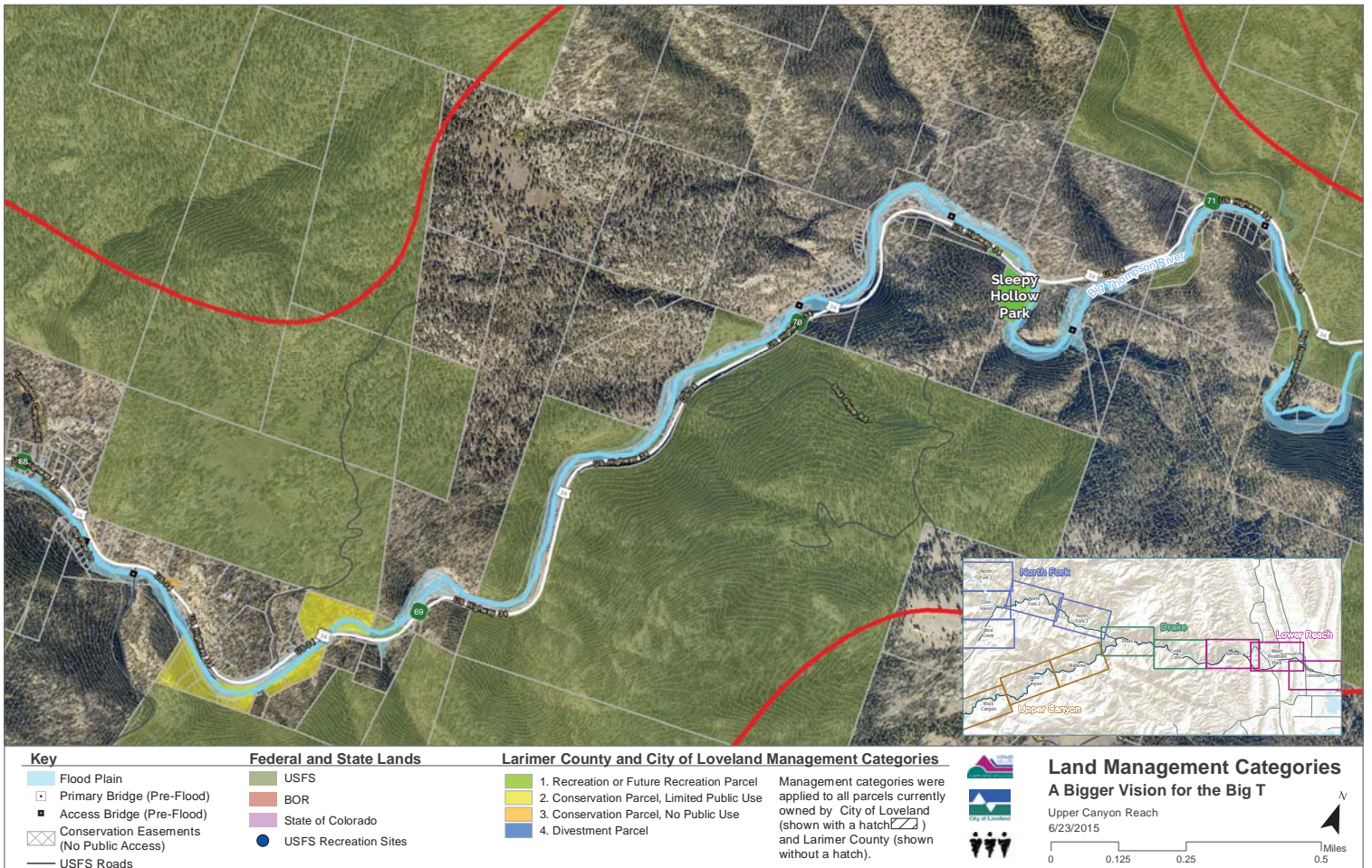
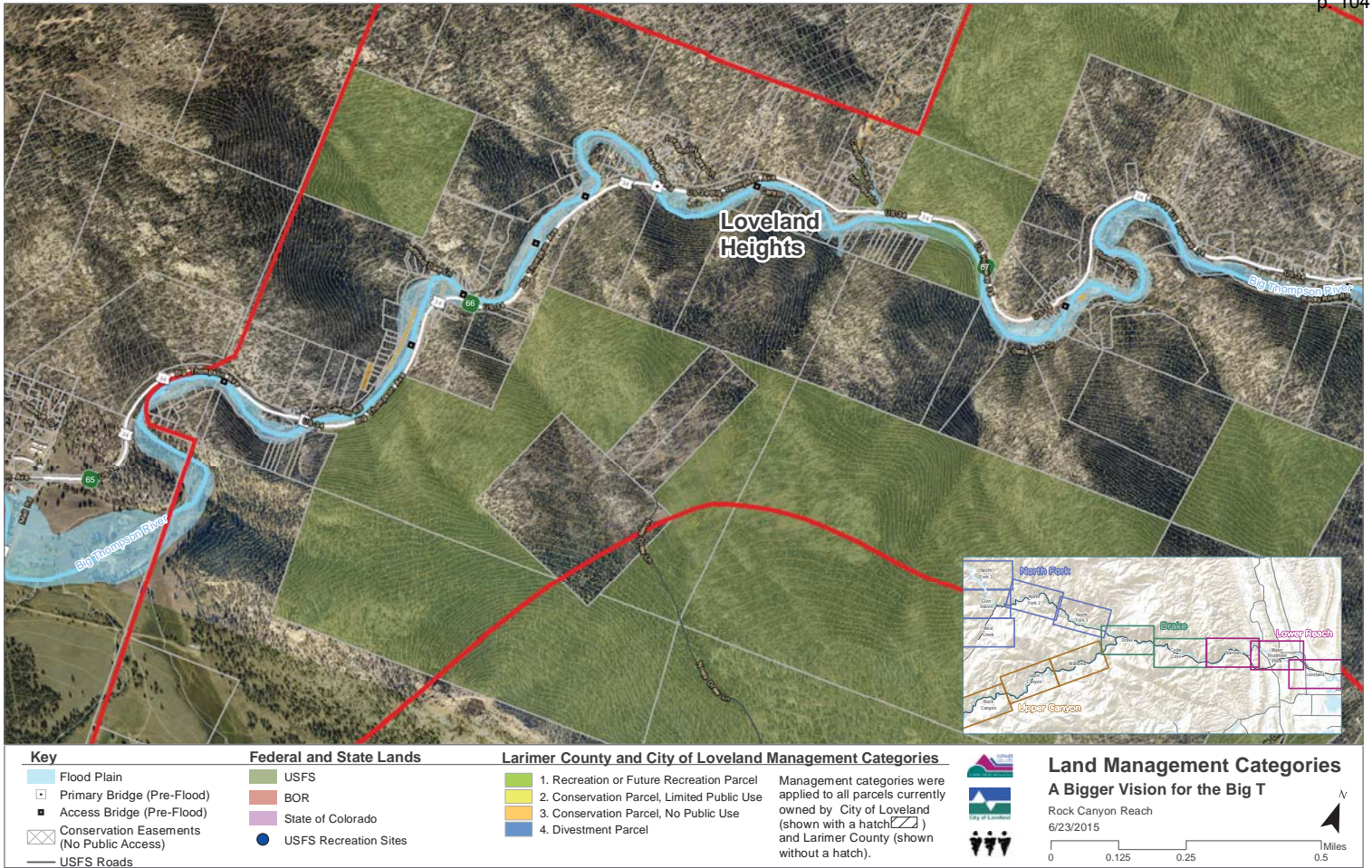
A Bigger Vision for the Big T

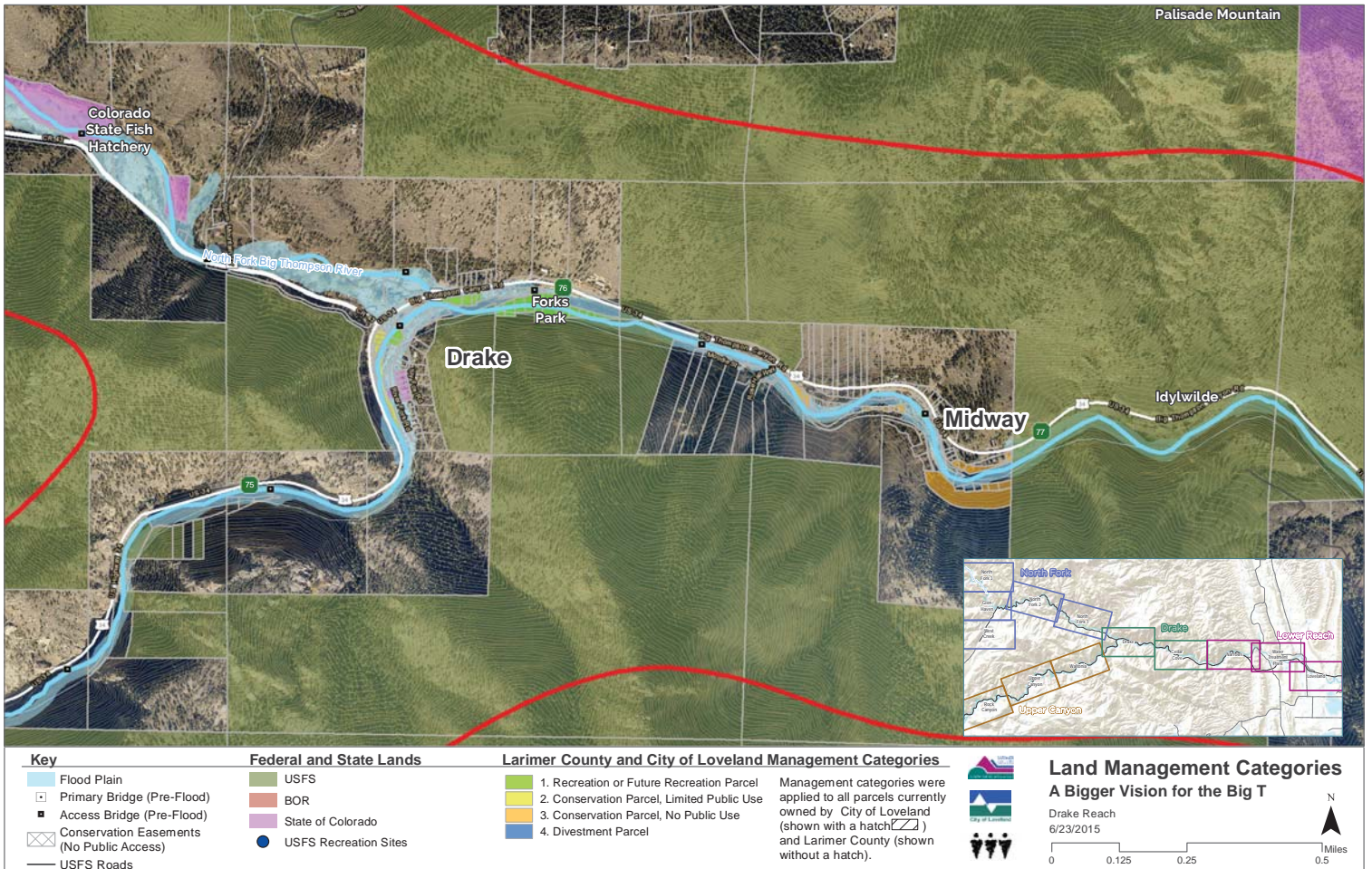
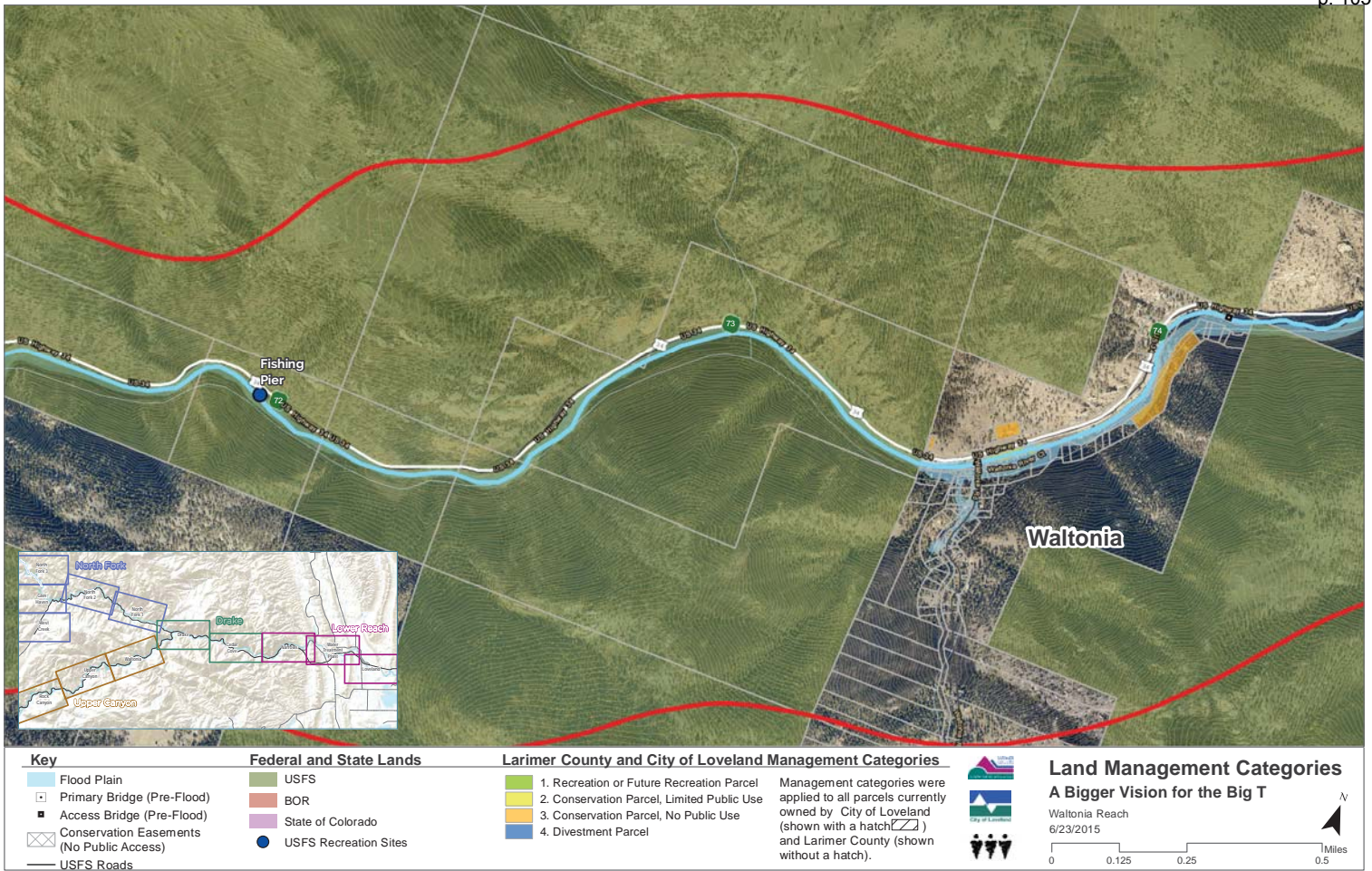
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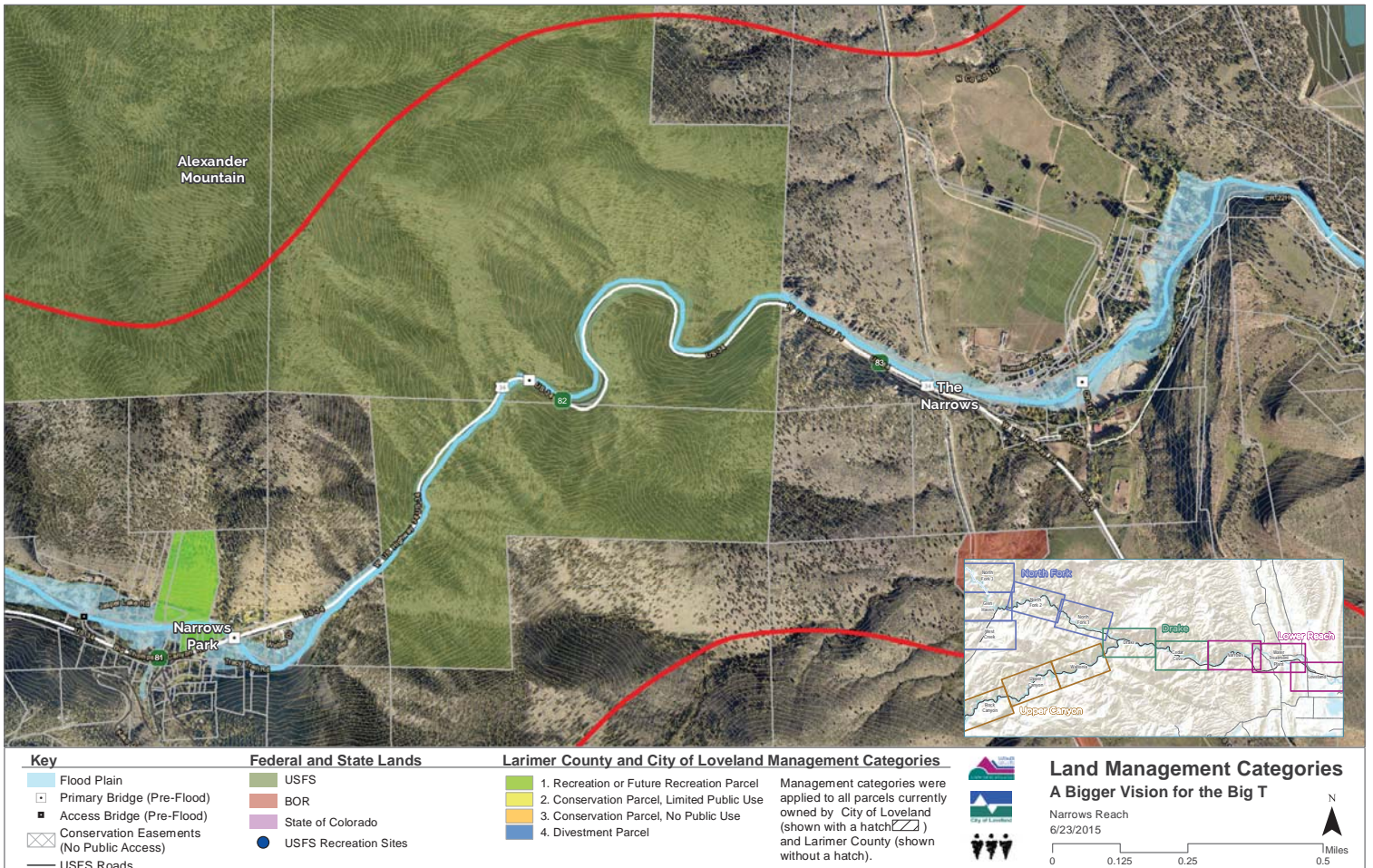
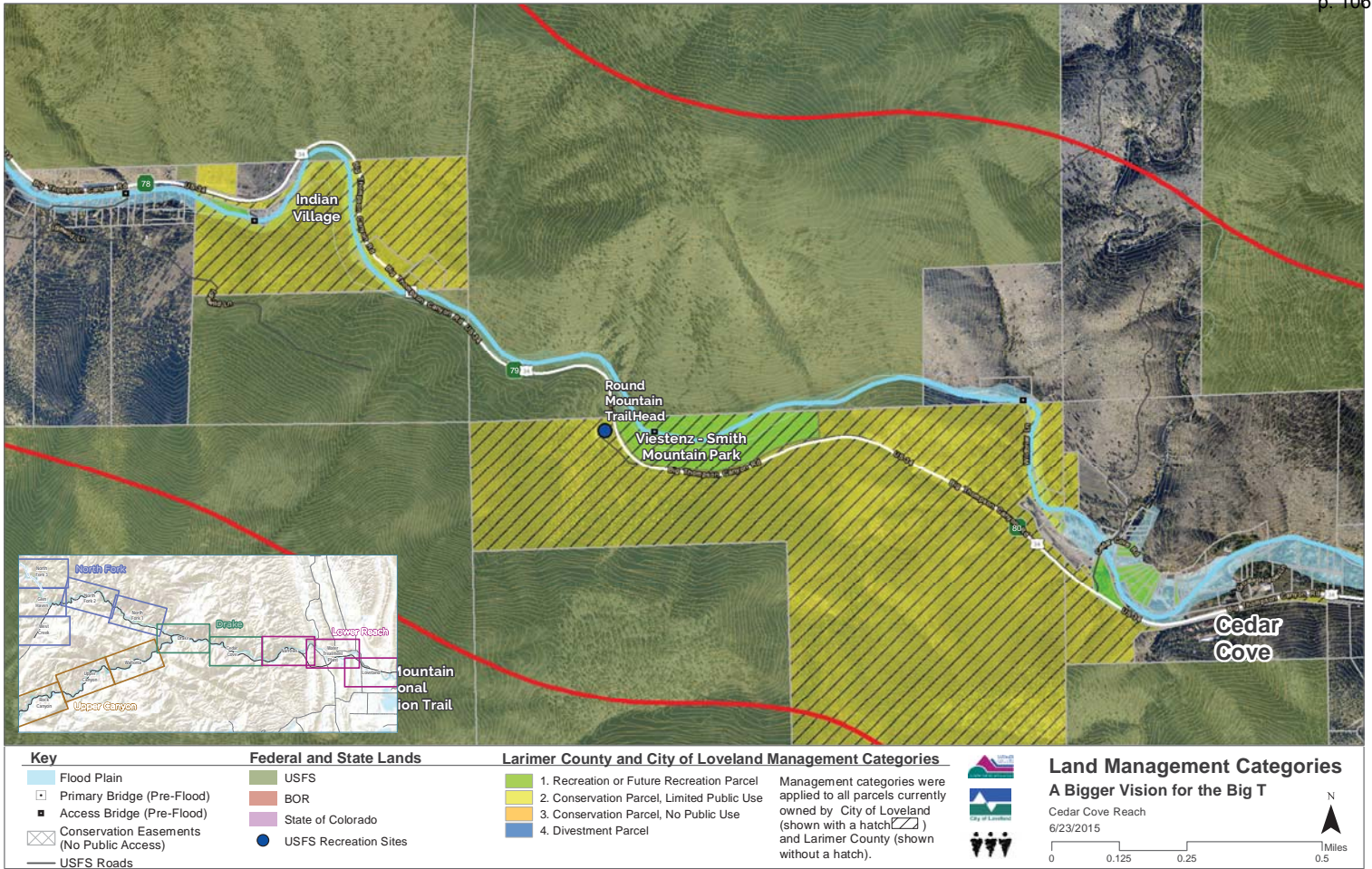


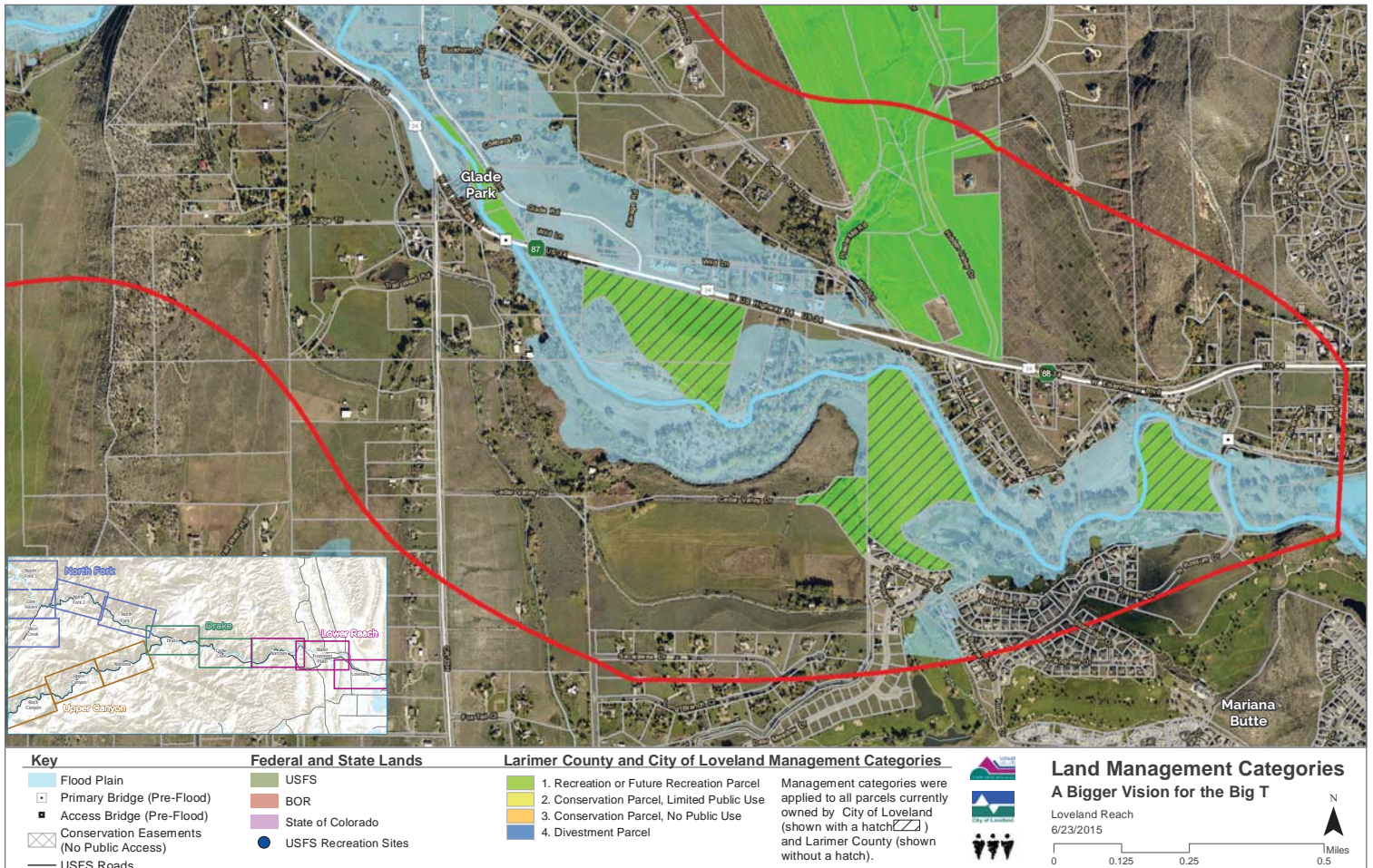
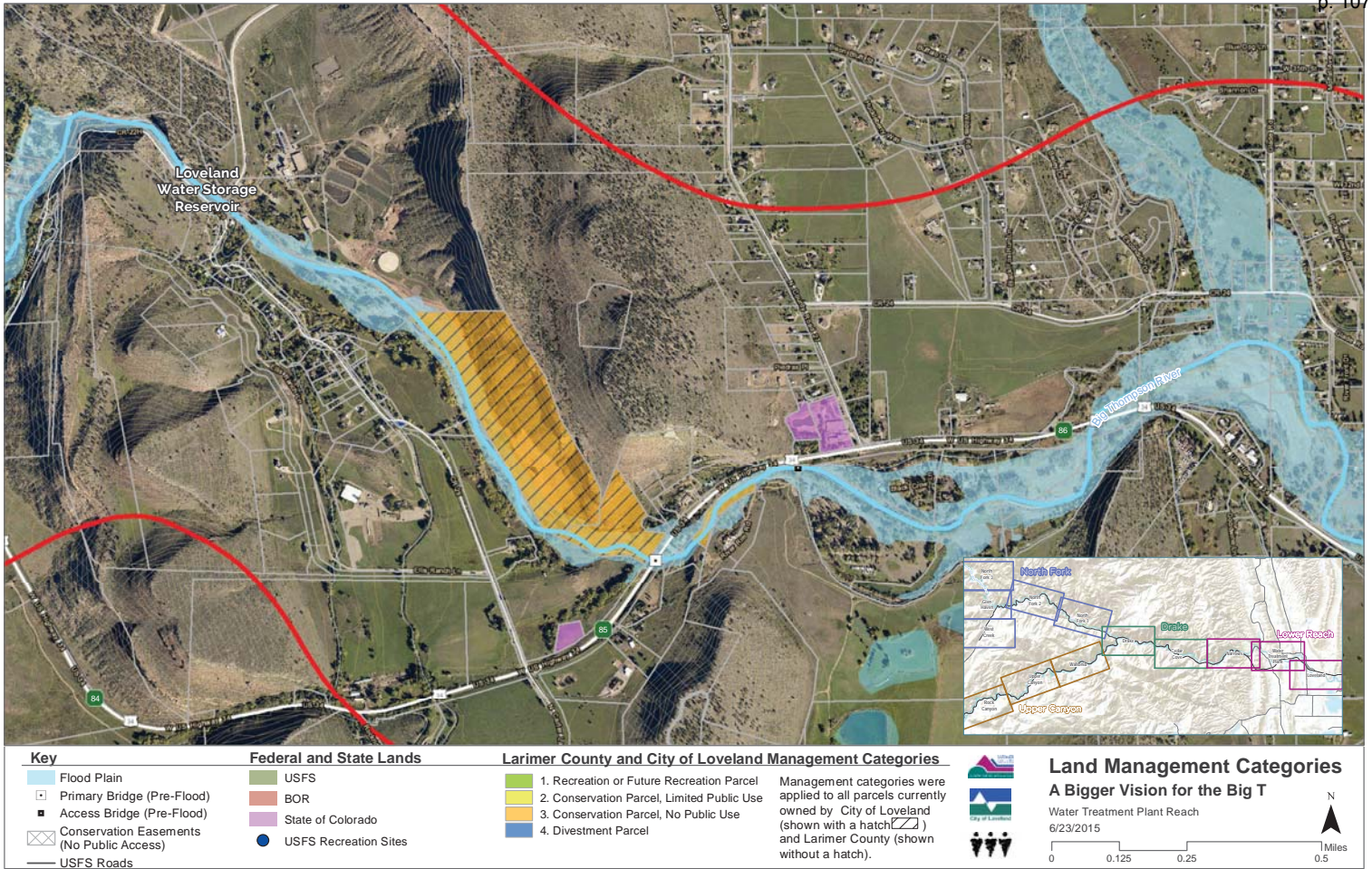




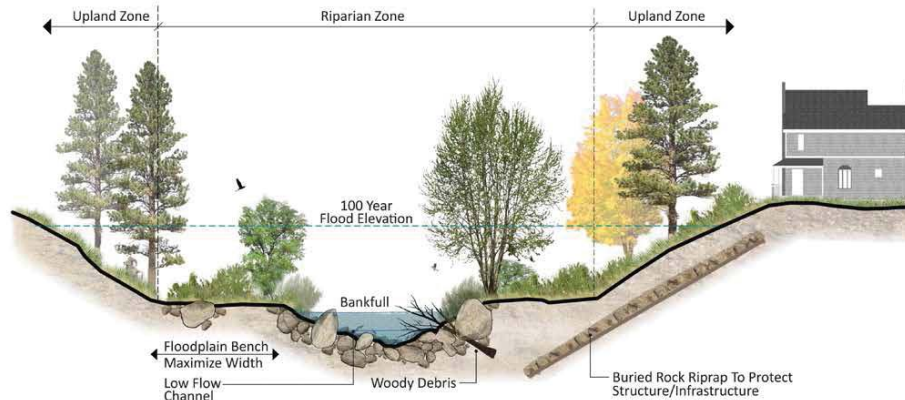








APPENDIX C. RESTORATION CONCEPTS FROM THE BIG THOMPSON RIVER RESTORATION MASTER PLAN



Restored Channel Prototype- Section

Source: All graphics presented in Appendix C were completed by Ayres Associates and Logan Simpson and can be found in the 2014 Big Thompson River Restoration Master Plan.

Treatments

— Aquatic Restoration

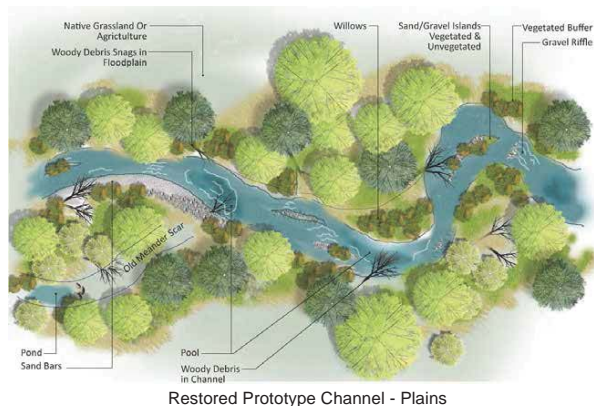
..... Aquatic Restoration - Partial

Creation of appropriate aquatic habitat including pools, riffles, glides, as well as incorporation of boulders and woody debris. Partial designation means not all of the reach requires restoration.

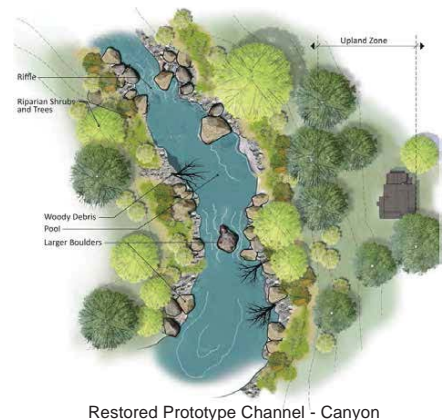
— Riparian Vegetation Restoration

..... Riparian Vegetation Restoration - Partial

Restoration and of riparian vegetation including wetlands and floodplain. Partial designation means not all of the reach requires restoration.



Restored Prototype Channel - Plains

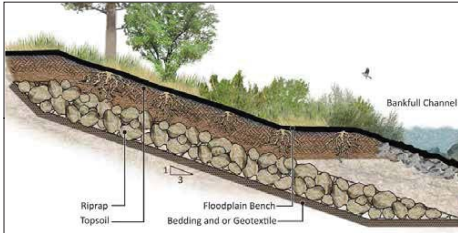


Restored Prototype Channel - Canyon

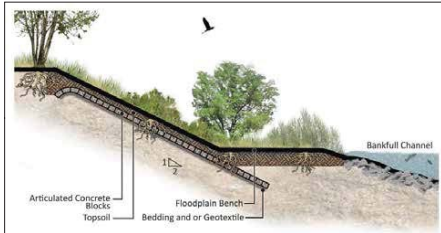
Treatments

Stabilization
Bank stabilization measures used to protect infrastructure. Includes a variety of potential options depending on hydraulic forces, available area, cost, and access to materials.

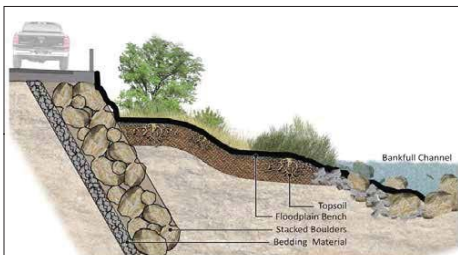
Stabilize and Riparian Vegetation - Partial
Stabilization and riparian vegetation needed for some of the designated reach.



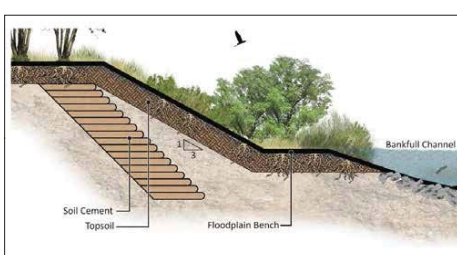
Stabilization Treatment - Riprap



Stabilization Treatment - Articulated Concrete Blocks (ACB)




Stabilization Treatment - Stacked Boulders



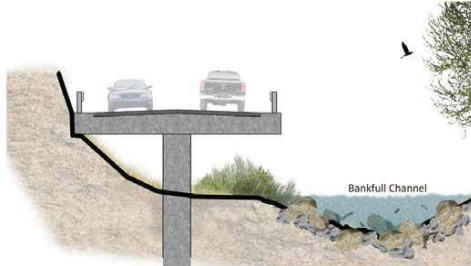
Stabilization Treatment - Soil Cement

Treatments

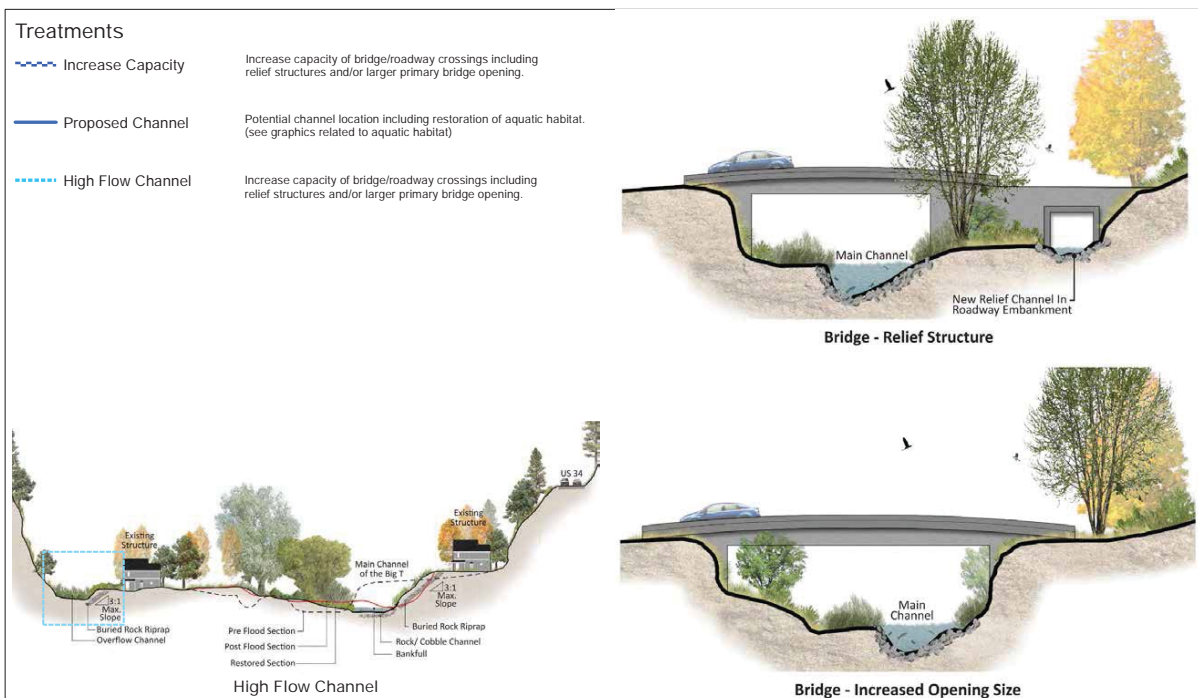
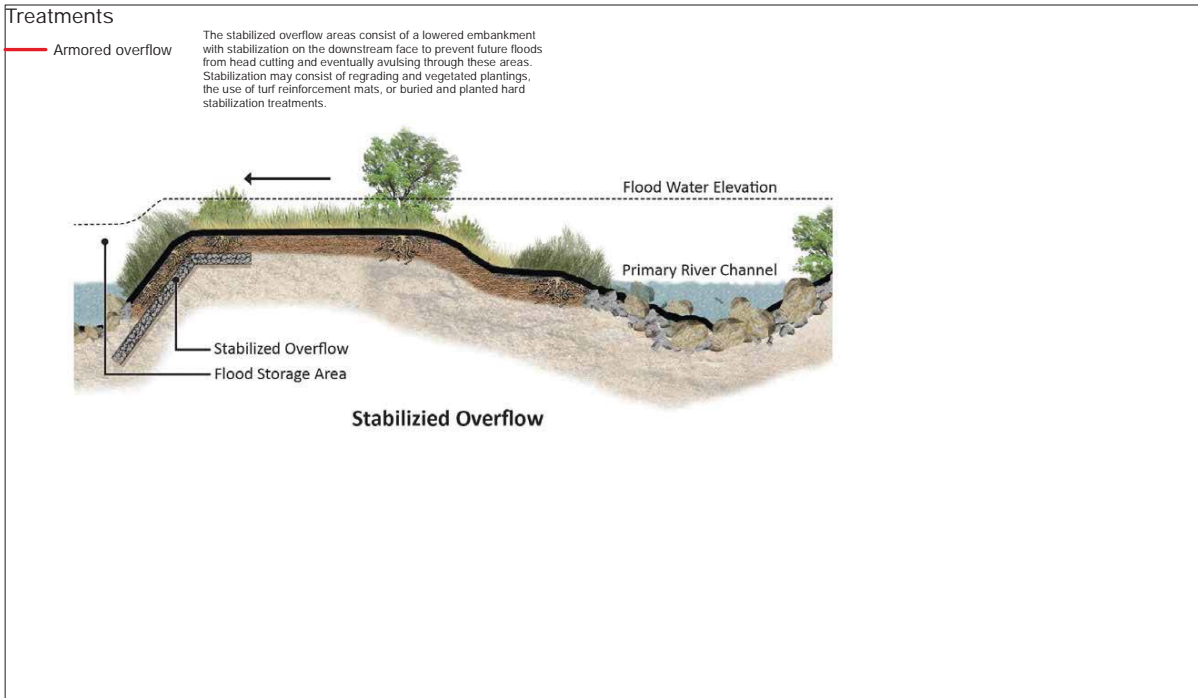
Wall or Elevated Roadway
Bank stabilization measures used to protect infrastructure. Includes a variety of potential options depending on hydraulic forces, available area, cost, and access to materials.



Roadway - Vertical Wall



Roadway - Elevated Roadway



Treatments

Lower/Regrade

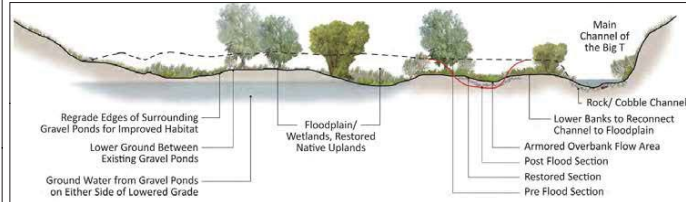
Excavating areas of high ground within floodplain and regading or hauling away material to reconnect and restore floodplain areas.

Floodplain Bench

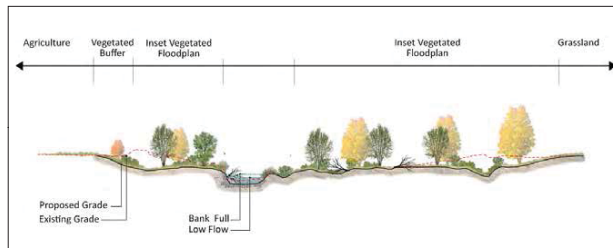
Creating and/or restoring floodplain benches for improved conveyance and restored habitat. May include some excavation, regrading, and vegetation plantings.

Improve Conveyance

Improve flood flow conveyance through reach to minimize flood of homes and infrastructure by using a combination of lower/regrade, floodplain bench, highflow channel, and relocation of infrastructure.



Representative Cross Section - Loveland



Representative Cross Section - Eastern Plains



CITY OF LOVELAND
MUNICIPAL AIRPORT

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

AGENDA ITEM: 13
MEETING DATE: 7/21/2015
TO: City Council
FROM: Jason Licon, Airport Director
PRESENTER: Jason Licon, Airport Director

TITLE:

A Resolution authorizing the City Manager to execute a grant agreement with the Federal Aviation Administration (3-08-0023-034-2015) for funding of the construction of a snow removal equipment storage facility at the Fort Collins-Loveland Municipal Airport

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to approve the resolution as submitted.

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action.
 3. Adopt a modified action.
-

SUMMARY:

This is an administrative action. The resolution would authorize the City Manager to execute a Grant Agreement from the Federal Aviation Administration for up to \$760,000. This FAA Grant will be used to construct a snow removal equipment building.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

These projects have been appropriated and budgeted, requiring no change in the City Council approved 2015 airport budget. The project will not require any additional contributions from the City.

BACKGROUND:

This Resolution authorizes the City Manager to execute a Grant Agreement from the FAA as the Airport is a federally supported part of the National Plan of Integrated Airport Systems. The FAA grant resources will be used as part of a multi- year funded project that includes Federal, State,

and Airport funding to construct a snow removal equipment building. The construction of the facility has been planned for construction since 1995 in the Airport's capital improvement plan.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. FAA 3-08-0023-034-2015 draft Grant Agreement

RESOLUTION # R-41-2015**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2015 GRANT AGREEMENT (AIP PROJECT NO. 3-08-0023-034-2015) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT**

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

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

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

WHEREAS, the Cities have applied for \$760,000.00 in FAA capital grant funding (“2015 Grant Funding”) for the purpose of constructing a snow removal equipment building (“AIP Project No. 3-08-0023-034-2015”);

WHEREAS, the Cities have been offered \$760,000.00 of the 2015 Grant Funding; and

WHEREAS, any capital grants funds provided by the FAA will be subject to the Cities’ execution of the standard FAA grant agreement that will be in substantially the form attached hereto as Exhibit “A” and incorporated by reference (“2015 Grant Agreement”); and

WHEREAS, projects listed in AIP Project No. 3-08-0023-034-2015 are identified in the Fort Collins-Loveland Municipal Airport Master Plan as first priority projects; and

WHEREAS, the matching local funds of ten percent (10%) necessary to accept the initial capital grant funding of \$760,000.00 from the Federal Aviation Administration are divided equally between the State of Colorado and the Cities and have been previously appropriated as part of the Airport’s 2015 budget.

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

Section 1. That the 2015 Grant Agreement is hereby approved.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the 2015 Grant Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the 2015 Grant Agreement on behalf of the City of Loveland.

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

ADOPTED this 21st day of July, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2015 GRANT AGREEMENT (AIP PROJECT NO. 3-08-0023-034-2015) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer	June 24, 2015
Airport/Planning Area	Fort Collins-Loveland Municipal Airport
AIP Grant Number	3-08-0023-034-2015 (Contract No. DOT-FA15NM-1024)
DUNS Number	07-648-1407

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

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

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated February 20, 2015, for a grant of Federal funds for a project at or associated with the Fort Collins-Loveland Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Fort Collins-Loveland Municipal Airport (herein called the "Project") consisting of the following:

Construct Snow Removal Equipment Building

which is more fully described in the Project Application.

NOW THEREFORE, according to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014 and revised on April 3, 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 90 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

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

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$760,000. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b), the following amounts are being specified for this purpose:
 \$0 for planning
 \$760,000 for airport development or noise program implementation
 \$0 for land acquisition.
2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before July 24, 2015, or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
8. **United States Not Liable for Damage or Injury.** The United States is not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **System for Award Management (SAM) Registration And Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term.

Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).

10. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
11. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.
By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.
12. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.
13. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
14. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
15. **Maximum Obligation Increase for Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
 - A. may not be increased for a planning project;
 - B. may be increased by not more than 15 percent for development projects;
 - C. may be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
16. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also

provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.

17. **Suspension or Debarment.** The Sponsor must inform the FAA when the Sponsor suspends or debar a contractor, person, or entity.
18. **Ban on Texting When Driving.**
 - A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
 - B. The Sponsor must insert the substance of this clause on banning texting when driving in all subgrants, contracts and subcontracts
19. **Trafficking in Persons.**
 - A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
 1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
 - B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
 1. Is determined to have violated the Prohibitions; or
 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either—
 - a. Associated with performance under this agreement; or
 - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by the FAA at 49 CFR Part 29.
20. **Exhibit A Incorporated by Reference.** The Exhibit “A” updated June 2007, filed with AIP Project 3-08-0023-021, is incorporated herein by reference.
21. **Current FAA Advisory Circulars for AIP Projects:** The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the *Current FAA Advisory Circulars Required For Use In AIP Funded and PFC Approved Projects*, dated February 11, 2015, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
22. **Assurances:** The Sponsor agrees to comply with the Assurances attached to this offer, which replaces the assurances that accompanied the Application for Federal Assistance.
23. **Title VI:** It is understood and agreed by and between the parties hereto that the STANDARD DOT TITLE VI ASSURANCES executed by the Sponsor is hereby incorporated herein and made a part hereof by reference.

24. **Final Project Documentation:** The Sponsor understands and agrees that in accordance with 49 USC 47111, and the Airport District Office's concurrence, that no payments totaling more than 97.5 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be satisfactorily completed. Satisfactorily complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement; and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list.
25. **AGIS Requirements:** Airports GIS requirements, as specified in Advisory Circular 150/5300-18, apply to the project included in this grant offer. Final construction as-built information or planning deliverables must be collected according to these specifications and submitted to the FAA. The submittal must be reviewed and accepted by the FAA before the grant can be administratively closed.
26. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all co-sponsors.

#

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

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

(Signature)

John P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title)

PART II - ACCEPTANCE

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

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____.

CITY OF FORT COLLINS, COLORADO

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Printed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor's Designated Official Representative)

CERTIFICATE OF SPONSOR'S ATTORNEY

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

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

Dated at _____ this _____ day of _____.

By

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

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

I declare under penalty of perjury that the foregoing is true and correct.²

Executed this _____ day of _____, _____.

CITY OF LOVELAND, COLORADO

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Printed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor's Designated Official Representative)

CERTIFICATE OF SPONSOR'S ATTORNEY

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

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

Dated at _____ this _____ day of _____, _____.

By _____

(Signature of Sponsor's Attorney)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.



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

AGENDA ITEM: 14
MEETING DATE: 7/21/2015
TO: City Council
FROM: Steve Adams, Water & Power Department
PRESENTER: Melissa Morin, Civil Engineer

TITLE:

A Resolution Authorizing The Provision Of Water Service Outside Of The Loveland City Limits Pursuant To Loveland Municipal Code Sections 13.04.070 And 13.04.080

RECOMMENDED CITY COUNCIL ACTION:

Adopt the attached Resolution.

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action. (This property will not receive water service from the City of Loveland.)
 3. Adopt a modified action.
 4. Refer back to staff for further development and consideration.
-

SUMMARY:

This is an administrative action approving a water main extension for a commercial water and fire service tap to serve Jack Cantley's Sweetheart City Winery property located outside of the City limits in the vicinity of West Highway 34.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The owner will construct this waterline extension and then dedicate it to the City for operations and maintenance.

BACKGROUND:

Jack Cantley, owner of Sweetheart City Wines, would like to develop his property located south of West Highway 34, approximately ¼ mile west of the intersection of West Highway 34 and Wild Lane with a working winery, public tasting room, wine related gift shop, executive building to accommodate special events, and a single family home for the property owner. See Exhibit A – letter from Jack Cantley dated July 2, 2015.

The existing residence on the property is currently served water from a private well (permitted for residential use only) and does not have water service from the City of Loveland. The three adjacent properties south of Highway 34 and east of the site do have water service from the City

via a 2" water main. The existing water main is insufficient to provide the required fire flow to the proposed Winery and thus the Winery is requesting a new water main extension to serve the commercial winery use including irrigation and to meet fire sprinkler suppression needs (See Exhibit B). The existing well is planned to remain and be used as the primary water source for the proposed residence and not for winery operations.

The City of Loveland is willing to provide water service to the proposed improvements on the property as long as they meet the requirements set forth in the conditions below:

1. The applicant shall receive City Council approval for their request regarding the extension of City Water Infrastructure.
2. Prior to building permit, the applicant shall provide Public Improvement Construction Plans (PICP) (per current City Water/Wastewater Development Standards) for the proposed water service extension to the City for review and approval. Any required public utility easements will need to be dedicated prior to approval of the PICPs.
3. After PICP approval, but prior to connection to the City water main, the applicant shall submit an executed Application for Outside City Water Service and pay all applicable fees. The fees will include one (1) acre foot of water rights which is the lesser of the commercial or residential requirements regardless of the billed use type

City Code Section 13.04.070 requires that the City Council approve water main extensions necessary to serve property outside the city limits. City Code Section 13.04.080 permits the City Manager or designee to approve applications for water taps to serve property outside the city limits, but staff is seeking City Council's approval of those taps because they are conditioned upon extension of the water main.

City Water Utility staff reviewed this request and finds that the city's water treatment plant and distribution system have adequate capacity to provide water service to the property, and therefore connection of the property to the city's water system will have no adverse impact on the system.

City Current Planning staff reviewed this request and finds no issue with this proposed development going forward in the county as it lies outside of the city's Growth Management Area (GMA).

The Loveland Utilities Commission (LUC) will hear this item at their meeting on July 15, 2015 to extend the main and provide water service for fire suppression and (1) commercial tap with irrigation. The results of this meeting can be provided during this City Council hearing.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. Exhibit A: Letter of Request
3. Exhibit B: Map

RESOLUTION #R-42-2015**A RESOLUTION AUTHORIZING THE PROVISION OF WATER SERVICE OUTSIDE OF THE LOVELAND CITY LIMITS PURSUANT TO LOVELAND MUNICIPAL CODE SECTIONS 13.04.070 AND 13.04.080**

WHEREAS, City Code Section 13.04.070 provides that all water trunk lines or main extensions to serve areas not presently available for service and outside the City limits shall be approved by the City Council; and

WHEREAS, City Code Section 13.04.080 provides that water taps made outside the City limits shall be approved by the City Council; and

WHEREAS, the City's Water and Power Department received a written request, attached as Exhibit A, from Jack Cantley (the "Owner") for water service to be provided to his property located in the vicinity of U.S. Highway 34 and Wild Lane, a detailed map depicting the proposal is found in Exhibit B, attached hereto and incorporated herein by reference (the "Property"), which is located outside the City in unincorporated Larimer County; and

WHEREAS, the City's Water and Power Department has evaluated the request and finds that the City's water treatment plant and distribution system have adequate capacity to provide water service to the Property, and therefore connection of the Property to the City's water system will have no adverse impact on the system; and

WHEREAS, the City's Development Services Department has evaluated the request and finds that the Property lies outside of the City's Growth Management Area and does not meet the City's requirements for annexation; and

WHEREAS, the City Council is willing to authorize water service to the Property so long as the conditions set forth in this Resolution are satisfied prior to the requested water service being provided.

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

Section 1. That the City Council hereby authorizes, pursuant to City Code Section 13.04.070, the extension of the needed water trunk lines and water main extensions and, pursuant to City Code Section 13.04.080, the granting of two (2) taps, one for commercial use and irrigation and one for fire suppression in order to provide water service to the Property, provided the following applicable conditions precedent are satisfied:

- A. Before water service will be provided to the Property, or any portion of it, the owner of the Property must execute an Application for Water Service Outside of City Limits, the form of which is attached hereto as Exhibit C and incorporated hereby by reference; and

- B. Before water service will be provided to the Property, or to any portion of it, all requirements and fees set forth in the Loveland Municipal Code, as amended from time to time, must be satisfied and paid.

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 21st day of July, 2015.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

EXHIBIT A

Legal Description of Property

EXHIBIT A

Jack Cantley
6295 Bluff Lane
Loveland Co. 80537
(970)663-7219 H
(970)593-8563 C

July 2, 2015

Mr. Stephen C. Adams
Director City of Loveland Water and Power Department
200 North Wilson Avenue
Loveland, Colorado 80537

Re: Six inch City of Loveland water line from existing 20" water line located along Wild Lane.

Dear Mr. Adams,

I am requesting under City of Loveland Municipal Code Section 13.04.070, a 6" water line extension and service from the existing City of Loveland's 20" water line located along Wild Lane to service a proposed commercial project located along the south side of U.S. Highway 34 (see attached site sketch) including a tap for a fire hydrant.

The proposed waterline would connect to the existing 20" line along Glade Road. Then it would be placed on the east property line at 5519 west highway 34 and then a bore under U.S. Highway 34 to the subject property at 5500 west highway 34 and south to buildings.

I respectfully request urgent consideration of this request from the Loveland Utilities Commission and the City Council. If you have any questions regarding my request, please contact me at your earliest convenience. I thank you in advance for your consideration of my request.

Sincerely,

Jack Cantley



This document was prepared for internal use by the City of Loveland, CO. The city makes no claim as to the accuracy or completeness of the data contained hereon.

Due to security concerns, the city requests that you do not post this document on the internet or otherwise make it available to persons unknown to you.



1 inch = 250 feet



City of Loveland
Department of Water & Power
Loveland, Colorado

5500 W Highway 34

Created By: wwweditor
Date Created: 7/6/2015

EXHIBIT B



CITY OF LOVELAND
HUMAN RESOURCES DEPARTMENT
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 15
MEETING DATE: 7/21/2015
TO: City Council
FROM: Julia Holland, Human Resources
PRESENTER: Julia Holland, HR Director

TITLE:

A motion setting a special meeting of City Council on July 27, 2015 and August 3, 2015 at 5:30 pm in the Parks and Recreation Large Conference Room to conduct an executive session for the purpose of the City Attorney's six month evaluation. Council waives the requirement of notice of the meeting delivery to their homes.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the motion

OPTIONS:

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

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

This is an administrative action to set a special meeting and to conduct an executive session for the purposes of the City Attorney's six month evaluation.

BACKGROUND:

This is an administrative action to call a special meeting and conduct an executive session on July 27, 2015 and August 3, 2015, starting at 5:30 pm in the Parks and Recreation Large Conference Room for the purposes of conducting and completing the six month evaluation for the City Attorney.

REVIEWED BY ACTING CITY MANAGER:

Public Comment

Presentation of Metropolitan Planning Organization (MPO)
Transportation Issues
(presenter: Terri Blackmore, MPO Executive Director, 10 min.)



NFRMPO

Loveland City Council

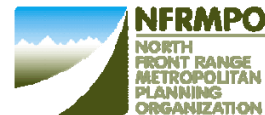
July 21, 2015

Terri Blackmore

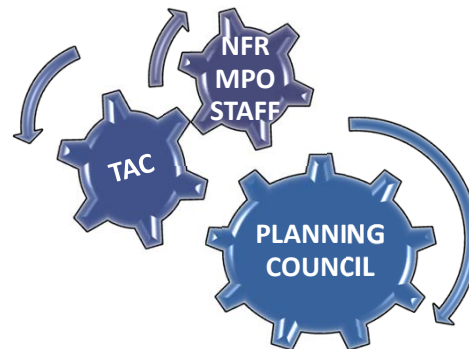
(970) 416-2174

www.nfrmpo.org

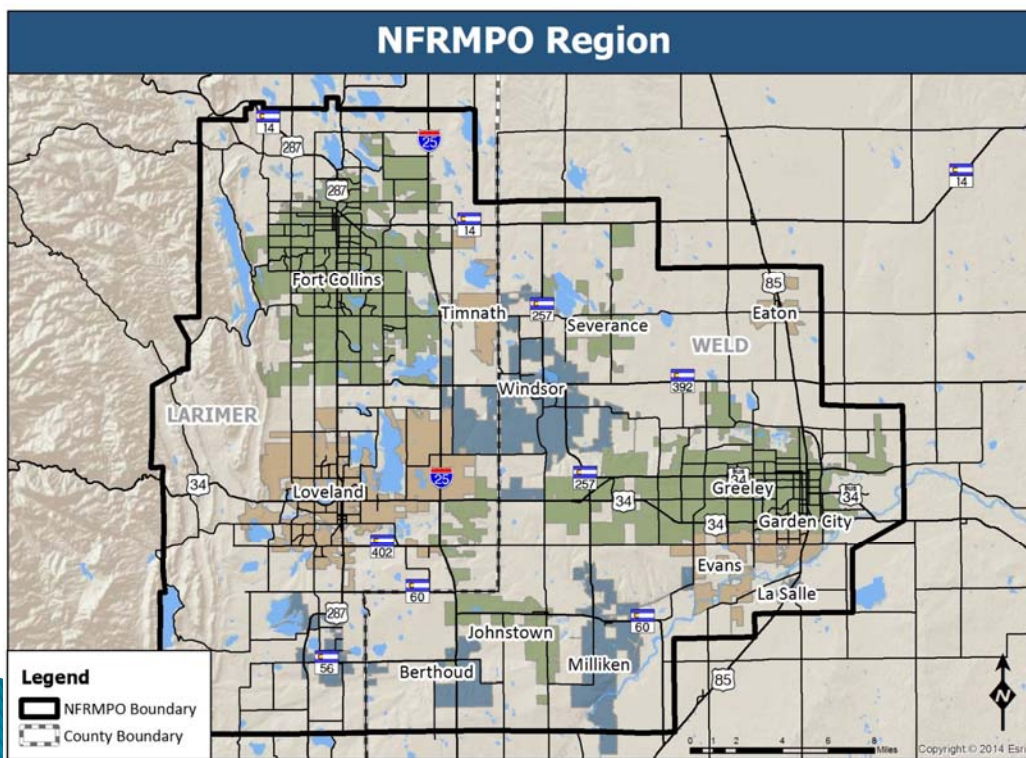
MPO Structure



- ▶ 17 Member Planning Council – sets Policy and approves funding allocation
- ▶ 15 Member Technical Advisory Committee – advises the Council on Technical issues (7 Non-voting members)
- ▶ 13 Member Staff – 10 full-time and 3 part-time



North Front Range MPO



Jun, 2015

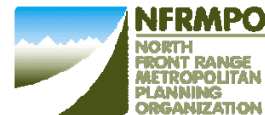
Sources: CDOT, 2014

Planning Products



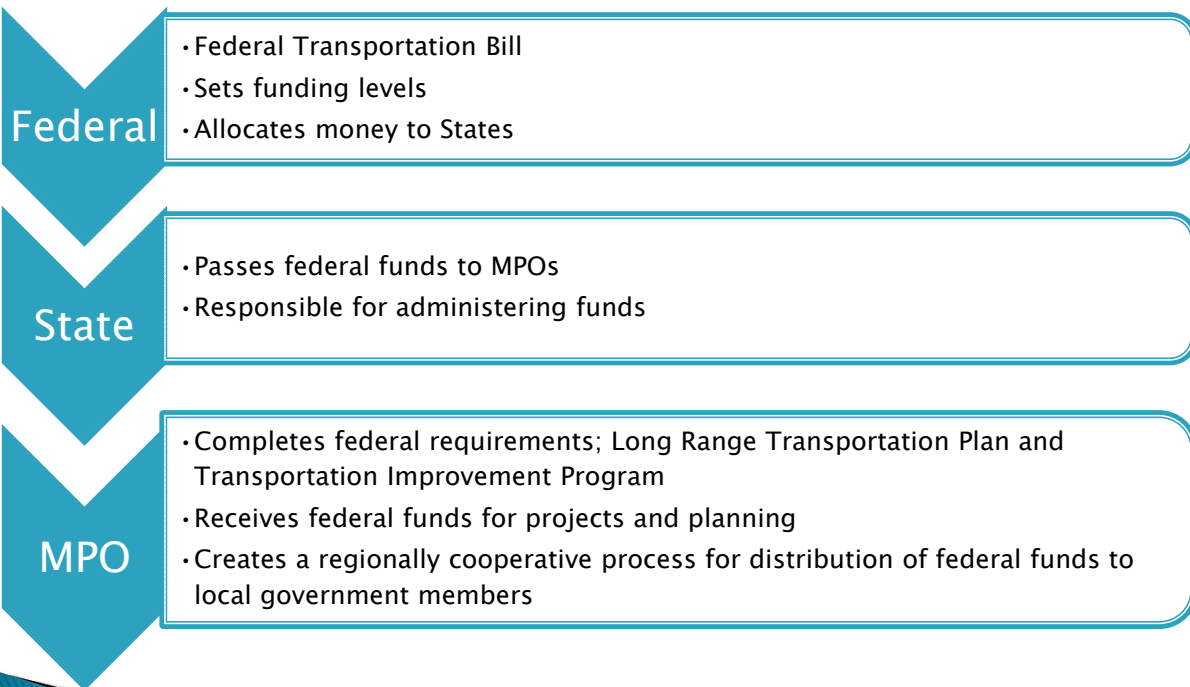
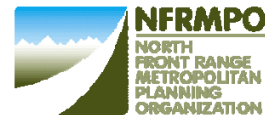
- ▶ 2040 Regional Transportation Plan (RTP)
 - Adoption scheduled for Fall 2015
- ▶ FY2016–2019 Transportation Improvement Program (TIP)
 - Adopted in March 2015

Air Quality Conformity

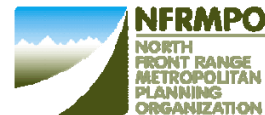


- ▶ NFRMPO must use a travel model to evaluate RTP and TIP
- ▶ MODEL results used by CDPHE APCD to run MOVES2014
- ▶ NFRMPO must meet the EPA approved budget for NO_x and VOC as well as CO

Flow of Funds

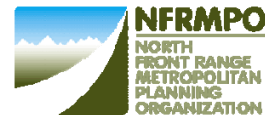


Call for Projects Process for FY2016–2019



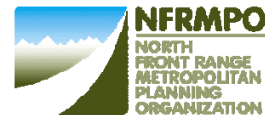
- ▶ Identified Goals, Objectives, Performance Measures, and Targets
- ▶ Identified project selection criteria for each funding source
- ▶ Set funding targets for STP–Metro and separated small communities from large
- ▶ Allowed small communities to use funds for maintenance

STP–Metro, CMAQ, TAP FY2016 to 2019



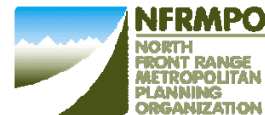
- ▶ 12 STP – Metro projects submitted
- ▶ 9 fully or partially projects funded – \$13.8M
 - 1 Loveland – US 34 Widening
- ▶ 10 CMAQ projects submitted
- ▶ 8 fully or partially funded projects– \$13.3 M
 - 3 City of Loveland – 1 signal funded, 1 transit partially funded, & 1 CNG vehicles partially funded
- ▶ 2 TAP projects Submitted and Funded – \$1M
 - Larimer County/Fort Collins/Loveland – Colorado Front Range Trail

Planning Participation Regional Level



- ▶ I-25 Coalition
- ▶ US-85 Planning & Environmental Linkages Study
- ▶ North Area Transportation Alliance
- ▶ NOCO Bike & Ped Collaborative
- ▶ Larimer County Strategic Planning
- ▶ North I-25 Commuter Rail TAC
- ▶ US-287 Coalition
- ▶ Front Range on Track

Online Transit Guide



- ▶ Available @ noco.findmyride.info



Questions?



tblackmore@nfrmpo.org



CITY OF LOVELAND
ECONOMIC DEVELOPMENT OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 16
MEETING DATE: 7/21/2015
TO: City Council
FROM: Economic Development
PRESENTER: Betsey Hale, Economic Development Director

TITLE:

An Ordinance Approving A Downtown Development Authority Election To Be Held November 3, 2015, To Authorize Debt, Taxes And Revenue Retention

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and approve the Ordinance on First Reading.

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action. The election will not be held if the action is denied.
 3. Adopt a modified action. (specify in the motion)
 4. Refer back to staff for further development and consideration.
-

SUMMARY:

This is an administrative action recommending the approval of an ordinance on first reading. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 3, 2015 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

In January 2014 the Loveland City Council directed staff to work with the private sector to develop an organization that would lead downtown redevelopment efforts. In July 2014 the Loveland Downtown Partnership (LDP) was formed to act in this capacity. One focus area of the LDP was to lead the effort to establish a Downtown Development Authority (DDA). An election to form the

DDA was held February 10, 2015 and the voters approved the formation of the DDA. Council approved Ordinance 5927 creating and establishing the DDA in April 2015 and subsequent to that action the DDA Board member were appointed in May. The DDA Plan of Development was approved by Council in July.

On July 13, 2015 the DDA Board approved a Resolution calling an election on November 3, 2015 and submitting to the qualified electors of the Authority the ballot questions regarding authorizing debt and a tax increase.

If approved the ordinance submits, to the qualified electors, on November 3, 2015 two ballot questions. The first question seeks approval of a property tax mill levy, not to exceed 5 mills, on properties within the DDA Boundaries. The DDA recommendation, subject to City Council approval at a later date, is for a levy of 1 mill in 2016. Because of reassessment we have used very conservative estimating techniques to determine one mill would generate \$48,300 per year within the DDA; 5 mills would generate \$241,500 per year. The second question is seeking approval to increase the debt ceiling by \$75,000,000 to finance DDA projects from sales and property tax increment monies and allowing the City to keep tax revenue above certain state law limits for the financing of future projects within the DDA. DDA bonds are only issued when it can be demonstrated they can be paid back from tax increment monies.

Qualified electors include: property owners, residents, or lessees located within the DDA boundaries. Corporate entities must officially designate a single voter from the corporation.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Resolution approved by DDA Board
3. DDA Map

FIRST READING: July 21, 2015

SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A DOWNTOWN DEVELOPMENT
AUTHORITY ELECTION TO BE HELD NOVEMBER 3, 2015, TO
AUTHORIZE DEBT, TAXES AND REVENUE RETENTION**

WHEREAS, the City of Loveland, in the County of Larimer and State of Colorado, (the “City”) is a municipal corporation duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the City’s Home Rule Charter (the “Charter”); and

WHEREAS, the members of the City Council (the “City Council”) have been duly elected and qualified; and

WHEREAS, the Loveland Downtown Development Authority, in the City of Loveland, State of Colorado (the “Authority”), is a body corporate duly organized and existing under laws of the State of Colorado; and

WHEREAS, the City Council of the City of Loveland (the “City”) has heretofore approved the Plan of Development (the “Plan”) for the Authority; and

WHEREAS, the interest of the Authority and the public interest and necessity demand and require the financing of certain development projects described in the Plan (the “Projects”); and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“Amendment 1”) requires voter approval for the creation of any debt, a mill levy increase or revenue retention above certain limits; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the Board of the Authority has called an election on the question of issuing bonds or otherwise providing for loans, advances or indebtedness (“Financial Obligations”) and pledging the tax increment revenues to the payment of such Financial Obligations; and

WHEREAS, Section 31-25-816(2)(b), C.R.S. provides the operations of the Authority may be financed by an ad valorem tax levied by the City, not exceeding five mills on the valuation for assessment of property located within the Authority; and

WHEREAS, Amendment 1 requires elections on ballot issues (as defined in Amendment 1) to be held on limited election days; and

WHEREAS, November 3, 2015 is one of the election dates at which ballot issues may be submitted pursuant to Amendment 1; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the Council must approve calling the election; and

WHEREAS, pursuant to Section 31-11-111, C.R.S., the City Council must set the ballot titles for ballot questions; and

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

SECTION 1. Approval of DDA Election. The Council hereby approves the holding of the Election and the submittal of the following questions in substantially the following forms to the qualified electors and pursuant to Section 31-11-111, C.R.S., City Council hereby determines that the following questions are the submission clause for each question:

(a) SHALL CITY OF LOVELAND TAXES BE INCREASED \$241,500 IN TAX COLLECTION YEAR 2016 AND BY SUCH AMOUNT AS MAY BE RAISED BY AN AD VALOREM PROPERTY TAX RATE OF NOT MORE THAN 5.00 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY, FOR THE PURPOSES SET FORTH IN TITLE 31, ARTICLE 25, PART 8, C.R.S.; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE REVENUES COLLECTED FROM SUCH TOTAL PROPERTY TAX RATE, INVESTMENT INCOME THEREON AND ANY OTHER LAWFUL SOURCE AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

(b) SHALL CITY OF LOVELAND DEBT BE INCREASED \$75,000,000 WITH A REPAYMENT COST OF \$181,350,000, FOR THE PURPOSE OF FINANCING THE COSTS OF DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY OR ON BEHALF OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT, AS IT MAY BE AMENDED FROM TIME TO TIME, AND APPLICABLE PROVISIONS OF COLORADO LAW; SUCH DEBT AND THE INTEREST THEREON TO BE PAYABLE FROM AND SECURED BY A PLEDGE OF THE SPECIAL FUND OF THE CITY WHICH SHALL CONTAIN TAX INCREMENT REVENUES LEVIED AND COLLECTED WITHIN THE BOUNDARIES OF THE AUTHORITY; AND SHALL SUCH DEBT BE EVIDENCED BY BONDS, NOTES,

CONTRACTS OR OTHER FINANCIAL OBLIGATIONS TO BE SOLD IN ONE SERIES OR MORE FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT THEREOF, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE CITY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM OF NOT MORE THAN 3% OF THE PRINCIPAL AMOUNT SO REDEEMED; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE TAX INCREMENT REVENUES, THE BOND PROCEEDS AND INVESTMENT INCOME THEREON AS A VOTER-APPROVED REVENUE CHANGE, AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

SECTION 2. Ballot Question Titles. Pursuant to Section 31-11-111, C.R.S., City Council hereby sets the titles for questions (a) and (b) set forth in Section 1 above as follows;

The title for Question (a) in Section 1 above shall be:

AUTHORIZATION FOR THE CITY TO INCREASE PROPERTY TAXES IN THE DOWNTOWN DEVELOPMENT AUTHORITY BY NOT MORE THAN 5.00 MILLS AND OF A VOTER-APPROVED REVENUE CHANGE AS AN EXCEPTION TO THE LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW.

The title for Question (b) in Section 1 above shall be:

AUTHORIZATION FOR THE CITY TO INCUR DEBT OF UP TO \$75,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY OR ON BEHALF OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT WITH SUCH DEBT PAYABLE FROM AND SECURED BY A PLEDGE OF THE SPECIAL FUND OF THE CITY WHICH SHALL CONTAIN TAX INCREMENT REVENUES LEVIED AND COLLECTED WITHIN THE BOUNDARIES OF THE AUTHORITY.

SECTION 3. Other Election Procedures. The City Clerk and other officers and employees of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

SECTION 4. Election Contest. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set, and for contests

concerning the order of a ballot, within five days after the ballot order is set by the County Clerk and not thereafter.

SECTION 5. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any such bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

SECTION 6. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

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

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

ADOPTED this ____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY

RESOLUTION 2015-2

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 3, 2015, BALLOT QUESTIONS AUTHORIZING DEBT AND A TAX INCREASE

WHEREAS, the Loveland Downtown Development Authority, in the City of Loveland, State of Colorado (the "Authority"), is a body corporate duly organized and existing under laws of the State of Colorado; and

WHEREAS, the members of the Board of the Authority (the "Board") have been duly appointed and qualified; and

WHEREAS, the City Council of the City of Loveland (the "City") has heretofore approved the Plan of Development (the "Plan") for the Authority; and

WHEREAS, the interest of the Authority and the public interest and necessity demand and require the financing of certain development projects described in the Plan (the "Projects"); and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("Amendment 1") requires voter approval for the creation of any debt, a mill levy increase or revenue retention above certain limits; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the Board may call an election on the question of issuing bonds or otherwise providing for loans, advances or indebtedness ("Financial Obligations") and pledging the tax increment revenues to the payment of such Financial Obligations; and

WHEREAS, the estimated cost of the Projects is approximately \$75,000,000; and

WHEREAS, Section 31-25-816(2)(b), C.R.S. provides the operations of the Authority may be financed by an ad valorem tax, not exceeding five mills on the valuation for assessment of property located within the Authority; and

WHEREAS, Amendment 1 requires elections on ballot issues (as defined in Amendment 1) to be held on limited election days; and

WHEREAS, November 3, 2015 is one of the election dates at which ballot issues may be submitted pursuant to Amendment 1; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Title 31, Article 25, Part 8, C.R.S. (the "Act") or Title 1, Articles 1 to 13, C.R.S. (the "Uniform Election Code").

Section 2. Pursuant to Amendment 1, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 3, 2015, as an independent mail ballot election (the "Election"). The Board hereby determines that at the Election to be held on November 3, 2015, there shall be submitted to the qualified electors of the Authority the questions set forth in Section 3 hereof. The Election will be held as a coordinated election conducted by the Larimer County Clerk and Recorder (the "County Clerk"). The Authority hereby appoints the City Clerk as the designated election official. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the County Clerk and the designated election official to submit to the qualified electors of the Authority at the Election the following questions in substantially the following forms:

(a) SHALL CITY OF LOVELAND TAXES BE INCREASED \$241,500 IN TAX COLLECTION YEAR 2016 AND BY SUCH AMOUNT AS MAY BE RAISED BY AN AD VALOREM PROPERTY TAX RATE OF NOT MORE THAN 5.00 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY, FOR THE PURPOSES SET FORTH IN TITLE 31, ARTICLE 25, PART 8, C.R.S.; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE REVENUES COLLECTED FROM SUCH TOTAL PROPERTY TAX RATE, INVESTMENT INCOME THEREON AND ANY OTHER LAWFUL SOURCE AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

(b) SHALL CITY OF LOVELAND DEBT BE INCREASED \$75,000,000 WITH A REPAYMENT COST OF \$181,350,000, FOR THE PURPOSE OF FINANCING THE COSTS OF DEVELOPMENT PROJECTS TO BE UNDERTAKEN BY OR ON BEHALF OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT, AS IT MAY BE AMENDED FROM TIME TO TIME, AND APPLICABLE PROVISIONS OF COLORADO LAW; SUCH DEBT AND THE INTEREST THEREON TO BE PAYABLE FROM AND SECURED BY A PLEDGE OF THE SPECIAL FUND OF THE CITY WHICH SHALL CONTAIN TAX INCREMENT REVENUES LEVIED

AND COLLECTED WITHIN THE BOUNDARIES OF THE AUTHORITY; AND SHALL SUCH DEBT BE EVIDENCED BY BONDS, NOTES, CONTRACTS OR OTHER FINANCIAL OBLIGATIONS TO BE SOLD IN ONE SERIES OR MORE FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT THEREOF, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE CITY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM OF NOT MORE THAN 3% OF THE PRINCIPAL AMOUNT SO REDEEMED; AND SHALL THE CITY AND THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE TAX INCREMENT REVENUES, THE BOND PROCEEDS AND INVESTMENT INCOME THEREON AS A VOTER-APPROVED REVENUE CHANGE, AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. The officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If a majority of the votes cast on the questions of increasing City debt and taxes for the purposes specified in the Plan submitted at the Election shall be in favor of same, the City, acting on behalf of the Authority, shall be authorized to proceed with the necessary action to comply with such questions.

Section 6. Any authority to increase City debt and increase taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase City debt and taxes, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.


Section 7. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set, and for contests concerning the order of a ballot, within five days after the ballot order is set by the County Clerk and not thereafter.

Section 8. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 9. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted July 13, 2015.

**LOVELAND DOWNTOWN DEVELOPMENT
AUTHORITY**

By: 
Clay Caldwell, Chairperson

Attest:


Secretary

STATE OF COLORADO)
)
 COUNTY OF LARIMER) SS.
)
 LOVELAND DOWNTOWN)
 DEVELOPMENT AUTHORITY)

I, the Secretary of the Board of Directors of the Loveland Downtown Development Authority, Larimer County, Colorado (the "Authority"), do hereby certify:

(1) The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the Authority at a regular meeting of the Board held on July 13, 2015 by an affirmative vote of a majority of the members of the Board as follows:

	"Yes"	"No"	"Absent"	"Abstain"
	6	0	1	0

(2) The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

(3) The Resolution was approved and authenticated by the signature of the Chairperson of the Board of Directors, attested by the Secretary and recorded in the minutes of the Board.

(4) There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

(5) Notice of the meeting of July 13, 2015, in the form attached hereto as Exhibit A was posted at ci.loveland.co.us not less than 24 hours prior to the meeting in accordance with law.

Executed this July 13, 2015.

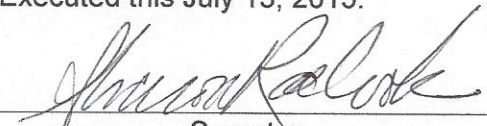

 Secretary

Exhibit A

**Loveland
Downtown Development Authority**

**NOTICE
THE REGULAR MEETING OF THE DDA HAS BEEN
RESCHEDULED TO
Monday, July 13, 2015
8:00 a.m. to 1:30 p.m.**

**Rialto Theatre Center
Devereaux Room (2nd floor)
228 East 4th Street, Loveland, CO 80537**

**NOTE: The Joint LDP-DDA Workshop is scheduled from 8 a.m. to Noon. The
Regular DDA meeting will continue from Noon to 1:30 p.m. in the conference
room.**

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

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An agenda is posted.

The password to the public access wireless network (colguest) is **accesswifi**



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

AGENDA ITEM: 17
MEETING DATE: 7/21/2015
TO: City Council
FROM: Steve Adams, Water and Power
 Bill Westbrook, Information Technology
PRESENTER: Steve Adams, Water and Power Director
 Bill Westbrook, Information Technology Director

TITLE:

An Ordinance Submitting to the Registered Electors of the City of Loveland at the City's Regular Election to be Held on November 3, 2015, the Ballot Issue of Whether, Without Increasing Taxes, and to Restore Local Authority, Shall the City of Loveland Be Authorized to Provide Advanced Service (High Speed Internet), Cable Television Service, or Telecommunications Service, Directly or Indirectly With Public and/or Private Sector Partners, to Residents, Businesses, Schools, Health Care Facilities, Libraries, Nonprofit Entities, and Other Users of Such Services Located Within the Boundaries of the City of Loveland and the Service Territory of the City of Loveland's Power Enterprise as Expressly Permitted By Title 29, Article 27 of the Colorado Revised Statutes.

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

This is a legislative action. At a May 12, 2015 City Council Study Session the project team of Loveland Water and Power, Information Technology (IT) and the City Attorney's Office received general guidance to draft a ballot question for the November 3, 2015 election. The ballot question proposes to voters that without increasing taxes, and to restore local authority that the City be authorized to provide high speed internet, cable television and telecommunication services either directly or indirectly with public or private sectors to residents, businesses and other users of such services within the boundaries of the City of Loveland and the service territory of the City of Loveland's power enterprise as expressly permitted by Title 29, Article 27 of the Colorado Revised Statutes.

BUDGET IMPACT:

- ☐ Positive
- ☐ Negative
- ☒ Neutral or negligible

The City expects no incremental costs to place this item on the ballot.

BACKGROUND:

Broadband has become a topic of interest nationwide and is commonly viewed as essential for research and development, preserving jobs and promoting innovation and creativity. In 2005 Colorado Senate Bill 152 restricted the rights of local government from providing high speed internet, cable television or telecommunications either directly or indirectly. In order for the City to further explore any options with broadband services, a voter referendum approved by a majority vote is required. In order to meet the statutory deadlines to place this question on the ballot for the City's upcoming November 3, 2015 regular election, it will be necessary for City Council to have approved the attached ordinance at this regular meeting on July 21, 2015 (first reading) and then on August 4, 2015 (second reading). The final deadline for certifying ballot language is August 18, 2015. If the ballot measure is approved, further steps in the process could include continuing to study the various business models for broadband implementation in Loveland, evaluating the associated costs and necessary funding for each participation model, community engagement in the process and hiring a consultant to perform a feasibility study for Loveland.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 21, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LOVELAND AT THE CITY'S REGULAR ELECTION TO BE HELD ON NOVEMBER 3, 2015, THE BALLOT QUESTION OF WHETHER, WITHOUT INCREASING TAXES, AND TO RESTORE LOCAL AUTHORITY, SHALL THE CITY OF LOVELAND BE AUTHORIZED TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE, DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, HEALTH CARE FACILITIES, LIBRARIES, NONPROFIT ENTITIES, AND OTHER USERS OF SUCH SERVICES LOCATED WITHIN THE BOUNDARIES OF THE CITY OF LOVELAND AND THE SERVICE TERRITORY OF THE CITY OF LOVELAND'S POWER ENTERPRISE AS EXPRESSLY PERMITTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES.

WHEREAS, the City of Loveland, Colorado (the "City"), is authorized by part 2, article 27 of title 29, Colorado Revised Statutes, to call an election on whether or not the City may provide advanced service, cable television service, or telecommunications service; and

WHEREAS, the Council desires to restore to the City local authority to provide advanced services, cable television, and telecommunications service, directly or indirectly, that was removed in 2005 by Senate Bill 05-152; and

WHEREAS, the City of Loveland's next regular election is scheduled for November 3, 2015; and

WHEREAS, the Council must fix the ballot title for this measure, pursuant to Colorado Revised Statutes § 31-11-111, to assure the title is not confusing, does not conflict with other measures on the ballot in the November 3, 2015 election, and correctly and fairly expresses the true intent and meaning of the measure.

WHEREAS, Senate Bill 05-152 provides that, with certain exceptions, an election be held before the City may engage or offer to engage in providing advanced, cable, or telecommunication services, as those terms are defined in state statute.

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

Section 1. That pursuant to C.R.S. § 29-27-201(1), there shall be submitted to a vote of the registered electors of the City of Loveland on the ballot at the City's regular election to be held on November 3, 2015, the ballot question of whether, without increasing taxes, and to restore local authority, the City of Loveland shall be authorized to provide advanced service (high speed internet), cable television service, or telecommunications service, either directly or indirectly, with public and/or private sector partners.

Section 2. That the ballot for the City's regular municipal election on November 3, 2015, to be conducted as part of a coordinated mail ballot election with Larimer County, shall include a ballot title for this ballot question, in addition to those for any other City ballot question and the question below which may be approved by the City Council:

“WITHOUT INCREASING TAXES, AND TO RESTORE LOCAL AUTHORITY, SHALL THE CITY OF LOVELAND BE AUTHORIZED TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE, DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, HEALTH CARE FACILITIES, NONPROFIT ENTITIES, AND OTHER USERS OF SUCH SERVICES LOCATED WITHIN THE BOUNDARIES OF THE CITY OF LOVELAND OR THE SERVICE TERRITORY OF THE CITY OF LOVELAND'S POWER ENTERPRISE AS EXPRESSLY PERMITTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES?

Section 3. That the ballot title for the measure stated above in section 2 shall be fixed as follows:

QUESTION NO. _____: AUTHORIZING THE CITY OF LOVELAND TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE.

Section 4. That the City Clerk is hereby directed to certify no later than September 4, 2015, to the Larimer County Clerk and Recorder the above ballot question for the Larimer County Coordinated Mail Ballot Election to be held on November 3, 2015.

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

Yes____

No____

ADOPTED this ____ day of August, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney



CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 18
MEETING DATE: 7/21/2015
TO: City Council
FROM: Tami Yellico, City Attorney's Office
PRESENTER: Tami Yellico, City Attorney

TITLE:

An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action. The current Municipal Code language could be subject to constitutional challenge.
 3. Adopt a modified action.
 4. Refer back to staff for further development and consideration.
-

SUMMARY:

This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted "No solicitation" or "No trespassing" sign remains prohibited. At the July 7 meeting, the Council approved the ordinance 6-2 and also directed staff to schedule a study session on regulation and taxation of casual retail sales in Loveland.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

BACKGROUND:

In 2000, the City Council amended Chapter 5.12 of the City Code with revised language that prohibited door to door commercial solicitation for the purchase or sale of goods, services or any other thing of value in order to better protect the privacy and safety interests of citizens. The current code prohibits commercial solicitation (with limited exceptions for religious, charitable, school and nonprofit groups, and newspapers) on private property or on City property. Although the Colorado Supreme Court upheld such a ban in a 1981 decision, since that time numerous federal and state courts, including the US Supreme Court and the US Court of Appeals for the

10th Circuit, have invalidated a variety of bans or restriction on door to door solicitations as unconstitutional restrictions on free speech. Staff recommends that Council amend the Ordinance to impose permissible restrictions on door to door solicitations in the City consistent with evolving First Amendment case law, while continuing to protect residents from fraud and crime and to preserve citizens' privacy and control of private premises. The effect of the amendment removes the ban on uninvited commercial solicitation, but retains the provision that prohibits commercial and non-commercial solicitations where a sign prohibiting the same is posted at or near the entrance to such private premises and office buildings.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING: July 7, 2015

SECOND READING: July 21, 2015

ORDINANCE NO. 5946

AN ORDINANCE AMENDING CHAPTER 5.12 REGARDING DOOR TO DOOR SOLICITATIONS

WHEREAS, in 2000, the City Council amended Chapter 5-12 of the City Code with revised language that prohibited uninvited door to door commercial solicitation for the purchase or sale of goods, services or any other thing of value in order to better protect the privacy and safety interests of citizens; and

WHEREAS, City staff has recommended that the provisions of the City Code be modified to ensure that the provisions are consistent with evolving First Amendment jurisprudence, while continuing to protect residents from fraud and crime and to preserve citizens' privacy and control over private residences and businesses; and

WHEREAS, the effect of the amendments recommended by City staff would remove the total ban on commercial solicitation, but retain the provision that prohibits commercial and non-commercial solicitations where a sign prohibiting the same is posted at or near the entrance to such private premises and office buildings; and

WHEREAS, the amendments also reorder and retain the provisions pertaining to commercial solicitations on public property; and

WHEREAS, the City Council believes that it is necessary for the health, safety and welfare of the citizens of the City and in the best interests of the City to adopt the changes recommended by staff.

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

Section 1. That Chapter 5.12 of the Code of the City of Loveland as amended to read as follows:

5.12.010

Solicitations prohibited by posting of "No Solicitation" or "No Trespassing" sign.

No person shall enter or remain upon any public or private premises or office building in the city, not having been requested or invited by the occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift or donation when a "No Solicitation" sign or "No Trespassing" or any other sign of similar import or meaning is posted at or near the entrance(s) to such premises. This provision shall apply to all solicitations, including, without limitation, those that are by a religious, charitable, school and civic

organization, or other organization eligible for exemption under Section 501(C) of the Internal Revenue Code. (Ord. 4513 § 2 (part), 2000)

5.12.020 Attempt to obtain invitation by false representation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services, or any other thing of value, by knowingly making a false or deceptive representation or statement. (Ord. 4513 § 2 (part), 2000)

5.12.030 City council approval.

No person shall sell or offer for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city, except as may be authorized by the city council. The city council shall have the power to grant the privilege of selling or offering for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city pursuant to permit, request, competitive bid, or otherwise as the council may from time to time determine. Such privilege shall be upon such terms and conditions as the city council deems appropriate to avoid an excess of vendors, derive revenue for the city, address public health and safety concerns, and to serve the public need. The city council delegates to the city manager or his designee the power to act on behalf of the city council in granting the above privileges, subject to the same terms and restrictions set forth above. (Ord. 4803 § 6, 2003; Ord. 4513 § 2 (part), 2000)

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten (10) days after its final publication as provided in the City Charter Section 4-8(b).

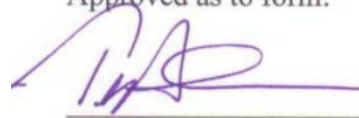
ADOPTED _____ day of _____, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

Ordinance # 5946

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on July 7, 2015 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on July 11, 2015 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on July 25, 2015.

City Clerk

Effective Date: August 4, 2015



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: 19
MEETING DATE: 7/21/2015
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico, City Attorney

TITLE:

Discussion and possible staff direction regarding City of Loveland v. Thompson School District; Evan Patterson; Jon-Mark Patterson, which is a quiet title/declaratory judgment action regarding the Pulliam Building, including a possible Executive Session.

RECOMMENDED CITY COUNCIL ACTION:

Discussion; possible direction.

OPTIONS:

1. Discussion
2. Possible Executive Session
3. Possible Direction to Staff regarding next steps in the litigation.
4. Take no action. If no action is taken, then City Attorney has no Council direction for next steps in litigation.

SUMMARY:

This is an administrative action. City Council may be asked to consider formal action, including calling an Executive Session, to consider a settlement offer made by the Pulliam heirs, in this quiet title action.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:

On October 6, 1936, the City of Loveland entered into a written agreement with D.T. Pulliam and L.B. Pulliam, pursuant to which the Pulliams agreed to pay the City the sum of \$20,000 in cash and to convey to the City a parcel of property located at 545 Cleveland Avenue for construction of a building to be used for “community purposes.” The agreement spelled out other conditions/details relating to the City’s future use of the building. On October 27, 1936, the Pulliams conveyed title to the property to the City of Loveland. The deed contained the “community purposes” requirement but not all of the conditions spelled out in the prior Agreement between the parties. The term “community purposes” was defined as including “religious, educational, agricultural, musical and civic meetings and gatherings, as well as conventions and assemblies and said term shall be construed to mean any legitimate purposes that would be for the uplift and benefit of the community or a substantial part of the citizens of the community.” The deed (and Agreement) stated that, if the City ever ceased using the building for community purposes, title to the property would revert to the school district. The

Agreement also provided that it would be binding on the heirs and successors of the parties signing it.

In the two years following conveyance of the property, the City constructed the building contemplated by the Agreement and deed, now known as the Pulliam Community Building. It has been maintained by the City and used for numerous community purposes over the years. The Pulliam Community Building is now more than 70 years old and, due to its age and deteriorating condition, requires extensive updating and renovation. Current fire and building codes have restricted usage of the building in recent decades, including use of the auditorium.

City Council directed the City Attorney to clear the title restrictions on the Pulliam Building. With the cooperation of Evan Patterson, one of the Pulliam heirs, the City has identified over 150 heirs of the Pulliam grantors who arguably have an interest in the terms of the Agreement and conveyance of the property. Significant efforts were made by the City's retained litigation counsel to discuss disputed issues with representatives of the Pulliam heirs and the school district in an effort to streamline the matter for litigation. The City filed its quiet title complaint on March 25, 2015, asking the Court to determine that the City has fee simple absolute title to the property, free of the many conditions spelled out in the Agreement and deed, and that neither the school district or Pulliam heirs have any reversionary interest in the property. The City filed the suit as a class action complaint, asking the Court to certify the 150 Pulliam heirs as a class to be represented by Evan Patterson and Jon-Mark Patterson. The school district has filed a disclaimer in the action and agreed to be bound by any determinations made by the Court. The Pulliam heirs have not yet filed a formal answer pending potential settlement discussions relating to a resolution of their interests. Since the complaint was filed, the Judge in this case has done the following:

- granted the City's motion to certify the case as a class action, with Jon-Mark Patterson and Evan Patterson designated as the representatives of the class of Pulliam heirs;
- granted the motion to publish notice to any other unknown persons who might have an interest in the quiet title action (a required formality in this type of legal action);
- set the matter for a second case management conference, in order to allow publication of notice to the unknown defendants and the passing of the answer deadline for any such defendants. As is common in these types of actions, it will also be necessary to appoint special counsel to represent the interests of any unknown persons who may not be able to protect his/her interests because of military status, in compliance with the federal Service Member's Civil Relief Act.

The Pulliam heirs, through their representatives have spelled out certain conditions which they would accept to settle their interests in the lawsuit. Those conditions were conveyed to City Council in advance of this meeting under a confidential heading. Staff would like to discuss with City Council in executive session for the purpose of receiving legal advice and receiving direction from City Council for litigation purposes.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Class Action Complaint to Quiet Title and for Declaratory Judgment

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 498-6100	COURT USE ONLY
Plaintiff: THE CITY OF LOVELAND, a Colorado Municipal Corporation, v. Defendants: THOMPSON SCHOOL DISTRICT R2-J, f/k/a SCHOOL DISTRICT NO. 2, LARIMER COUNTY, COLORADO; EVAN PATTERSON, as an individual and on behalf of all others similarly situated; JON-MARK PATTERSON, as an individual and on behalf of all others similarly situated; and all unknown persons who claim an interest in the subject matter of this action.	
Kimberly B. Schutt, #25947 WICK & TRAUTWEIN, LLC 323 South College Avenue, Suite 3 P.O. Box 2166, Fort Collins, CO 80522 Phone Number: (970) 482-4011 E-mail: kschutt@wicklaw.com FAX Number: (970) 482-8929	Case Number: Courtroom:
<p style="text-align: center;">CLASS ACTION COMPLAINT TO QUIET TITLE AND FOR DECLARATORY JUDGMENT</p>	

COMES NOW the Plaintiff, the City of Loveland ["the City"], by and through its counsel, Loveland Deputy City Attorney Judith Yost Schmidt and WICK & TRAUTWEIN, LLC, and pursuant to C.R.C.P. 23, C.R.C.P. 105, C.R.C.P. 57(a) and C.R.S. §13-15-1015, brings this class action to quiet title and for declaratory judgment as to the property described herein.

In support hereof, the City states, alleges and avers as follows:

I. PARTIES, VENUE AND JURISDICTION

1. The City is a municipal corporation with a legal address of 500 E. Third Street, Loveland, Larimer County, Colorado.

2. On information and belief, Defendant Thompson School District R2-J [f/k/a School District No. 2, Larimer County, Colorado] is a public school district in good standing in Colorado. Its principal place of business is located at 800 S. Taft Avenue, Loveland, Larimer County, Colorado

3. Defendant Evan Patterson is the great-grandson of D.T. Pulliam and L.B. Pulliam and is a proposed representative of a class of approximately 150 living Pulliam heirs. Evan Patterson resides at 11 Gregg Drive in Loveland, Larimer County, Colorado.

4. Defendant Jon-Mark Patterson is a great-great-grandson of D.T. Pulliam and L.B. Pulliam and is a proposed representative of a class of approximately 150 living Pulliam heirs. Jon-Mark Patterson resides at 320 East 3rd Street in Loveland, Larimer County, Colorado.

5. Venue and jurisdiction in this court are proper pursuant to C.R.C.P. 98(a) and C.R.C.P. 105, as the property at issue is located in Larimer County, Colorado.

II. GENERAL ALLEGATIONS

6. Plaintiff hereby incorporates paragraphs 1 through 5 as if fully set forth herein.

7. On October 6, 1936, the City of Loveland entered into a written agreement with D.T. Pulliam and L.B. Pulliam ["the Pulliams"], a copy of which is attached hereto as *Exhibit 1*.

8. Pursuant to said agreement, the Pulliams promised to pay the City the sum of \$20,000 in cash and to convey to the City a parcel of property described as the South Seventy (70) feet of Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), Block Eleven (11), in Loveland, Colorado ["the property"]. According to the agreement, the promised conveyance was "to contain suitable restriction clauses to the effect that said property is to be used solely for community purposes and should said premises be used for any other purpose, then the title to revert to the Board of Education of School District No. 2, Larimer County, Colorado, and its successors, and said deed also is to contain a provision that the North wall of any building erected thereon may be used by the First Baptist Church."

9. Upon receipt of said conveyance and the \$20,000 cash, the agreement provided that the City was to erect a "suitable building containing an auditorium, meeting rooms in the basement and other rooms and meeting halls..." , according to specified architectural plans, on the property conveyed by the Pulliams.

10. The agreement further provided that, when construction of the building was completed, the City would “properly maintain and operate said building and the various parts thereof” and “allow the same to be used for ‘community purposes only.’” The term ‘community purposes’ was defined as including “religious, educational, agricultural, musical and civic meetings and gatherings, as well as conventions and assemblies and said term shall be construed to mean any legitimate purposes that would be for the uplift and benefit of the community or a substantial part of the citizens of the community.”

11. The agreement contained various other provisions regarding the construction and use of the proposed building, including the following:

- a) the City could charge a reasonable rental fee for use of said building or any part thereof;
- b) part of the building could be used for City offices and display rooms, provided that said use did not interfere with the use of the community halls or meeting places;
- c) that the building constructed by the City would be of good, safe and sound construction, showing first class workmanship, with good and satisfactory acoustics in the auditorium;
- d) that the City would properly furnish and equip said building with suitable and adequate furniture and furnishings of the best grade materials; that the auditorium would be furnished with first class equipment and merchandise, to be seated with stationary individual opera chairs; and that when completed, furnished and equipped, the building would be suitable and satisfactory as a place for community meetings;
- e) when completed and furnished, the building would be suitable, practical and adequate for the purposes contemplated by the agreement, including an auditorium on the upper floor and a dining hall and meeting halls in the basement beneath the auditorium;
- f) that the City would allow no use of said auditorium which will be of such a nature as to damage or injure said auditorium, its furniture, fixtures and equipment; and
- g) that the auditorium would be used for no purpose which necessitates the removal of chairs.

12. The agreement also stated that it would be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

13. Subsequent to the signing of this agreement, the Pulliams completed the promised payment of \$20,000 in cash and conveyance of the property by way of a deed dated October 27, 1936, transferring title to said property to the City of Loveland. Said deed is attached hereto as *Exhibit 2*.

14. The deed contained a restriction clause stating, "This property is conveyed to the second party for use by the second party for community purposes only and should the second party use said premises for any other purpose or purposes then and in that event the above property shall revert to and become the property of the Board of the Education of School District No. 2 of Larimer County, Colorado, subject to the same restriction as herein contained."

15. The deed contained one additional restriction clause stating, "Second party accepts this conveyance with the understanding and agreement that the North wall of any building erected thereon may be attached to and used by the First Baptist Church as the south wall of any building hereafter constructed by said Church."

16. The deed did not contain any other restriction clauses, nor did it incorporate by reference or make any mention of the earlier written agreement between the parties dated October 6, 1936. The deed also contained no language giving the Pulliams a reversionary interest of any kind in the subject property.

17. In the two years that followed, the City (through a Works Progress Administration project) did construct a building containing an auditorium and meeting rooms on the property conveyed by the Pulliams in the deed attached hereto as Exhibit 2. Since that time, the building, commonly known in Loveland as "the Pulliam Community Building," has been maintained by the City and used for numerous community purposes over the years.

18. The Pulliam Community Building is now more than 70 years old and, due to its age and deteriorating condition, requires extensive updating and renovation. Current fire and building codes have restricted usage of the building in recent decades, including use of the auditorium.

19. The City, through its City Council, is studying various options for the future of the Pulliam Community Building. However, because of the conditions contained in the deed and in the prior agreement dated October 6, 1936, there is uncertainty and debate as to what restrictions apply to the City's current and future ownership and use of the building and underlying property.

20. As alleged below, the City seeks to have the Court settle this uncertainty and debate by declaring that the October 6, 1936 agreement for conveyance of the subject property merged into the later signed deed, such that any restrictions not specifically contained in the deed do not legally restrict the City's current and future ownership and use of the subject property. Alternatively, or in addition, the City seeks to have the Court declare that said restrictions have become ineffectual and/or inequitable to enforce against the City over time and with changing conditions.

21. Also, the City brings this action seeking to have the Court declare a) the City has fee simple absolute title to the subject property free of any restrictions that the property be used for community purposes; b) any limitation over to the school district contained in the deed is contrary to the common law "Rule Against Perpetuities" and thus void as a matter of law; and c) the Pulliams and their heirs do not have any reversionary interest in the subject property.

22. The parties named in the caption above may claim some right, title or interest in the subject property adverse to the City, and the claims of said Defendants are without foundation or right.

23. There may be persons interested in the subject matter of this action whose names cannot be inserted herein because said names are unknown to the City, although diligent efforts have been made to ascertain the names of said persons; such persons have been made defendants and designated "all unknown persons who claim any interest in the subject matter of this action"; so far as the City's knowledge extends, the interests of the unknown parties are derived through some one or more of the named Defendants, or as heirs of the Pulliams.

III. CLASS ACTION ALLEGATIONS

24. Plaintiff hereby incorporates paragraphs 1 through 23 as if fully set forth herein.

25. Pursuant to Colorado Rule of Civil Procedure 23, Plaintiff brings this class action and seeks certification of the claims and certain issues in this action against Evan Patterson and Jon-Mark Patterson, individually and as representatives of a class of defendants defined as the living descendants and heirs of D.T. Pulliam and L.B. Pulliam.

26. The 1936 agreement between the City of Loveland and the Pulliams, for which the City seeks this Court's review and declaratory relief, was expressly made binding on the parties' heirs, executors, administrators, successors and assigns of the parties thereto.

27. On information and belief, there are approximately 150 living descendants and heirs of D.T. Pulliam and L.B. Pulliam, living in various parts of the United States, including Colorado and about 22 other states. The extremely large number of heirs in the class would make joinder of all of them as defendants in this suit impractical, if not impossible.

28. All of the living descendants and heirs of D.T. Pulliam and L.B. Pulliam are similarly situated, such that the questions of law and fact to be determined in action for declaratory relief and to quiet title are common to all members of the defendant class, and affect them equally. Those questions include, but are not limited to, the following:

a) whether the October 6, 1936 agreement between D.T. Pulliam and L.B. Pulliam and the City of Loveland, for conveyance of the subject property, merged into the later signed deed, such that any restrictions not specifically contained in the deed do not legally restrict the City's current and future ownership and use of the subject property;

b) Alternatively, or in addition, whether said restrictions have become ineffectual and/or inequitable to enforce against the City over time and with changing conditions;

c) Whether the City has fee simple absolute title to the subject property, free of any conditions or restrictions on its use of the property;

d) Whether the limitation over to the school district contained in the deed is contrary to the common law "Rule Against Perpetuities" and thus void as a matter of law; and

e) Whether the Pulliams (and their heirs) had any reversionary interest in the subject property.

29. The individually named defendants and proposed representatives, Evan Patterson and Jon-Mark Patterson, are lineal descendants and heirs of D.T. Pulliam and L.B. Pulliam, and have claims or defenses which are typical of the proposed class.

30. The individually named defendants and proposed representatives, Evan Patterson and Jon-Mark Patterson, are knowledgeable of the subject matter of this action, do not have any interests which conflict with the proposed class of Pulliam heir defendants, and are expected to fairly and adequately represent and protect the interests of the members of the defendant class.

31. Certification of this class action is appropriate under Colorado Rule of Civil Procedure 23(b)(2) because the City is acting on grounds generally applicable to the class, and seeking declaratory relief with respect to the class as a whole.

32. A class action is a fair and appropriate method for the adjudication of the controversy, in that it will permit the interests of a large number of Pulliam heirs to be resolved in a single forum simultaneously, efficiently, and without the unnecessary hardship that would result from the prosecution of this action against the numerous individuals.

IV. FIRST CLAIM FOR RELIEF (Declaratory Judgment)

33. Plaintiff hereby incorporates paragraphs 1 through 32 as if fully set forth herein.

34. As indicated above, D.T. Pulliam and L.B. Pulliam entered into an agreement with the City dated October 6, 1936, for payment of cash and a conveyance of real property to the City for construction of a building to be used for community purposes.

35. With regard to actual conveyance of title to the property, the agreement stated that "said conveyance to contain suitable restriction clauses to the effect that said property is to be used solely for community purposes and should said premises be used for any other purpose,

then the title to revert to the Board of Education of School District No. 2, Larimer County, Colorado, its successors, and said deed also is to contain a provision that the North wall of any building erected thereon may be used by the First Baptist Church.”

36. Thereafter, on October 27, 1936, D.T. Pulliam and L.B. Pulliam signed a deed conveying title to the subject property to the City. The only restriction clauses contained in the deed provided as follows:

a. “This property is conveyed to the second party for use by the second party for community purposes only and should the second party use said premises for any other purpose or purposes then and in that event the above property shall revert to and become the property of the Board of the Education of School District No. 2 of Larimer County, Colorado, subject to the same restriction as herein contained.”

b. “Second party accepts this conveyance with the understanding and agreement that the North wall of any building erected thereon may be attached to and used by the First Baptist Church as the south wall of any building hereafter constructed by said Church.”

37. Pursuant to the doctrine of merger, any restrictions contained in the 1936 agreement between the City have merged into the later signed deed, such that any restrictions not specifically contained in the deed are not currently valid and binding on the City.

38. Alternatively, or in addition, to the extent that certain restrictions contained the agreement or the deed did not merge into the deed and do still apply to the City’s ownership and use of the property, said restrictions have become ineffectual with time because of changes in conditions which have defeated the purpose of said restrictions and would now be inequitable to enforce against the City.

39. Under the Uniform Declaratory Judgment Act, C.R.S. §13-51-101, *et seq.*, and C.R.C.P. 57, this Court has jurisdiction to resolve uncertainty and debate regarding the conditions applying to the City’s use and ownership of the subject property. The Court may determine and declare the relative rights, duties and obligations under the agreement and deed to terminate the uncertainty and any possible controversy giving rise to this proceeding.

40. Upon information and belief, all persons or entities known to plaintiff who might have a claim or any interest which would be affected by the requested declaration of rights have been named as parties to this proceeding. Though the deed contained a provision regarding First Baptist Church, said church does not own or occupy the adjoining property to the north and, on information belief, has not occupied the property since 1959. The subject deed did not confer a benefit on First Baptist Church in language which applied to subsequent owners of the adjoining property or that could be construed as a covenant running with the land.

41. Pursuant to C.R.C.P. 57(m), the court has the authority to order a speedy hearing of the action and may advance same on its calendar. Advancing this action on the court's calendar is appropriate and is requested so that the City Council can make timely decisions regarding the subject property.

V. SECOND CLAIM FOR RELIEF
(Quiet Title)

42. Plaintiff hereby incorporates paragraphs 1 through 41 as if fully set forth herein.

43. The City is in rightful possession of and holds title to the subject property, pursuant to the 1936 deed attached hereto as Exhibit 2.

44. The deed from the Pulliams to the City provided that the subject property should be used for community purposes only, and "should the second party use said premises for any other purpose or purposes then and in that event the above property shall revert to and become the property of the Board of the Education of School District No. 2 of Larimer County, Colorado, subject to the same restriction as herein contained."

45. Any interest of the school district in the subject property created by said deed was a conditional "limitation over" that was and still is contingent on an uncertain event, for which it was and still is impossible to determine when or if title will ever vest in the school district.

46. Accordingly, the clause in the 1936 deed creating a conditional interest for the school district in the subject property is too remote and is invalid, as it violates the rule against perpetuities. Said rule provides that no interest in real property is valid unless it must vest, if at all, not later than twenty-one years after some life in being at the creation of the interest.

47. Because the conditional interest of the school district is invalid, the City should be declared to have a fee simple absolute interest in the subject property; there is no reversionary interest in the Pulliams or their heirs.

48. The City thus brings this action pursuant to C.R.C.P. 105 to quiet its title to the subject property and to remove any potential cloud upon its title caused by this invalid conditional interest of the school district.

49. The City also brings this action under C.R.C.P. 105 to remove any potential clouds upon its title to the subject property caused by the uncertainty as to what restrictions, if any, apply to the City's ownership and use of said property.

50. On information and belief, the defendants named above may claim some right, title or interest in the subject property adverse to the City, and may further contest removal of

any restrictions on the City's ownership and use of said property, and the claims of said Defendants are without foundation or right.¹

VI. PRAYER FOR RELIEF

WHEREFORE, the City prays for an order certifying that the action may be maintained as a class action, and certifying defendants Evan Patterson and Jon-Mark Patterson as representatives of the defendant class of Pulliam heirs; and

The City further prays for declaratory and equitable relief under C.R.C.P. 57 and C.R.C.P. 105, as follows:

a) that the City is the rightful owner and holds fee simple absolute title to the subject property legally described in paragraph 8 above and in the deed attached as Exhibit 2, free of any conditions or restrictions on its use of the property;

b) that the City's title to the property is not subject to the conditional interest of the school district, which is invalid;

c) that the Pulliams retained no reversionary interest when they conveyed title to the City via the 1936 deed, and thus their heirs have no such reversionary interest in the subject property;

d) that the City's title to the property is free of any restrictions contained in the 1936 agreement with D.T. Pulliam and L.B. Pulliam or in the deed itself, by virtue of the doctrine of merger and/or because the restrictions contained in said agreement and deed have become ineffectual and/or inequitable to enforce against the City over time and due to changing conditions;

e) that the defendants have no interest, estate, or claim of any kind whatsoever in the subject property, forever barring and enjoining the defendants from asserting any claim, title or interest thereto;

f) that the City is entitled to all costs incurred in obtaining the relief sought herein, to the extent that any of the defendants do not file a disclaimer and contest the City's claims made in this action;

g) and for such other relief as to the Court may deem proper.

¹ On information and belief, the board of directors for the defendant school district voted at its March 18, 2015 board meeting to authorize its attorney to file a disclaimer on its behalf in this action. Therefore, the school district may not be asserting any right, title or interest adverse to the City of Loveland.

Plaintiff does not demand a jury trial.

DATED this 25th day of March, 2015.

WICK & TRAUTWEIN, LLC

This document was served electronically pursuant to C.R.C.P. 121 §1-26. The original pleading signed by Kimberly B. Schutt is on file at the offices of Wick & Trautwein, LLC

By: s/Kimberly B. Schutt
Kimberly B. Schutt, #25947
Attorneys for Plaintiff

And

Judy Yost Schmidt, #13451
Loveland Deputy City Attorney
500 East Third Street, Suite 330
Loveland, CO 80537

Plaintiff's Address:
City of Loveland
500 E. Third Street
Loveland, CO 80537



CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 20
MEETING DATE: 7/21/2015
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico

TITLE: A Motion to allow City Council the option to go into Executive Session for the purpose of receiving legal advice and for matters that may be subject to negotiation concerning the lawsuits of Jeremy C. Myers v. Brian Koopman and Tammy Fisher v. Brian Koopman and Luke Hecker

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Motion.

OPTIONS:

1. Adopt the action as recommended.
 2. Deny the action.
 3. Adopt a modified action.
-

SUMMARY:

This is an administrative action to allow for the possibility of an Executive Session for the purpose of receiving legal advice and for matters that may be subject to negotiation concerning the lawsuits of Jeremy C. Myers v. Brian Koopman and Tammy Fisher v. Brian Koopman and Luke Hecker.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☒ Neutral or negligible
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BACKGROUND:

The City is involved in the lawsuits of Jeremy C. Myers v. Brian Koopman and Tammy Fisher v. Brian Koopman and Luke Hecker. The Colorado Open Meetings Law and the City Charter authorize City Council to go into Executive Session to receive legal advice and to discuss matters that may be the subject of negotiations upon an affirmative vote of two-thirds of the members of Council present.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS: