

AMENDED AGENDA
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
TUESDAY, MAY 3, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en bettie.greenberg@cityofloveland.org o al 970-962-3319”.

Please Note: Starting times shown on agenda are estimates only; actual times may vary.

(5:00 P.M.) DINNER – City Manager’s Conference Room

(6:00 P.M.) REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING MAY 1-7 AS DRINKING WATER WEEK (Gretchen Stanford, Water and Power Customer Relations Manager)

PROCLAMATION DECLARING May 8 -14, 2016 As ECONOMIC DEVELOPMENT WEEK (Susan Grafton, Economic Development Director)

PROCLAMATION DECLARING MONTH MAY 2016, AS ARCHAEOLOGY & HISTORIC PRESERVATION MONTH (Jon Patterson, Historic Preservation Commission Chair)

PROCLAMATION DECLARING MAY 1-7 AS MUNICIPAL CLERKS WEEK (Terry Andrews, City Clerk)

PROCLAMATION DECLARING MAY 15-21, 2016 AS NATIONAL PUBLIC WORKS WEEK (Leah Browder, Public Works Director)

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. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

(6:30) CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For the April 19, 2016 Regular Meeting and the April 26, 2016 Study Session
This is an administrative action item to approve the City Council minutes for the April 19, 2016 regular meeting and the April 26, 2016 study session.
2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENT TO THE PARKS AND RECREATION COMMISSION
A motion to appoint Brett Dowgin as the Thompson School District representative on the City of Loveland Parks and Recreation Commission for a partial term effective until December 31, 2017.
This is an administrative item appointing a member to the Parks and Recreation Commission.
3. **PUBLIC WORKS** (presenter: Kevin Gingery)
AMENDING FLOOD PLAIN BUILDING CODE
A Motion To Approve On First Reading, An Ordinance Amending The Loveland Municipal Code At Chapter 15.14.020 Regarding Definitions For The Floodplain Building Code
This is an administrative action to simplify two definitions and add seven additional definitions to the Floodplain Building Code chapter. This action has no cost associated with it.
4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
FAIRGROUNDS 8TH ADDITION ANNEXATION
 1. **A Motion to Adopt Resolution #R-30-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Fairgrounds Eighth Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The State Constitution And State Statutes**
 2. **A Motion To Approve On First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Fairgrounds Eighth Addition" To The City Of Loveland**
 3. **A Motion To Approve On First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Fairgrounds Eighth Addition" To The City Of Loveland**

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

- A legislative action to adopt a resolution and ordinance to annex 4 acres of city owned property to be known as the fairgrounds eighth addition; and
- A quasi-judicial action to zone the 4 acres to i-developing industrial district.

The property is located immediately west of the existing Loveland Fire Training Facility and East of S. Roosevelt Avenue, approximately 1200 feet north of 14th Street SW. The applicant is the City of Loveland.

The city has already purchased the subject property. While the annexation and zoning of the property has negligible impact on the budget, the eventual development of the property, which will be reviewed by the city in succeeding development applications, will have a cost impact to the city and to the Loveland Fire Authority.

5. DEVELOPMENT SERVICES (presenter: Kerri Burchett)

WATERS EDGE ADDITION ANNEXATION

A Motion To Adopt Resolution #R-31-2016 Finding a Certain Petition for Annexation Known as Waters Edge Addition, Filed April 14, 2016, to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of Section 31-12-107(1), C.R.S.; and Establishing a Date, Time, and Place for a Hearing to Determine Whether the Proposed Annexation Complies with the Applicable Requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is Eligible for Annexation to the City of Loveland, Colorado

This is a legislative action to set a public hearing date of June 7, 2016 for the consideration of an annexation of 82.68 acres to be known as the Waters Edge Addition. The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. Included with the annexation proposal is a request to zone the property R1-Developing Low Density Residential. The applicant is Lynda Beierwaltes with Luxor, LLC.

6. FINANCE (presenter: Brent Worthington)

MARCH 2016 FINANCIAL REPORT

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2016.

7. CITY MANAGER (presenter: Alan Krcmarik)

MARCH 2016 INVESTMENT REPORT

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the March monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.13%. For the first quarter, total earnings of \$381,113 were posted to City fund accounts; the year-to date target was \$533,560. U.S. short-term Treasury interest rates fell slightly again in March; the portfolio's change in unrealized gain for the year-to-date was \$1.84 million. The end of March portfolio market value is estimated to be \$215.7 million. The total amount of the portfolio is lower than the end of 2015 by \$1.5 million. The peak amount for the portfolio was reached before the 2013 flood when it had estimated market value of \$226.3 million.

8. ECONOMIC DEVELOPMENT (presenter: Cindy Mackin)

AIRPORT MARKETING

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Fort Collins-Loveland Municipal Airport Budget For Airport Marketing

This is an administrative action item. The ordinance provides \$50,000 from the Lodging Tax Fund to support the Fort Collins-Loveland Airport marketing and PR efforts through a

comprehensive marketing campaign which would include advertising. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. The current balance of the Lodging Tax reserves is \$781,053.

ADDENDUM ITEM

12. PUBLIC WORKS (presenter: Jeff Bailey)

CDOT FUNDS FOR BYRD DRIVE

A Motion to Approve Resolution #R-35-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, For Construction Of Byrd Drive.

This is an administrative action item. City Council approval is necessary to approve the submitted IGA and to authorize the use of \$1,100,000 in Colorado Department of Transportation (CDOT) funds to construct the missing segment of roadway. Council approval is also required to provide the \$500,000 to the developer for construction of Byrd Drive by the time CDOT needs to remove the Frontage Road. This request will be submitted to City Council at a later date once a development agreement is finalized with the developer.

END OF CONSENT AGENDA

(6:40) CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:50) PUBLIC COMMENT

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

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

(7:10) 9. YOUTH ADVISORY COMMISSION

NATIONAL LEAGUE OF CITIES CONFERENCE

(presenters: Commissioners Jack Crowley, Mark McKenna, Ava McQuade, Hattie Volk,)

This is an information only item. Members of the Youth Advisory Commission would like to personally thank the City Council for funding their trip to the National League of Cities in Washington, DC in March 2016. The YAC who attended this conference returned with valuable information and ideas that they are excited to share with other commissioners and look forward to discovering ways to implement these ideas into the Loveland community.

(7:40) 10. CITY ATTORNEY

CENTERRA MFA PARKING STRUCTURE

(presenter: Tami Yellico)

**A Motion To Approve Resolution #R-33-2016 Of The Loveland City Council
Approving The Minor Modification To The Seventh Amendment To The Centerra
Master Financing And Intergovernmental Agreement As Amended.**

These resolutions are administrative actions to approve the proposed Minor Modification to the Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement ("MFA") to modify Paragraph 2 of the Seventh Amendment to state that the term "Parcel 206 Parking Improvements" shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District.

**ADJOURN AS CITY COUNCIL AND CONVENE AS BOARD OF COMMISSIONERS FOR THE
LOVELAND URBAN RENEWAL AUTHORITY**

(7:55) 11. **CITY ATTORNEY** (presenter: Tami Yellico)

CENTERRA MFA PARKING STRUCTURE

**A Motion To Approve Resolution #R-34-2016 Of The Loveland Urban Renewal
Authority Approving The Minor Modification To The Seventh Amendment To The
Centerra Master Financing And Intergovernmental Agreement As Amended.**

These resolutions are administrative actions to approve the proposed Minor Modification to the Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement ("MFA") to modify Paragraph 2 of the Seventh Amendment to state that the term "Parcel 206 Parking Improvements" shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District.

**ADJOURN AS BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL
AUTHORITY AND RECONVENE AS CITY COUNCIL**

(8:00) **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



CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
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PROCLAMATION

WHEREAS

Loveland Water and Power will join the American Water Works Association (AWWA) and water professionals across North America in recognizing Drinking Water Week by highlighting the theme "Your Water – To Know It Is To Love It"; and

WHEREAS

water community partners will celebrate Drinking Water Week by recognizing the vital role water plays in our daily lives and in the quality of life we enjoy as a result; and

WHEREAS

AWWA and the water community have joined together for several decades to celebrate this important event in our industry; and

WHEREAS

to commemorate the week, water utilities including Loveland Water and Power, state agencies, environmental advocates and other interested groups will celebrate drinking water through school events, public presentations, staff events and community festivals; and

WHEREAS

it is important to recognize the thousands of water utilities across North America that work diligently to provide safe water to millions of people. They are responsible for monitoring more than 100 contaminants on a regular basis and staying in compliance with the U.S. Environmental Protection Agency's standards for drinking water.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim May 1-7 as

DRINKING WATER WEEK

Signed this 3rd day of May, 2016

Cecil A. Gutierrez
 Mayor



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 Recycled Paper



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PROCLAMATION

WHEREAS The Economic Development profession promotes economic well-being and quality of life for our community by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS Economic Development stimulates and incubates entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS Economic Development activity is inherent in a wide variety of settings including rural and urban; local, state, and federal governments; public-private partnerships; as well as colleges and a variety of other institutions; and

WHEREAS Economic Developers, as skilled and trained professionals, work to attract and retain high-quality jobs, develop vibrant communities, promote tourism and improve the quality of life in their community; and

WHEREAS Economic Development has been key to the growth and sustainability in the City of Loveland, Colorado.

NOW, THEREFORE, be it resolved that the Mayor and City Council of the City of Loveland do hereby recognize the efforts of our Economic Development staff; and, remind individuals of the importance of the Economic Development profession in expanding career opportunities and improving quality of life; and do hereby proclaim the week of May 8 -14, 2016 as

ECONOMIC DEVELOPMENT WEEK

In the City of Loveland.

Signed this 3rd day of May, 2016

Cecil A. Gutierrez, Mayor



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PROCLAMATION

WHEREAS, historic preservation helps provide a deeper understanding of the diversity of our uniquely local and American heritage; and

WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability of communities across America; and

WHEREAS, Colorado Archaeology & Historic Preservation Month 2016 provides an opportunity for citizens of all ages and from all walks of life to make the connection between historic preservation and the aesthetic, environmental and economic well-being of their communities; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, several heritage-related events, ranging from a historic preservation bike tour and festival, a guided downtown walking tour, historic building open houses, antique and heirloom plant sales, and more will be held by the Loveland community in May 2016 and are listed on the City's website.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim May 2016, as

ARCHAEOLOGY & HISTORIC PRESERVATION MONTH

and call upon the people of Loveland to recognize and participate in this special observance. In recognition of Archaeology & Historic Preservation Month, we would like to honor all the buildings and sites in Loveland that are on the National Register of Historic Places, Colorado State Register of Historic Places, and Loveland Historic Register.

Signed this 3rd day of May, 2016

Cecil A. Gutierrez, Mayor



CITY COUNCIL

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PROCLAMATION

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, We the City Council of the City of Loveland, Colorado, do hereby recognize the week of May 1 through May 7, 2016 as

MUNICIPAL CLERKS WEEK

and further extend appreciation to our Municipal Clerk team, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed this 3rd day of May, 2016

Cecil A. Gutierrez,
Mayor



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PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, having the support of an understanding and informed citizenry is vital to the efficient operations of the various public works systems and programs such as stormwater, streets, transit, solid waste, fleet, development review, traffic, facilities and public buildings; and

WHEREAS, the health and safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities and services, as well as their planning, design, construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, this year's observance of Public Works Week celebrates the theme, "Public Works Always There", recognizing the valuable work carried out by our highly capable and reliable public works professionals, engineers and administrators and acknowledging their contributions to an improved quality of life in this community.

NOW, THEREFORE, we, the City Council of the City of Loveland do hereby proclaim May 15-21, 2016 as

NATIONAL PUBLIC WORKS WEEK

in the City of Loveland, and we call upon all citizens to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Signed this 3rd day of May, 2016

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 19, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL, Councilors Present: Gutierrez, Shaffer, Fogle, Johnson, Ball, Clark, Overcash, and McKean. **Councilor Absent:** Krenning.

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

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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. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Mayor Gutierrez asked if members of the public, staff or Council would like to remove any items from the consent agenda. No items were removed. Councilor Shaffer moved to approve the consent agenda. The motion seconded by Councilor Fogle carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For the April 5, 2016 Regular Meeting and the April 12, 2016 Study Session was approved.
This is an administrative action item to approve the City Council minutes for the April 5, 2016 regular meeting and the April 12, 2016 study session.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CULTURAL SERVICES BOARD
A motion to appoint Heather Fortin Rubald to the Cultural Services Board for a partial term effective until December 31, 2018 was approved.
This is an administrative item appointing a member to the Cultural Services Board.

3. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington) P.12

BROADBAND INITIATIVE

A Motion To Approve On Second Reading, Ordinance #6006 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative was approved.

This is an administrative action item. The City of Loveland Broadband Project Team is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland. We are requesting an appropriation of \$250,000 for the 2016 budget from the General Fund. This initial budget is intended to cover expenses for broadband studies, community engagement, marketing and other items that may be needed for the initial broadband initiative. This supplemental appropriation is shown as a negative budget impact as no 2016 Budgeted funds were identified for this item pending the outcome of the community vote on Broadband ballot issue. Now with the release of a consultant Request for Proposal (RFP) staff has taken some time to prepare some estimated costs for upcoming tasks anticipated for the next phase of work on the community issue. The remaining unassigned General Fund balance will be \$6,446,959 if approved. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

4. **DEVELOPMENT SERVICES** (presenter: John Schumacher)

AMENDMENT TO BUILDING CODE LOT LINE CONSOLIDATION REQUIREMENT

A Motion To Approve On Second Reading, Ordinance #6007 Amending Paragraph U. Of Section 15.10.020 Of The Loveland Municipal Code To Permit Property Owners With Residential Property Or Structures Thereon That Cross Interior Lot Lines To Construct Additions And Certain Accessory Structures was approved.

This is a legislative action item. This proposed amendment to the 2012 International Residential Code (IRC) aligns the City's pre-1967 land subdivision practices with the current IRC requirements for fire safety and separation by allowing residential property owners, under certain conditions, the ability to renovate, increase, or add to residential property that spans multiple lot lines without consolidating the multiple lots into a single lot, thereby saving property owners several thousand dollars in each instance. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

5. **FINANCE** (presenter: Matthew Elliott)

ROLLOVER RE-APPROPRIATIONS

A Motion To Approve On Second Reading, Ordinance #6008 Enacting A Supplemental Budget And Re-Appropriation To The 2016 City Of Loveland Budget For Projects Appropriated But Not Completed In 2015 was approved.

This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total net expenditures (total expense less transfers) included in the ordinance is \$46,676,794. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

6. **FINANCE** (presenter: Matthew Elliott)

ROLLOVER RE-APPROPRIATION FOR AIRPORT PROJECTS

A Motion To Approve On Second Reading, Ordinance #6009 Enacting A Supplemental Budget And Re-Appropriation To The 2016 Ft. Collins-Loveland

Municipal Airport Budget To Appropriate Funds For Projects Approved But Not Completed In 2015 was approved.

P13

This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total request is for \$1,354,013. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

ADJOURN THE LOVELAND CITY COUNCIL AND CONVENE AS THE LOVELAND URBAN RENEWAL AUTHORITY

7. FINANCE (presenter: Matthew Elliott)

LURA RE-APPROPRIATION FOR THE FAÇADE GRANT PROGRAM

A Motion To Approve On Second Reading, Ordinance #6010 Enacting A Supplemental Budget And Re-Appropriation To The 2016 Loveland Urban Renewal Authority Budget To Re-Appropriate The Façade Grant Program Approved In 2015 But Not Completed was approved.

This is an administrative action item. Reserves in the amount of \$88,630 are re-appropriated for the Façade Grant Program. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

ADJOURN THE LOVELAND URBAN RENEWAL AUTHORITY AND RECONVENE AS THE LOVELAND CITY COUNCIL

8. FINANCE (presenter: Matthew Elliott)

NEW APPROPRIATIONS

A Motion To Approve On Second Reading, Ordinance #6011 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Projects Or Programs Not Anticipated At The Time Of Adoption For The 2016 Budget was approved.

This is an administrative action item. Since the adoption of the 2016 Budget, several issues and new projects have emerged that require increased appropriations. This ordinance addresses those issues. \$18,793 in revenue and \$523,710 in unassigned General Fund balance, \$40,000 of unassigned fund balance in the Conservation Trust Fund, \$17,000 of unassigned fund balance in the PEG Fee Fund, \$400,000 of unassigned fund balance in the Open Lands Capital Expansion Fee Fund, & \$92,000 in refunds and \$110,000 of unassigned fund balance in the Employee Benefits Fund are available for appropriation.

If the request is approved there will be \$5,923,249 remaining in unassigned General Fund balance, \$3,512,439 remaining in unassigned Conservation Trust Fund balance, \$106,479 in unassigned PEG Fee Fund balance, \$1,571,726 in unassigned Open Lands Capital Expansion Fee Fund balance, & \$3,390,000 in unassigned Employee Benefits

Fund balance. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously. P.14

**9. LOVELAND POLICE DEPARTMENT (presenter: Bill Cahill)
APPROPRIATION FOR POLICE OFFICERS**

A Motion To Approve On Second Reading, Ordinance #6012 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers was approved.

This is an administrative action item. City Council approved the addition of three (3) officers funded by existing appropriations. The Council did not accept proposed budget changes at the February 29 meeting, so staff are now returning with a different combination of budget changes based on the February 29 Council direction. A total of \$253,350 in reductions are made in 2016, with \$215,600 from the Police Department and \$37,750 from other departments whose services will not be affected by the changes. Future budget year needs for the positions are met through the continuing parts of the reductions and General Fund revenue growth. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

**10. PUBLIC WORKS (presenter: Ian McCargar, Town of Windsor)
GRANT OF EASEMENT FOR A RECREATIONAL TRAIL**

A Motion to Adopt Resolution #R-26-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Town Of Windsor, Colorado Regarding The Grant Of Easement Rights For A Public Recreational Trail was approved.

This is an administrative action item. This Resolution, IGA and grant of easement is being proposed by the Town of Windsor to allow for a proposed ten-foot wide concrete trail system adjacent to the Highland Meadows Golf Course Subdivision and portions of trail to be constructed within City of Loveland right-of-way to serve as the public sidewalk connection along the east side of Fairgrounds Avenue adjacent to the Highland Meadows Golf Course Subdivision. The proposed trail will substitute for a standard detached sidewalk as required by the Larimer County Urban Area Street Standards.

**11. PUBLIC WORKS (presenter: Jeff Bailey)
IGA FOR CHIP SEAL MAINTENANCE**

A Motion to Adopt Resolution #R-27-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Maintenance was approved.

This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide maintenance and resurfacing of portions of North Taft Avenue aka County Road 17 and South Saint Louis Avenue aka South County Road 13C. This is an IGA for the 2016 calendar year. Funding was approved by City Council as part of the adopted 2016 City Budget on April 5, 2016.

**12. PUBLIC WORKS (presenter: Jeff Bailey)
IGA FOR COUNTY ROAD 3 CONSTRUCTION AND MAINTENANCE**

A Motion to Adopt Resolution #R-28-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Construction And Maintenance; And Authorize The City Manager To Execute The Agreement was approved.

This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide road construction and maintenance on High Plains Boulevard (Larimer County Road 3). This is an IGA for the 2016 calendar year. Funding in the amount of \$150,000 for this project has been programmed in the City Transportation Capital Improvement Plan, approved by City Council as part of the 2015 Rollovers for 211-23-232-1700-49360 EN1502 on April 5, 2016.

13. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTING MEMBERS TO THE DDA BOARD
A Motion to Adopt Resolution #R-29-2016 Appointing Members To The Downtown Development Authority Board was approved.
 This is an administrative item appointing Ray Steele, Jr. to the Downtown Development Authority Board for a partial term effective until June 30, 2016.

14. **HUMAN RESOURCES** (presenter: Karen Rees)
EMPLOYEE CLINIC CONTRACT RENEWAL
A Motion to Approve the City Employee Clinic (Healthstat) Contract Renewal Of The Contract Dated May 2, 2014 Between The City And Healthstat, Inc, For Operation Of The City Employee Clinic was approved.
 This is an administrative annual process to continue the contract with Healthstat for operation of the Employee Clinic and related services. The agreement may cover operations and services for up to five years. The contract runs from May 1, 2016 to April 30, 2017. Expenditures will be an amount not to exceed \$569,000. Healthstat will provide clinic services to eligible participants during the period as outlined in the contract. The amount of \$569,000 is within the projected and approved 2016 Budget. Staff came before City Council on October 13, 2015 with an update regarding the Healthstat Employee Clinic.

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.

No public comment.

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

15. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
SOUTH CATALYST DEMOLITION CONTRACT
 Economic Development Manager, Mike Scholl presented this administrative action item that directs the City Manager to sign the contract with Hudspeth & Associates, Inc. to perform the abatement and demolition for the South Catalyst project. Hudspeth's bid of \$543,820.50 was deemed the most responsive and responsible by staff. Hudspeth is General Abatement Contractor (GAC) based out of Englewood, Colorado. Because the contract exceeds \$500,000 it requires City Council approval. No appropriation is

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necessary; funds are already budgeted. Mike gave a status update on the "South Catalyst project". There were no public comments made. **Councilor Shaffer moved to authorize the City Manager to Execute the Contract Award For The South Catalyst Project Abatement And Demolition. The motion, seconded by Councilor Johnson, carried with all councilors present voting in favor thereof.**

16. CITY ATTORNEY (presenter: Tami Yellico)

LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS

City Attorney, Tami Yellico presented this legislative action item that continues to May 3, 2016 the first reading of an ordinance granting a waiver of certain capital expansion fees (CEFs) and other impact fees assessed to Larimer County by the City in the amount of \$366,325.32 for the construction of a new animal shelter in the City and waive the requirement to reimburse such fees to the CEFs by the general fund or other fund. **Councilor Clark moved to Continue First Reading of An Ordinance Granting Larimer County an Exemption from Certain Capital Expansion Fees and Other Development Fees for the Larimer County Animal Shelter Project to a future Council Meeting. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

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.

Overcash	Reported on the status of the Council Subcommittee appointed to review the evaluation process for Council's direct employees. Probably not a lot of change this year.
Clark	Loveland Downtown Partnership would like to come to Council at a Study session along with the DDA including a discussion regarding the election.
Fogle	Attended the Arbor Day events.
Ball	Reported to Council the progress of the Human Services Commission grant program. Receiving very positive reports from the public on Library services.
Gutierrez	Letter of appreciation to the Federal reps regarding train horn rule reopening for public review. Letter of appreciation to Governor Hickenlooper for his support for the Windy Gap project, signed by all of Council. Attended the 40 th anniversary of Metric Motors in Loveland.

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

None

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the April 19, 2016 Regular meeting at 6:58 p.m.

Respectfully submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

AGENDA ITEM: 2
MEETING DATE: 5/3/2016
TO: City Council
FROM: City Manager's Office
PRESENTER: Bill Cahill, City Manager

TITLE:
Appointment To Parks And Recreation Commission

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to appoint Brett Dowgin as the Thompson School District representative on the City of Loveland Parks and Recreation Commission for a partial term effective until December 31, 2017.

OPTIONS:

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

SUMMARY:

This is an administrative item appointing a member to the Parks and Recreation Commission.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

The **Parks and Recreation Commission** has a position reserved for a representative from the Thompson School District. The previous individual left the commission due to employment elsewhere. The district recommended Brett Dowgin as this representative. The commission approved the district's recommendation at its April 14, 2016 meeting appointing Brett Dowgin for a term effective until December 31, 2017.

REVIEWED BY CITY MANAGER:

William D Cahill

LIST OF ATTACHMENTS:

None

AGENDA ITEM: 3
MEETING DATE: 5/3/2016
TO: City Council
FROM: Kevin Gingery, Public Works Department
PRESENTER: Kevin Gingery, Senior Civil Engineer

TITLE:

An Ordinance Amending The Loveland Municipal Code At Chapter 15.14.020 Regarding Definitions For The Floodplain Building Code

RECOMMENDED CITY COUNCIL ACTION:

Hold a public hearing and adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (No consequences if the action is denied.)
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. (No timing issues or impacts if referred back to staff.)

SUMMARY:

This is an administrative action to simplify two definitions and add seven additional definitions to the Floodplain Building Code chapter. This action has no cost associated with it.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

Recently observed misuse and confusion of two definitions (channel and drainageway) has prompted the need to simplify the two definitions and add seven additional definitions (artificial watercourse, main stream, natural watercourse, outfall, river, stream, and swale) to the Floodplain Building Code chapter.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Redlined version of the proposed amended Chapter 15.14.020

FIRST READING**May 3, 2016****SECOND READING****ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT
CHAPTER 15.14.020 REGARDING DEFINITIONS FOR THE
FLOODPLAIN BUILDING CODE**

WHEREAS the Loveland Municipal Code Section 15.14 contains the Floodplain Building Code for the City of Loveland; and

WHEREAS Chapter 15.14.020 contains the applicable word definitions for the Floodplain Building Code; and

WHEREAS certain definitions or the lack thereof have been found to create confusion, and the City Council wishes to clarify certain definitions and add other definitions in order to improve clarity of the Floodplain Building Code.

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

1. That Chapter 15.14.020 of the Loveland Municipal Code is hereby amended to read as follows:

15.14.020 Definitions.

As used in this chapter and in Chapter 18.45 of this code, the following words and phrases shall have the meaning ascribed to them in this section:

“Appeal” means a request for a review of the public works department’s interpretation of any provision of this chapter.

“Areas of special flood hazard” means that land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area of special flood hazard includes those areas designated as the floodway and flood fringe.

“Artificial watercourse” means a large man-made conveyance mechanism that a flowing body of water follows.

“Base flood” means the one hundred-year return frequency flood, or the flood having a one percent chance of being equaled or exceeding in a given year.

“Channel” means a large man-made conveyance mechanism that a flowing body of water follows.

“Critical facility” means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, or after a flood. Critical facilities are classified under the following categories:

- (a) Essential services – facilities including public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and air transportation lifelines;
- (b) Hazardous materials – facilities including those that produce or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (c) At-risk populations – facilities including medical care, congregate care, and schools; and
- (d) Vital to restoring normal services – facilities including government operations.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling grading, paving, excavation or drilling operations.

“Drainageway” means a large man-made conveyance mechanism that a flowing body of water follows.

“Existing mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots on which the mobile home is to be affixed (including, at a minimum, site grading or the pouring of concrete pads, and the construction of streets) was completed before October 5, 1978.

“Expansion of an existing mobile home park or mobile home subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

“Fill” means a deposit of materials of any kind placed by artificial means.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood fringe” means that portion of the floodplain inundated by the one hundred-year return frequency flood not within the floodway.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary - floodway map, and the water surface elevation of the base flood.

“Flood profile” means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

“Floodplain” means the land adjacent to a body of water which has been or may hereafter be covered by floodwater.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six inches.

“Historic structure” means any structure that is listed individually in the National Register of Historic Places or listed individually on the State Inventory of Historic Places.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor.

“Main stream” means a natural stream main stem.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

“Manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. Whenever the term “mobile home” is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean “manufactured home.”

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“Natural watercourse” means a non-man-made conveyance mechanism that a flowing body of water follows.

“New construction” means structures for which the “start of construction” commenced on or after October 5, 1978.

“New manufactured home park or subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale, for which the construction of facilities servicing the lot, including at a minimum the installation of utilities and the construction of streets, was completed on or after October 5, 1978. Whenever the term “new mobile home park or subdivision” is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean “new manufactured home park or subdivision.”

“Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of water flow, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life and property elsewhere.

“Outfall” means a large man-made conveyance mechanism that a flowing body of water follows.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program Standards in Section 60.3, 60.4, 60.5 or 60.6.

“Regulatory flood datum” means the reference elevation above mean sea level which represents the peak elevation of the one hundred-year return frequency flood.

“Regulatory flood protection elevation” means the elevation one and one-half feet above the regulatory flood datum.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“River” means a natural watercourse flowing towards an ocean, sea, lake, or another river.

“Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Stream” means a body of water with a current, confined with a bed and stream banks.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which is necessary solely to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Swale” means a small man-made conveyance mechanism that conveys surface water on, over, across, or away from individual lots within a subdivision.

“Tributary” means a natural stream or river that flows into a larger natural stream or river main stem.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to comply with the provisions of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in National Flood Insurance Program Standards Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 5717 § 1, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 3 -- 9, 1987; Ord. 1708 § 1 (part), 1978)

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).

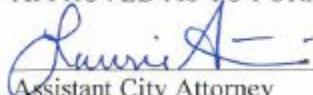
ADOPTED this _____ day of _____, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Lauri A.
Assistant City Attorney

FIRST READING May 3, 2016

SECOND READING _____

ORDINANCE NO. _____

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“Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of water flow, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life and property elsewhere.

“Outfall” means a large man-made conveyance mechanism that a flowing body of water follows.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program Standards in Section 60.3, 60.4, 60.5 or 60.6.

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“River” means a natural watercourse flowing towards an ocean, sea, lake, or another river.

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“Stream” means a body of water with a current, confined with a bed and stream banks.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which is necessary solely to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Swale” means a small man-made conveyance mechanism that conveys surface water on, over, across, or away from individual lots within a subdivision.

“Tributary” means a natural stream or river that flows into a larger natural stream or river main stem.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to comply with the provisions of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in National Flood Insurance Program Standards Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 5717 § 1, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 3 -- 9, 1987; Ord. 1708 § 1 (part), 1978)

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).

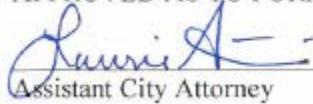
ADOPTED this ____ day of May, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Lauri A.
Assistant City Attorney

AGENDA ITEM: 4
MEETING DATE: 5/3/2016
TO: City Council
FROM: Noreen Smyth, Development Services
PRESENTER: Noreen Smyth, Development Services

TITLE:

- 1. A Resolution Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Fairgrounds Eighth Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The State Constitution And State Statutes**
- 2. An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Fairgrounds Eighth Addition" To The City Of Loveland**
- 3. An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Fairgrounds Eighth Addition" To The City Of Loveland**

RECOMMENDED CITY COUNCIL ACTION:

Hold a public hearing and approve the following actions:

1. Move to adopt the resolution concerning the annexation of the Fairgrounds Eighth Addition;
2. Move to approve on first reading the ordinance annexing the Fairgrounds Eighth Addition to the City of Loveland; and
3. Move to approve on first reading the ordinance zoning the Fairgrounds Eighth Addition to the City of Loveland to I-Developing Industrial District.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The property would remain outside city limits and subject to Larimer County development review and standards. This would leave the two Fire Training Facility lots under separate jurisdictional control, possibly resulting in use and approval complications.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the applicant in proceeding to the additional city applications necessary for development of the property.

SUMMARY:

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

- A legislative action to adopt a resolution and ordinance to annex 4 acres of City owned property to be known as the Fairgrounds Eighth Addition; and
- A quasi-judicial action to zone the 4 acres to I-Developing Industrial District.

The property is located immediately west of the existing Loveland Fire Training Facility and east of S. Roosevelt Avenue, approximately 1200 feet north of 14th Street SW. The applicant is the City of Loveland.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

The city has already purchased the subject property. While the annexation and zoning of the property has negligible impact on the budget, the eventual development of the property, which will be reviewed by the city in succeeding development applications, will have a cost impact to the city and to the Loveland Fire Authority.

BACKGROUND:

A 4 acre property at 1040 S. Roosevelt, immediately west of the existing Loveland Fire Training Facility, has been purchased by the City for the expansion of the Fire Training Facility. The property currently contains industrial storage uses that were on the property prior to the City purchase and continue to operate on the property. The Fire Authority is beginning its master planning process for both development of the training use on this lot and for improvements to the existing facility on the adjacent lot. The development of the lot as a Fire Training Facility will require a special review application and a neighborhood meeting along with a site development plan and building permit application.

Public outreach for this project has included an informal neighborhood meeting to solicit feedback prior to the submittal of the annexation and zoning application, followed by two formal neighborhood meetings after the submittal of the application. Few questions or comments resulted from these meetings, and no objections were voiced to the proposed annexation or I-Developing Industrial zoning. Additional neighborhood input will be provided after the submittal of the required special review application, as another publicly noticed neighborhood meeting will be held as part of that process.

The annexation and zoning proposal has been reviewed by staff and determined to meet all relevant code standards. Any additional applications submitted after annexation will be reviewed by staff for compliance with code standards.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

- A. Resolution
- B. Ordinance approving the annexation
- C. Ordinance relating to zoning
- D. Staff memorandum
- E. Annexation Map
- F. Zoning Map
- G. Planning Commission staff report
- H. Planning Commission minutes from the March 14, 2016 hearing
- I. Staff power point presentation

RESOLUTION NO. #R-30-2016**A RESOLUTION CONCERNING THE ANNEXATION TO
THE CITY OF LOVELAND, COLORADO, OF A CERTAIN
AREA DESIGNATED AS "FAIRGROUNDS EIGHTH
ADDITION" MORE PARTICULARLY DESCRIBED
HEREIN, AND SETTING FORTH FINDINGS OF FACT
AND CONCLUSIONS BASED THEREON AS REQUIRED
BY THE STATE CONSTITUTION AND STATE STATUTES**

WHEREAS, on December 15, 2015, a Petition for Annexation was filed by the Loveland City Manager on behalf of the City of Loveland as the sole owner of the area described on **Exhibit A**, attached hereto and incorporated herein, which area is not solely a public street or right-of-way; and

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

WHEREAS, the City Council has determined that the area proposed to be annexed complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of §§31-12-104(1)(a) and 31-12-105, C.R.S., is eligible for annexation under §31-12-106(3), C.R.S.; that an election is not required under Section 30(1)(a) of Article II of the Colorado Constitution or under §31-12-107(2), C.R.S.; and no additional terms and conditions are to be imposed; now, therefore,

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

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

A. The subject Petition for Annexation was signed by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area proposed to be annexed.

B. The area proposed to be annexed is not solely a public street or right-of-way.

C. The proposed annexation complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of §§31-12-104(1)(a) and 31-12-105, C.R.S.; is eligible for annexation under §31-12-106(3), C.R.S.; no election is required under Section 30(1)(a) of Article II of the Colorado Constitution or under §31-12-107(2), C.R.S.; and no additional terms and conditions are to be imposed.

D. The annexation impact report requirement of §31-12-108.5, C.R.S. is unnecessary because the annexation encompasses ten acres or less of land, and the land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 2005 Comprehensive Plan, as amended. Such growth management area is subject to an intergovernmental agreement with Larimer County that, pursuant to Section 3.3.1 thereof, waives such annexation impact report requirement.

E. The perimeter of the area proposed to be annexed within is 1,766 linear feet, of which 879 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

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

G. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a

valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

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

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

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

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

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

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

A. The proposed annexation of the area described on **Exhibit A** complies with and meets the requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and the applicable parts of §§31-12-104(1)(a) and 31-12-105, C.R.S.

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

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

ADOPTED this 3rd day of May, 2016.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "FAIRGROUNDS EIGHTH ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE STATE CONSTITUTION AND STATE STATUTES

EXHIBIT A

All that portion of the Southeast 1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado, described as follows: Beginning at the Southeast corner of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado; thence S 89°57'44" W for a distance of 1326.56 feet along the South line of said Section 23 to the West line of the East 1/2 of the Southeast 1/4 of said Section 23: thence N 00°16'51" E for a distance of 1316.24 feet along said West line to the Southwest corner of the Northeast 1/4 of said Southeast 1/4; thence N 89°56'16" E for a distance of 83.19 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the TRUE POINT OF BEGINNING; thence continue N 89°56'16" E for a distance of 579.48 feet along said South line to the East line of the West 1/2 of aforesaid East 1/2 of the Southeast 1/4; thence N 00°15'15" E for a distance of 300.00 feet along said East line; thence S 89°56'16" W for a distance of 586.15 feet; thence S 01°01'13" E for a distance of 300.04 feet to the True Point of Beginning.

Thus described parcel contains 4.014 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

FIRST READING: May 3, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "FAIRGROUNDS EIGHTH ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That a Petition for Annexation, together with a the map of said territory as required by law, was filed with the City on December 15, 2015, by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area of the territory hereinafter described. The Council, by resolution at its regular meeting on May 3, 2016, found and determined that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30(1)(c) of Article II of the Colorado Constitution, and of §§31-12-104(1)(a) and 31-12-105, C.R.S.; is eligible for annexation under §31-12-106(3), C.R.S.; and further determined that an election was not required under Section 30(1)(a) of Article II of the Colorado Constitution and under §31-12-107(2), C.R.S., and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as "**FAIRGROUNDS EIGHTH ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

All that portion of the Southeast 1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado, described as follows: Beginning at the Southeast corner of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado; thence S 89°57'44" W for a distance of 1326.56 feet along the South line of said Section 23 to the West line of the East 1/2 of the Southeast 1/4 of said Section 23: thence N 00°16'51" E for a distance of 1316.24 feet along said West line to the Southwest corner of the Northeast 1/4 of said Southeast 1/4; thence N 89°56'16" E for a distance of 83.19 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the TRUE POINT OF BEGINNING; thence continue N 89°56'16" E for a distance of 579.48 feet along said South line to the East line of the West 1/2 of aforesaid East 1/2 of the Southeast 1/4; thence N 00°15'15" E for a distance of 300.00 feet along said East line; thence S 89°56'16" W for a distance of 586.15 feet; thence S 01°01'13" E for a distance of 300.04 feet to the True Point of Beginning.

Thus described parcel contains 4.014 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to Section 37-45-136 (3.6), C.R.S.

Section 5. Should any court of competent jurisdiction determine that any portion of the land annexed in this ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

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

ADOPTED this 17th day of May, 2016.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Luis Garcia
Assistant City Attorney

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "FAIRGROUNDS EIGHTH ADDITION" TO THE CITY OF LOVELAND

FIRST READING: May 3, 2016

SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 18.04.060 OF THE
LOVELAND MUNICIPAL CODE, THE SAME RELATING TO
ZONING REGULATIONS FOR "FAIRGROUNDS EIGHTH
ADDITION" TO THE CITY OF LOVELAND**

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

Section 1. That Section 18.04.060 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

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

I – Developing Industrial

All that portion of the Southeast 1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado, described as follows: Beginning at the Southeast corner of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado; thence S 89°57'44" W for a distance of 1326.56 feet along the South line of said Section 23 to the West line of the East 1/2 of the Southeast 1/4 of said Section 23: thence N 00°16'51" E for a distance of 1316.24 feet along said West line to the Southwest corner of the Northeast 1/4 of said Southeast 1/4; thence N 89°56'16" E for a distance of 83.19 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the TRUE POINT OF BEGINNING; thence continue N 89°56'16" E for a distance of 579.48 feet along said South line to the East line of the West 1/2 of aforesaid East 1/2 of the Southeast 1/4; thence N 00°15'15" E for a distance of 300.00 feet along said East line; thence S 89°56'16" W for a distance of 586.15 feet; thence S 01°01'13" E for a distance of 300.04 feet to the True Point of Beginning.

Thus described parcel contains 4.014 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

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

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

Section 3. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

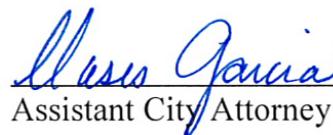
ADOPTED this 17th day of May, 2016.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

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



DEVELOPMENT SERVICES Current Planning

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

MEMORANDUM

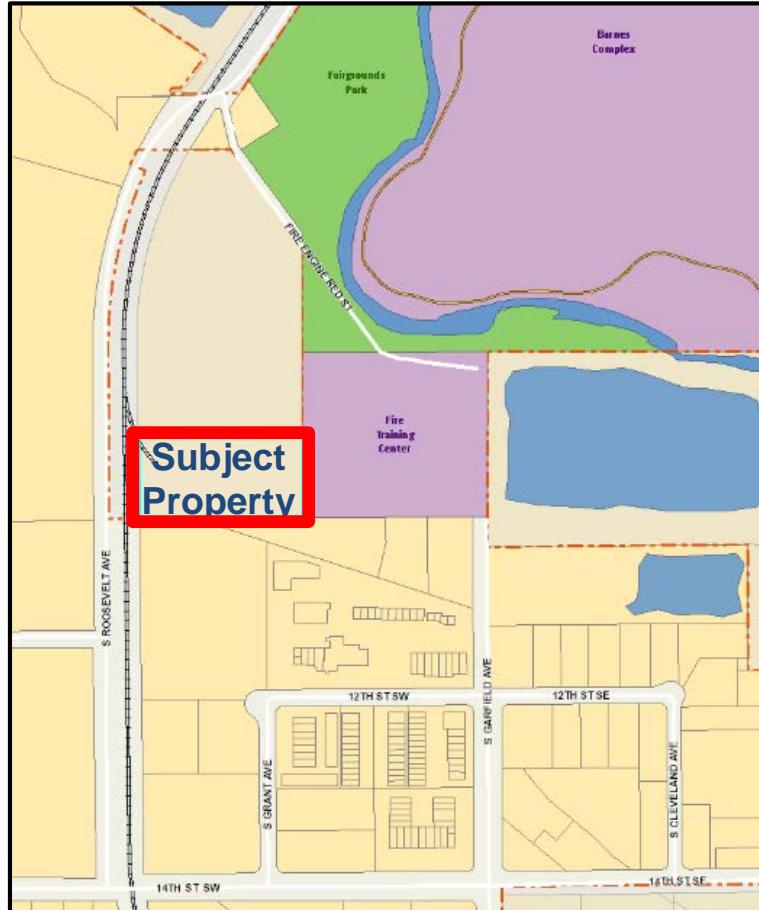
TO: City Council
FROM: Noreen Smyth, Senior Planner
DATE: May 3, 2016
RE: Fairgrounds Eighth Annexation and Zoning

I. EXECUTIVE SUMMARY

A. Proposal

The City Council public hearing is to consider an annexation and zoning of a 4 acre city owned property. It is within the city's Growth Management Area and is contiguous to the city along both its east and south property lines.

The city purchased the property and is seeking its annexation in order to allow for the future expansion of the Loveland Fire Training Facility, which is located on the adjacent lot to the east. The specific proposal before the Council at the public hearing is to annex the subject property as the "Fairgrounds Eighth Addition" and zone it to the I-Developing Industrial district. The subject property is located on the east side of S. Roosevelt Avenue, approximately 1200 feet north of 14th Street SW. The proposal is in compliance with the city's Comprehensive Plan.



B. Background

The City of Loveland purchased the property proposed two years ago with the intention of utilizing it for an expansion of the adjacent Fire Training Facility to the east. The subject property contains three frame buildings and two sheds, with the remainder of the lot largely covered with gravel. It is zoned Industrial in Larimer County and light industrial and warehousing uses are currently operating on the property through a lease agreement.

The property is bordered to the west by active Burlington Northern-Santa Fe Railroad right-of-way followed by S. Roosevelt Avenue (also known as S. Railroad Avenue). The subject property is surrounded by a self-storage facility and an industrial use to the south. These lots are within city limits and zoned I-Developing Industrial and Flood Fringe. Beyond the railroad property to the west, which would remain unincorporated, is the Roosevelt Avenue right-of-way followed by a property that is zoned I-Developing Industrial and utilized for agriculture. Both the Roosevelt Avenue right-of-way and this property are within city limits. To the north is a property outside city limits that is zoned Industrial by Larimer County and used for residential purposes.

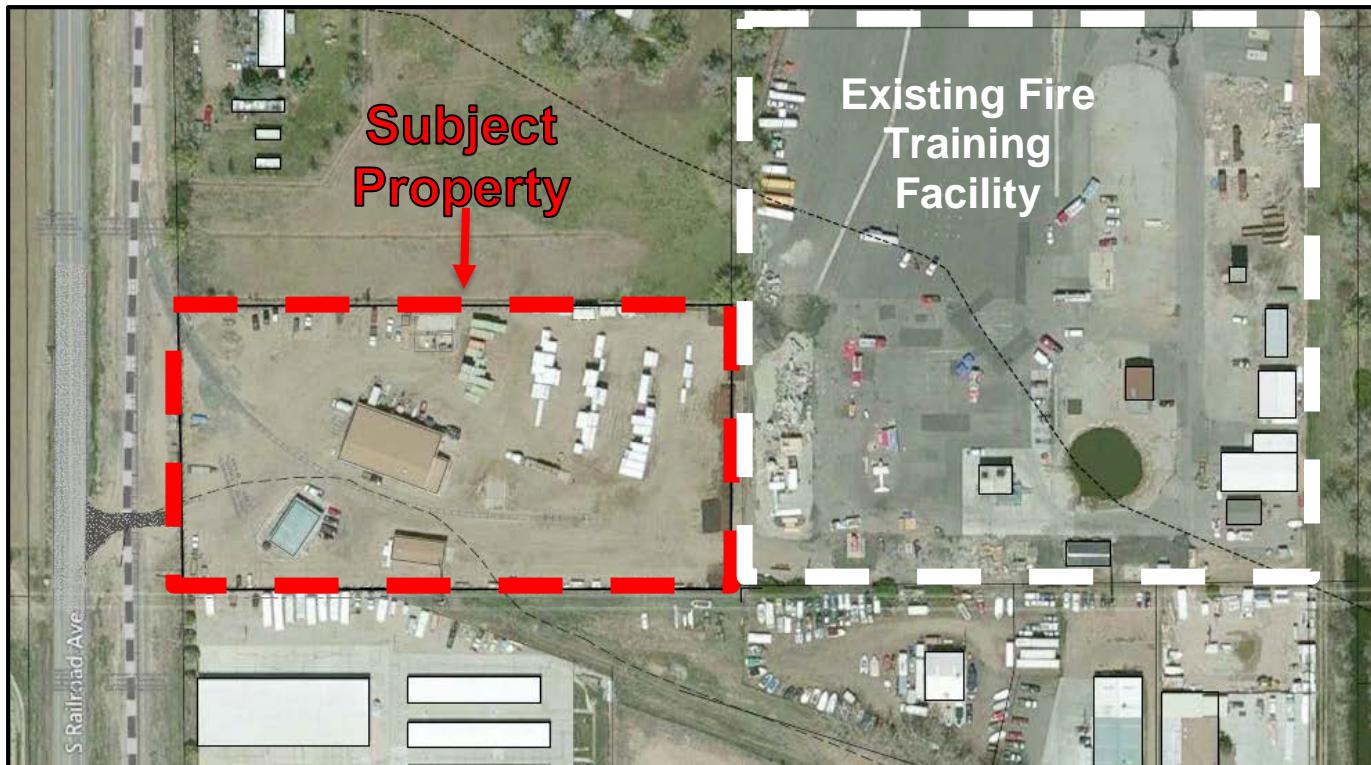
Annexing unincorporated properties that are within the city's Growth Management Area and adjacent to city limits meets the goals of the city's Comprehensive Plan. The attached Planning Commission report goes into greater detail of the proposal's compatibility with the Comprehensive Plan and with the Municipal Code. In addition, annexation would bring both Fire Training Facility lots under the same zoning and permitting jurisdiction, which will make development of the lots simpler than going through Larimer County for permitting on the western lot and the city permitting on the eastern lot. The existing land uses and infrastructure in the area generally support the proposed I-Developing Industrial zoning designation.

C. Fire Training Facility Description

The specific design and development of the Fire Training Facility expansion is not a component of the annexation and zoning request. However, after the annexation, the city and the Loveland Fire Authority will prepare a master plan encompassing both the property proposed for annexation and the existing Fire Training Facility. While a master plan for the two lots is not required by the city to develop the properties, and while needed special review, site plan, and building permit approvals could be obtained for each lot separately, the city and the Fire Authority recognize the advantage of planning for the improvement of both lots concurrently.

Much of the property is within floodplain, and all regulations related to development in and near floodplain will need be followed. While few details of the development of the subject property are known at this time, a burn tower, similar to the tower on the existing facility, will be constructed on it. Careful attention to floodplain matters and to the siting of the burn tower will be provided at the time of the master plan and special review/site development plan processes.

The existing facility is accessed and addressed off of Fire Engine Red Road, which extends north of the property along Fairgrounds Park to S. Railroad Avenue (which turns into S. Roosevelt Avenue a little south of its intersection with Fire Engine Red Road). The property proposed for annexation obtains vehicle access off of S. Roosevelt Avenue, crossing over the adjacent railroad property. The vehicular access for the Fire Training Facility expansion will be determined at the master plan and subsequent special review/site development plan process. The access for the existing facility to the east could also change as a result of the master plan and special review/site development plan process.



Because the expansion of the Fire Training Facility onto the subject property and redevelopment of the existing Fire Training Facility will require a special review, neighbors will have opportunity to provide input into the site layout and any other details of the development. If it is determined at that time that the proposed plan is not compatible with adjacent land uses, staff will seek for the plan to be altered so that compatibility is achieved.

II. PUBLIC OUTREACH AND PLANNING COMMISSION HEARING

- A. **Neighborhood Meetings:** Prior to submitting an annexation and zoning application to the city, the applicant (the Loveland Public Works Department/Facilities) held an informal meeting with neighbors to solicit feedback on the proposal. A formal neighborhood meeting was then held at 5:30 p.m. on February 1, 2016 in the Gertrude Scott Room of the Loveland Public Library, with Planning staff, the applicant, and the applicant's consultant in attendance. The meeting was attended by two neighbors. At the meeting, there were no objections voiced to the proposed annexation or I-

Developing Industrial zoning. While a site plan is not yet available for the proposed development of the lot, the applicant provided a generalized description of what is intended to be constructed on the property, and no specific concerns were voiced. Planning staff explained the annexation and zoning process along with the special review application that would need to be submitted in the future for development of a Fire Training Facility on the property, and the applicant fielded questions from attendees.

After the February 1 neighborhood meeting, it was determined that the area to which letters for the neighborhood meeting were mailed did not encompass all properties within the 1200 foot notification distance required by code. In addition, there was concern that inclement weather on the night of the neighborhood meeting may have impacted attendance, so an additional neighborhood meeting was scheduled for March 14, 2016, prior to the Planning Commission hearing. Notice of that neighborhood meeting was sent to all required recipients along with the required posting of a sign on the property. Staff did not receive any inquiries as a result of the public notice for the second neighborhood meeting, and no members of the public came to the meeting.

- B. Planning Commission Public Hearing:** The Planning Commission held a public hearing for the proposal on March 14, 2016. No neighborhood residents came to the hearing, and no members of the public spoke on the application. Support was expressed for the proposed zoning designation. Commissioners also inquired about the impacts of the proposal as relates to transportation and floodplain. Staff and the applicant summarized these matters and indicated they would be reviewed in detail at the time the formal development applications are submitted in the future. Commissioners voted 6-0, with two members absent, to recommend City Council approval of the Fairgrounds Eighth Addition to the City of Loveland and to zone said land to I-Developing Industrial. The minutes from the hearing are included as Attachment F.
- C. Future Special Review Neighborhood Meeting:** “Safety Training Facilities” are used by special review in the I-Developing Industrial district. Following annexation and zoning, a special review application must be submitted and approved, along with a site development plan and building permit, before development of a Fire Training Facility on the property can occur. As the existing Fire Training Facility on the adjacent lot is also zoned I-Developing Industrial, any additions or changes to that lot also requires a special review. The special review application is a staff review process that includes a publicly noticed neighborhood meeting, so neighbors will have an opportunity to comment on a detailed site development plan prior to any decision on the special review. In addition, the staff decision on a special review can be appealed by parties of interest, resulting in a public hearing on the proposal. The applicant intends to submit a single special review application to encompass both development of the annexed lot and the redevelopment of the existing training facility to the east. Thus, neighbors will have opportunity to review and comment on a larger master plan for the facility prior to any final decision on the special review.

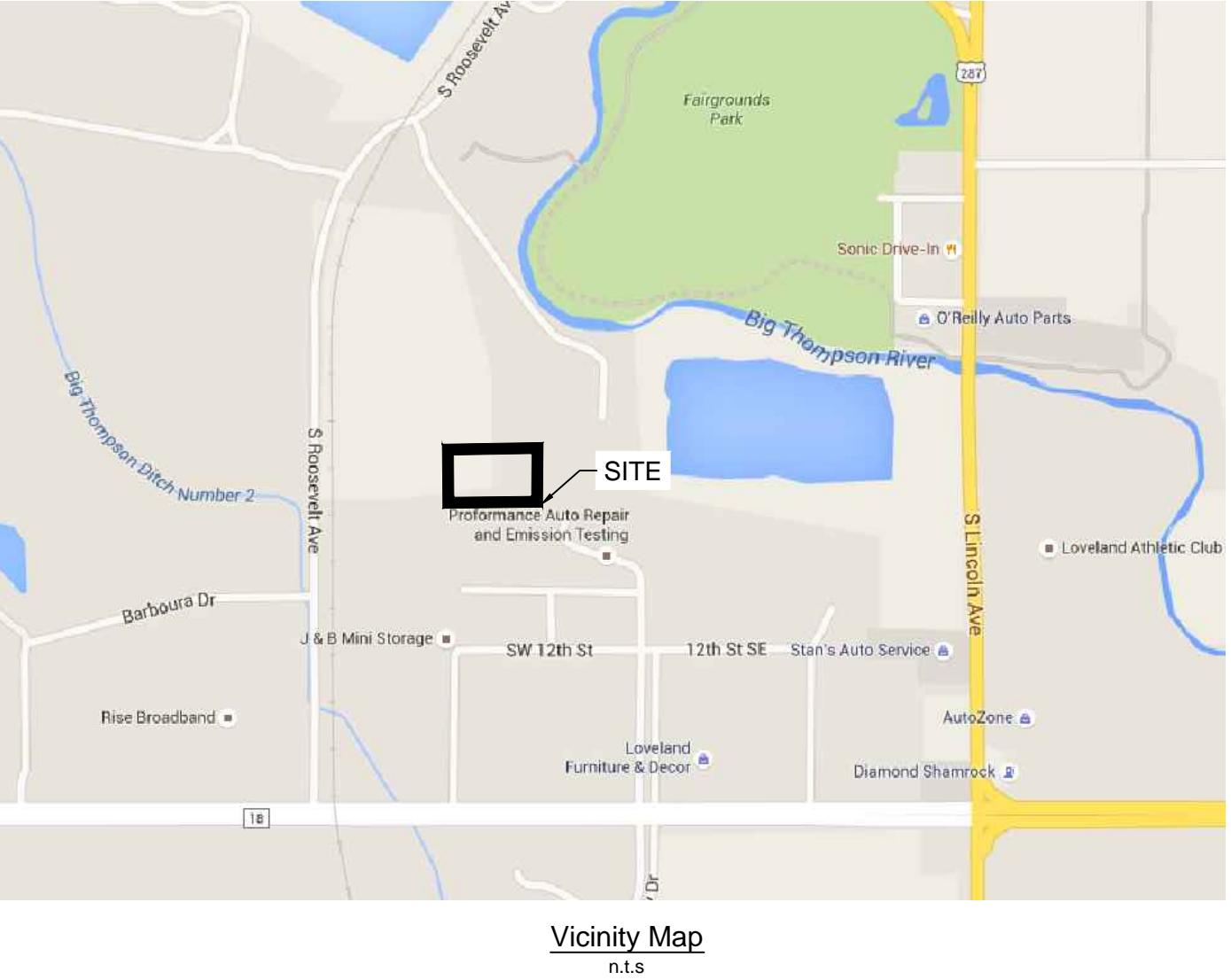
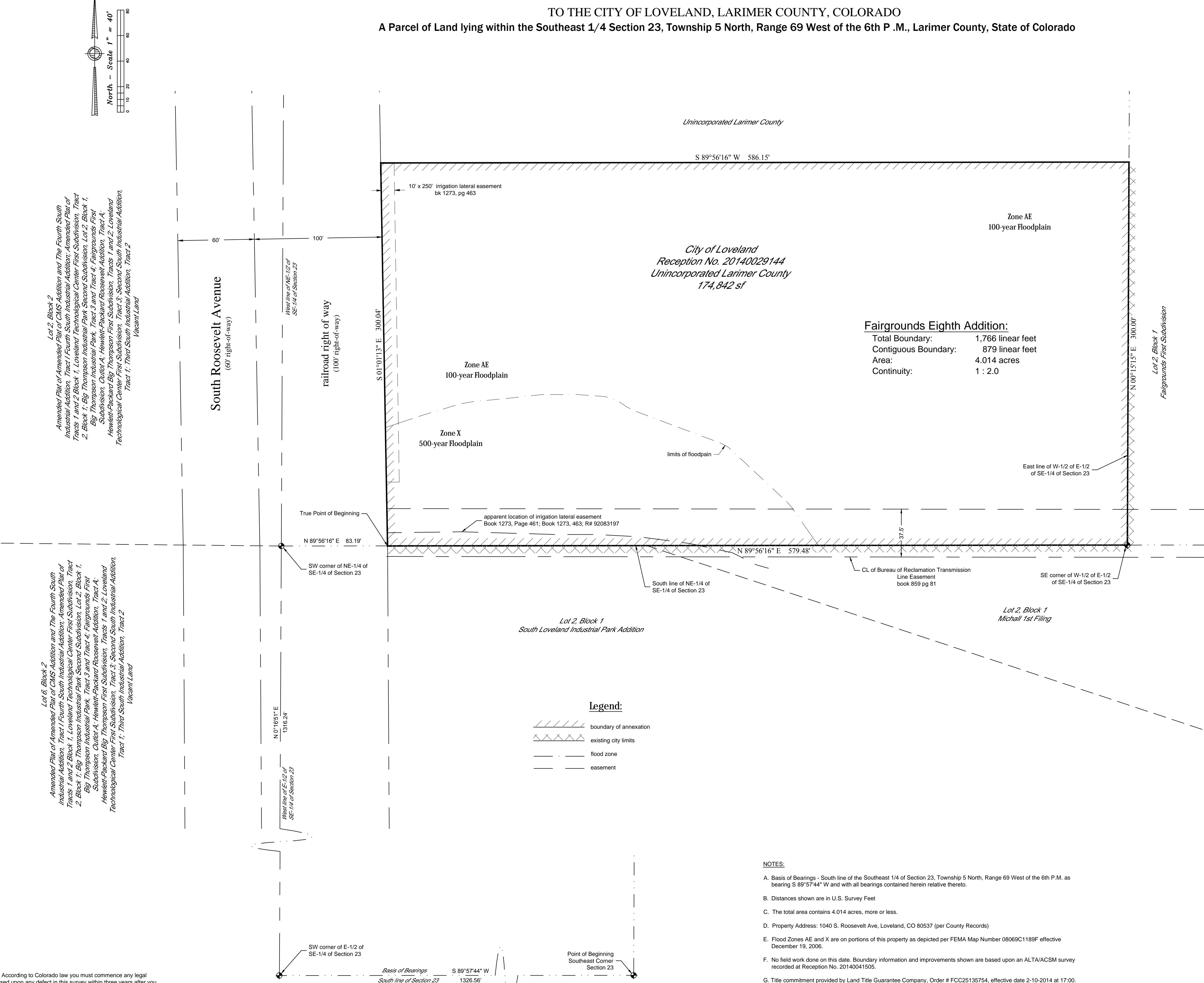
III. RECOMMENDED CONDITION

There are no conditions for the annexation and zoning recommended by the Planning Commission or staff.

Fairgrounds Eighth Addition

TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

A Parcel of Land lying within the Southeast 1/4 Section 23, Township 5 North, Range 69 West of the 6th P.M., Larimer County, State of Colorado



Certificate of Ownership
Know all men by these presents that City of Loveland, a Municipal Corporation being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, which property located in the Southeast 1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M., being more particularly described as follows:

DESCRIBED BASED ON ALTA SURVEY RECORDED AT RECEIPT#: 20140041505:

All that portion of the Southeast 1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado, described as follows: Beginning at the Southeast corner of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado; thence S 89°57'44" W for a distance of 1326.56 feet along the South line of said Section 23 to the West line of the East 1/2 of said Section 23; thence N 00°16'51" E for a distance of 1316.24 feet along said West line to the Southwest corner of the Northeast 1/4 of said Southeast 1/4; thence N 00°16'51" E for a distance of 1979.19 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the TRUE POINT OF BEGINNING; thence N 00°16'51" E for a distance of 579.48 feet along said South line to the East line of the West 1/2 of aforesaid East 1/2 of the Southeast 1/4; thence S 89°56'16" W for a distance of 586.15 feet; thence N 00°15'15" E for a distance of 300.00 feet along said East line; thence S 89°56'16" W for a distance of 586.16 feet; thence N 00°15'15" E for a distance of 300.04 feet along said South line to the True Point of Beginning.

Thus described parcel contains 4.014 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Executed this _____ day of _____, 20____.

Owner: _____
City of Loveland, a Municipal Corporation

State of Colorado) ss
County of)

The foregoing certificate of ownership was acknowledged before me by _____ and _____ this _____ day of _____, 20____.

Witness My Hand and Seal

Notary Public: _____

My commission expires: _____

Mayor Certificate

This map is approved by the City Council of the City of Loveland, Larimer County, Colorado by Ordinance No. _____, passed on second reading on this _____ day of _____, 20____, for filing with the Clerk and Recorder of Larimer County.

By: _____ Mayor

Attest: _____ City Clerk

Recorder's Certificate

This Annexation Map was filed for record in the office of the County Clerk and Recorder of Weld County at _____ o'clock, _____ M., on the _____ day of _____ A.D., 20____, in the Book _____, Page _____, Map _____, Reception No. _____.

Larimer County Clerk and Recorder

by: _____ Deputy

Surveyor Certificate

I, M. Bryan Short, a registered Land Surveyor in the State of Colorado, do hereby certify that the annexation map shown herein is a reasonably accurate depiction of the parcel of land legally described herein and, to the extent described herein, that at least one sixth (1/6) of the peripheral boundary of said parcel is contiguous to the boundary of the City of Loveland, Colorado. The map was compiled using existing plats, deeds, legal descriptions, and other documents and is not based on the field survey nor should it be construed as a boundary survey.

M. Bryan Short, PLS 32444 Surveyor Signature

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____.

Witness my hand and official seal

My commission expires: _____

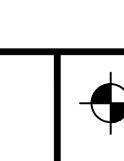
Notary Public _____

3/1/2016	mbs	REVISIONS	minor revs per comments
Date 3/3/2016	By mbs	Description minor rev to bdy, rewrite description	
Date 2/2/2016	By mts	Description add improvements	
Date 2/2/2016	By mts	Description remove improvements	

Field Date	n/a	ST	n/a
Party Chief	n/a	PM	MTS
Scale 1"= 40'		PLS	MBS

CLIENT

City of Loveland



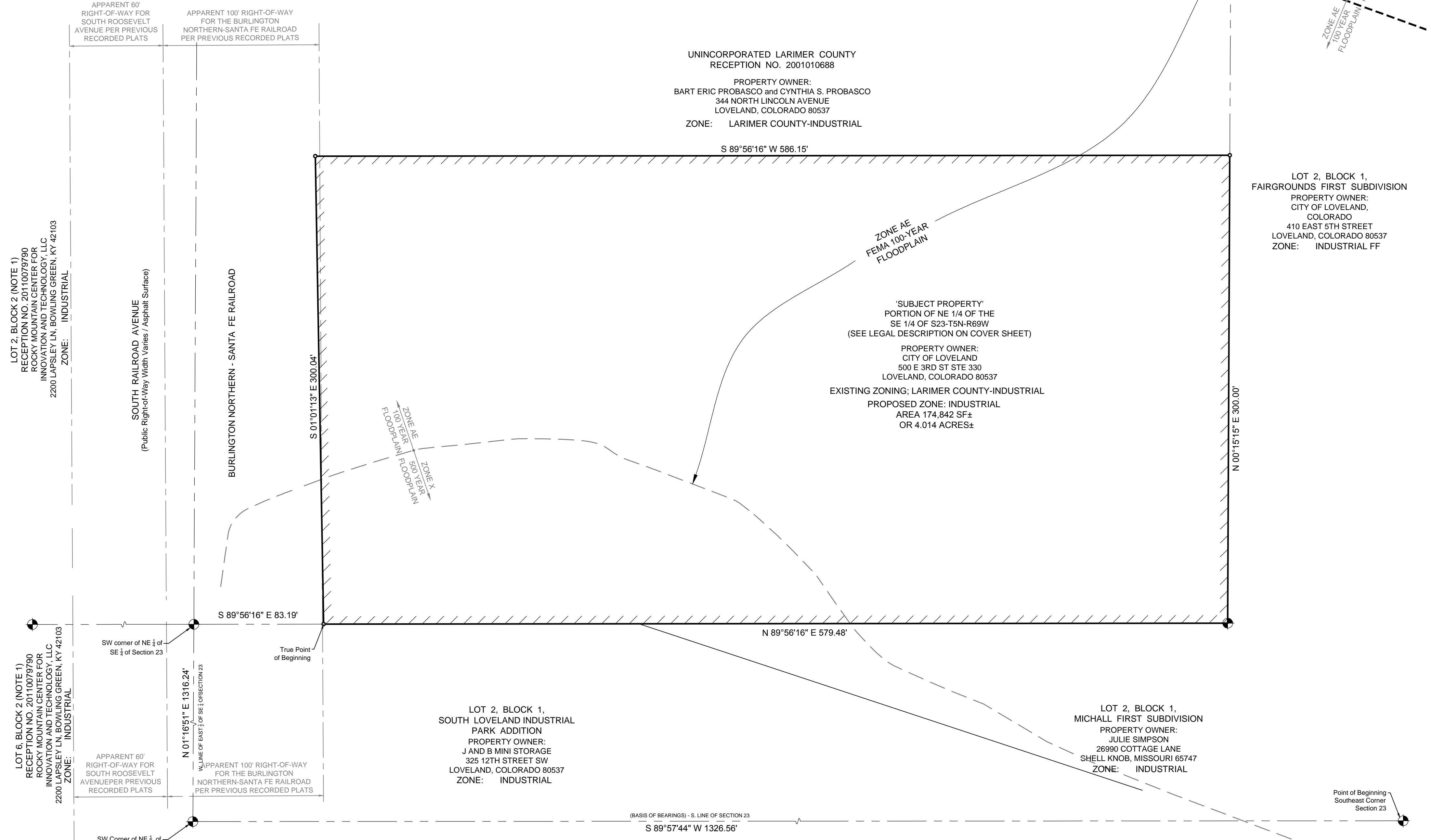
PLS Group
6843 North Franklin Avenue, Loveland, Colorado 80538
Phone: 970.669.2100 Fax: 970.669.3652

TITLE

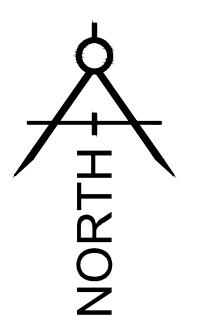
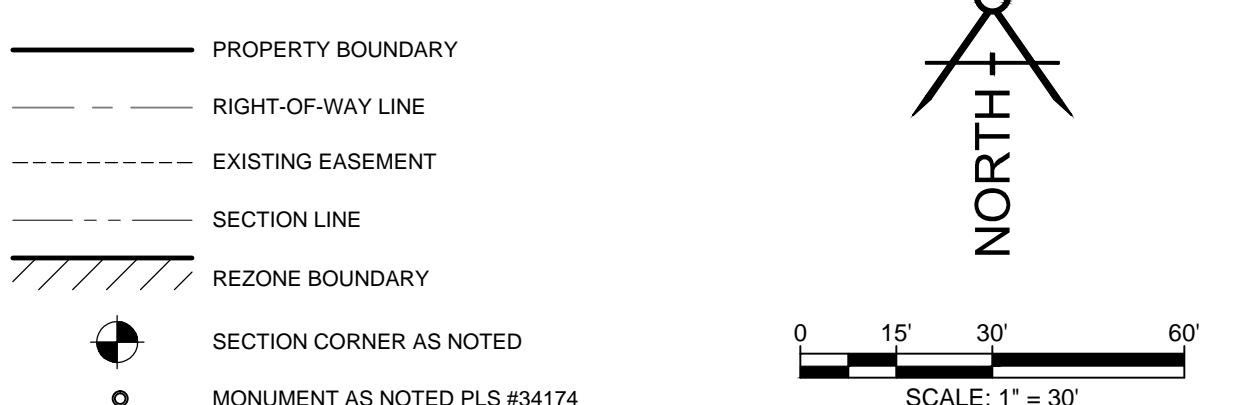
Annexation Map
Fairgrounds Eighth Addition
Section 23, Township 5 North, Range 69 West, 6th P.M., Larimer County, Colorado

PROJECT NO.	SHEET NO.	NO. OF SHEETS
15108.001	1	1

ZONING MAP FOR: FAIRGROUNDS EIGHTH ADDITION 1040 S. ROOSEVELT AVENUE



LEGEND

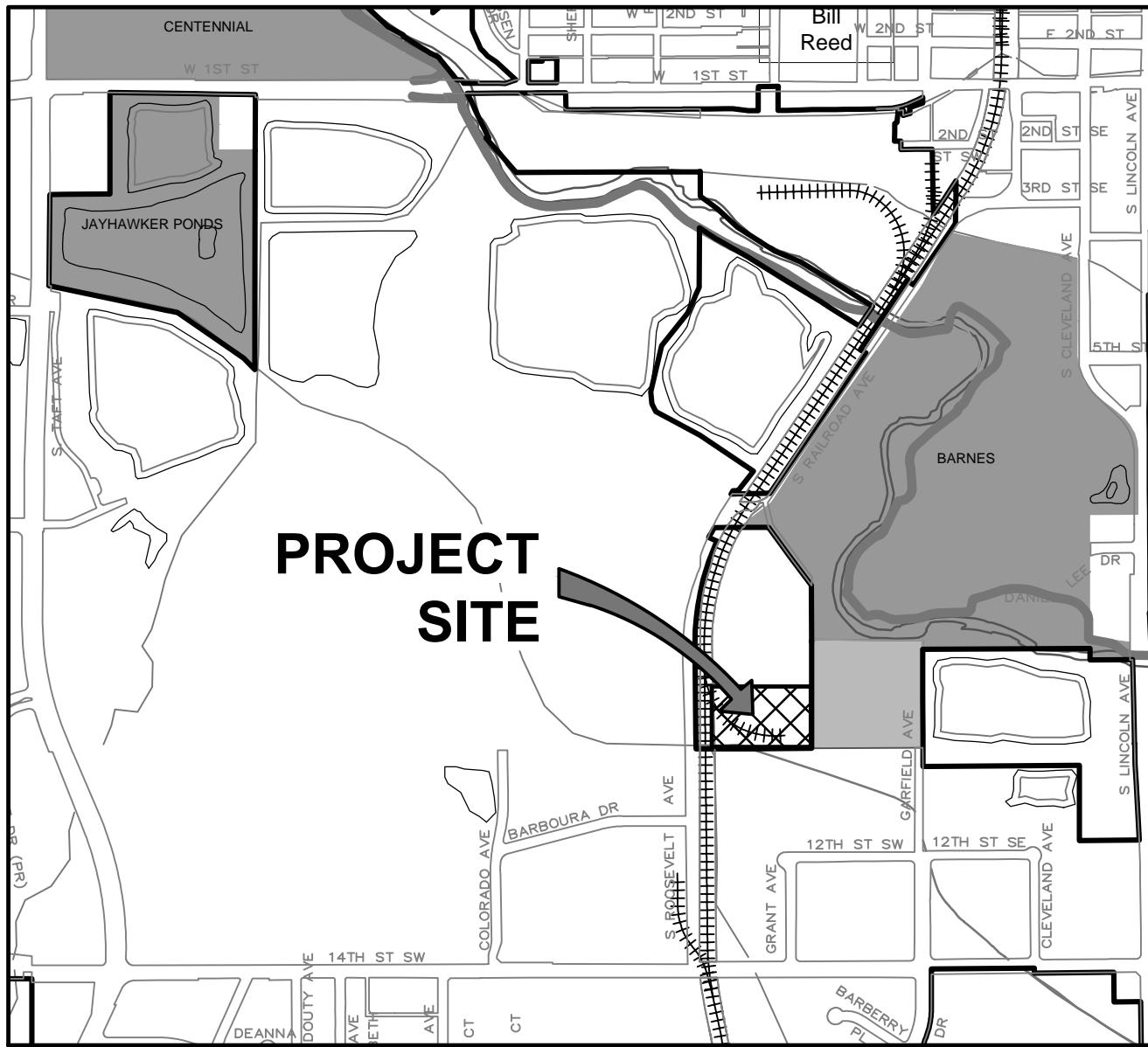


PROJECT TEAM

OWNER / APPLICANT
CITY OF LOVELAND
FACILITIES MANAGEMENT DIVISION
105 EAST FIFTH ST.
LOVELAND, CO 80537
PHONE: 970-962-2635
CONTACT: KEN COOPER

CIVIL ENGINEER
UNITED CIVIL DESIGN GROUP, LLC
1501 ACADEMY CT., STE 203
FORT COLLINS, CO 80524
PHONE: 970-530-4044
CONTACT: SAM ELIASON

SURVEYOR
PLS GROUP
6843 NORTH FRANKLIN AVENUE
LOVELAND, CO 80538
PHONE: 970-669-2100
CONTACT: BRYAN SHORT, PLS



FAIRGROUNDS EIGHTH ADDITION

ZONING MAP

PREPARED FOR: CITY OF LOVELAND

SHEET NUMBER
Z1
1 OF 1 SHEETS
SCALE
VERTICAL: 1" = N/A
HORIZONTAL: 1" = 30'
JOB NUMBER
U15017

UNITED CIVIL
Design Group

Civil Engineering & Consulting

1501 Academy Ct.
Ste. 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

The engineer preparing these plans will not be responsible for or liable for unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

DATE SUBMITTED: 3/16/2016

DATE APPROVED: 3/16/2016

APPROVAL & SIGNATURE BLOCKS

PROPERTY OWNER

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

(OWNER'S SIGNATURE)

(TITLE)

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

THE FOREGOING AGREEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF, ____ 2____, BY
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

CITY SIGNATURE BLOCK

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

CURRENT PLANNING MANAGER

LEGAL DESCRIPTION

A parcel of land being a tract of land recorded in the Larimer County records under Reception No. 20140291444 (2014), lying within the Southeast 1/4 Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, more particularly described as follows per ALTA/ASCM survey Reception No. 20140041505 (2014):

Beginning at the Southeast corner of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado; thence S 89°57'44" W for a distance of 1326.56 feet along the South line of said Section 23 to the West line of the East 1/4 of the Southeast 1/4 of said Section 23; thence N 00°16'51" E for a distance of 1316.24 feet along said West line to the Southwest corner of the Northeast 1/4 of said Southeast 1/4; thence N 89°56'16" E for a distance of 83.19 feet along the South line of said Northeast 1/4 of the Southeast 1/4 to the True Point of Beginning; thence continue N 89°56'16" W for a distance of 579.48 feet along said South line to the East line of the West 1/2 of aforesaid East 1/2 of the Southeast 1/4; thence N 00°15'15" E for a distance of 300.00 feet along said East line; thence S 89°56'16" W for a distance of 586.15 feet; thence S 01°01'13" E for a distance of 300.04 feet to the True Point of Beginning.

Thus described parcel contains 4.014 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Planning Commission Staff Report

March 14, 2016

Agenda #: Regular Agenda - 1

Title: Fairgrounds Eighth Addition

Applicant: City of Loveland, Mark Miller, Fire Chief

United Civil Design Group, Sam Eliason

Request: **Annexation and Zoning**

Location: 1040 S. Roosevelt Ave

Existing Zoning: Larimer County Industrial

Staff Planner: Noreen Smyth

Staff Recommendation

APPROVAL of the annexation and zoning

Recommended Motions:

Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 14, 2016 and, based on those findings, recommend that City Council approve the Fairgrounds Eighth Addition to the City of Loveland and zone said land as "I-Developing Industrial".

Summary of Analysis

This is a public hearing concerning the annexation and zoning of a 4 acre property at 1040 S. Roosevelt Avenue. The property, which has been purchased by the city, is immediately west of the existing Loveland Fire Training Facility. It currently contains a few industrial buildings, and the industrial uses that were on the property prior to the city purchase continue to lease and operate on the property. The Fire Authority is interested in redeveloping the property as an expansion of the Fire Training Facility. The Fire Authority is beginning its master planning process for both development of the fire training use on this lot and for improvements to the existing facility on the lot to the east.

Staff believes that all key issues have been resolved based on city codes and standards relevant to annexation and designation of the I-Developing Industrial zoning district for the property. The development of the lot as a Fire Training Facility will require a special review application and a neighborhood meeting along with a site development plan and building permit application. Upon submittal, these applications will be reviewed by staff for compliance with all code requirements.

I. SUMMARY

Description of Property

This is an application to annex as the “Fairgrounds Eighth Addition” a four acre city owned lot and designate it within the I-Developing Industrial district. The lot contains three frame buildings and two sheds, with the remainder of the lot largely covered with gravel. It is used for light industrial and warehousing purposes, including the outdoor storage of shipping containers. The subject property is bordered to the west by active Burlington Northern-Santa Fe Railroad right-of-way followed by S. Roosevelt Avenue (also known as S. Railroad Avenue). Vehicular access to the property is off of S. Roosevelt Avenue to the west, with the access drive extending over the railroad to the property. A railroad spur extends from the Burlington Northern-Santa Fe Railroad onto the property, entering at the northwest corner of the lot. The southwest portion of the lot is within a FEMA-designated 500 year floodplain, with the remainder of the lot in the 100-year floodplain.

Fire Training Facility

The property was purchased by the City of Loveland two years ago with the intention of expanding the adjacent Fire Training Facility onto the lot. The existing facility is already within city limits and is accessed and addressed off of Fire Engine Red Street, which extends from S. Railroad Ave and through the adjacent Fairgrounds Park (to the north) to the facility. The existing facility contains a number of structures for training, office, and storage purposes and a large paved area for training and vehicle parking. The Fire Authority is beginning the development of a master plan for the improvement of the existing facility and its expansion onto the subject property. Because the master planning process is in its beginning stages, there is no site plan available yet for the subject property. Like the existing facility, the subject property is anticipated to include multiple structures for training purposes and possibly office and storage purposes along with paved parking and training areas. A burn tower is currently present on the existing facility, and a new burn tower is planned for the subject property. The burn tower’s exact location is not yet determined, but it would likely be situated towards the south end of the lot.

“Safety Training Facilities” are uses by special review in the I-Developing Industrial district. Following annexation and zoning, a special review application must be submitted and approved, along with a site development plan and building permit, before development of a fire training facility on the property can occur. The special review application is a staff review process that includes a publicly noticed neighborhood meeting, so neighbors will have an opportunity to comment on a detailed site development plan prior to any decision on a special review. In addition, the staff decision on a special review can be appealed by parties of interest, resulting in a public hearing on the proposal. The special review application would likely encompass not only development of the subject property but the redevelopment of the existing training facility to the east, so neighbors will have opportunity to review and comment on the larger master plan prior to any final decision on the special review.

Zoning and Land Use

The subject property is surrounded by a self-storage facility and an industrial use to the south. These lots are within city limits and zoned I-Developing Industrial and Flood Fringe. Beyond the railroad property to the west, which would remain unincorporated, is the Roosevelt Avenue right-of-way followed by a property that is zoned I-Developing Industrial and utilized for agriculture. Both the Roosevelt Avenue right-of-way and this property are within city limits. To the north is a property outside city limits that is zoned Industrial by Larimer County and used for residential purposes.

The Future Land Use Map of the Comprehensive Plan designates the area of the subject property *Industrial* and *Floodway*. The proposed I-Developing Industrial zoning designation and expansion of the Fire Training Facility onto the subject property is in line with the Comprehensive Plan's goal of industrial development in this area. The Comprehensive Plan's goal of protecting the flood fringe on the property would be enacted at the time of site development plan review, during which staff will ensure that all code requirements and policies relevant to floodplain are followed.

II. ATTACHMENTS

1. Site Inventory Narrative
2. Annexation Map (*draft*)
3. Zoning Map
4. Zoning Assessment
5. Site Exhibits

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF SITE GROSS	4 AC
COMPREHENSIVE PLAN DESIGNATION	INDUSTRIAL AND FLOODPLAIN
EXISTING ZONING	LARIMER COUNTY INDUSTRIAL
PROPOSED ZONING	CITY OF LOVELAND I-DEVELOPING INDUSTRIAL
EXISTING USE	INDUSTRIAL
EXIST ADJ ZONING & USE - NORTH	LARIMER COUNTY INDUSTRIAL / RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	I DEVELOPING INDUSTRIAL / SELF-STORAGE
EXIST ADJ ZONING & USE - WEST	I DEVELOPING INDUSTRIAL / RAILROAD (UNINCORPORATED) AND STREET RIGHTS-OF-WAY FOLLOWED BY AGRICULTURE
EXIST ADJ ZONING & USE - EAST	I DEVELOPING INDUSTRIAL / LOVELAND FIRE TRAINING FACILITY
UTILITY SERVICE – WATER, SEWER	WELL & CITY OF LOVELAND SEWER; CAN CONNECT TO CITY OF LOVELAND WATER
UTILITY SERVICE – ELECTRIC	CAN CONNECT TO CITY OF LOVELAND POWER

V. KEY ISSUES

City staff believes that all key issues associated with the annexation and zoning of the property have been addressed. Issues associated with the development of the property will be addressed by staff at the time of the special review/site development plan application and the building permit application, with neighborhood input provided at that time through the public meeting held as part of the special review process. Some technical corrections need to be made to the attached annexation map and legal description of the property; staff is working with the applicant on this matter will ensure a corrected version is available no later than the City Council hearing.

VI. BACKGROUND

The City of Loveland purchased the property proposed for annexation two years ago for the purpose of expanding the adjacent Fire Training Facility. The property is zoned Industrial in Larimer County and private industrial uses currently operate on the property through a lease agreement.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **PC Hearing Notification:** An affidavit was received from the applicant's consultant certifying that written notice of the Planning Commission hearing was mailed to all property owners within 1,200 feet of the property on February 27, 2016 and a notice was posted in a prominent location on the perimeter of the site at least 15 days prior to the date of the hearing. In addition, a notice was published in the Reporter Herald on February 27, 2016.
- B. **Neighborhood Response:** Prior to submitting an annexation and zoning application to the city, the applicant held an informal meeting with neighbors to solicit feedback on the proposal. A formal neighborhood meeting was then held at 5:30 p.m. on February 1, 2016 in the Gertrude Scott Room of the Loveland Public Library, with Planning staff, the applicant, and the applicant's consultant in

attendance. The meeting was attended by two neighbors, although particularly inclement weather on the night of the meeting may have dissuaded more people from attending.

At the meeting, there were no objections voiced to the proposed annexation or I-Developing Industrial zoning. While a site plan is not yet available for the proposed development of the lot, the applicant provided a generalized description of what is intended to be constructed on the property, and no specific concerns were voiced. Planning staff explained the annexation and zoning process along with the special review application that would need to be submitted in the future for development of a Fire Training Facility on the property, and the applicant fielded questions from attendees.

After the February 1 neighborhood meeting, it was determined that the area to which letters for the neighborhood meeting were mailed did not encompass all properties within the 1,200 ft notification distance required by code. In addition, there was concern that the inclement weather on the night of the neighborhood meeting may have impacted attendance, so an additional neighborhood meeting has been scheduled for March 14, 2016, prior to the Planning Commission hearing. Notice of that neighborhood meeting has been sent to all required recipients along with the required posting of a sign on the property. Staff has not received any inquiries as a result of the public notice for the second neighborhood meeting, and will inform the Commission at the hearing of comments, if any, provided by neighbors at the second neighborhood meeting.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

Annexation and Zoning

A. Annexation Policies and Eligibility

1. **Loveland Comprehensive Master Plan, Section 4.2**
 - a. **Annexation ANX2.A:** *Whether the annexation encourages a compact pattern of urban development.*
 - b. **Annexation ANX2.B:** *Whether the annexation would result in the creation of an enclave*
 - c. **Annexation ANX5.B:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*
 - d. **Annexation ANX1.C and 6:** *Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
 - e. **Growth Management GM7:** *Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
2. **Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a. *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*

- b.** *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
- c.** *It is not physically practical to extend urban service which the municipality provides normally.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The expansion of the Fire Training Facility that is proposed to occur after the annexation will be a compact form of urban development.
- No enclaves will be created by this annexation.
- The annexation of this land and the expansion of the Fire Training Facility at this location is an effort to assemble adjoining land parcels to prepare a master plan for the Fire Training Facility. The development of this lot is infill development that does not leap over undeveloped or unincorporated land. The land is immediately contiguous to other land in the city that is already receiving city services. The lot already has city sewer service and can readily access city water and power.
- The subject property is within the Loveland's Growth Management Area.
- The subject property is more than one-sixth contiguous with the city.
- The annexation complies with the Colorado State Statutes regarding annexation of lands. There is no evidence that two or more of the conditions listed in the Colorado Revised Statutes and in Section 17.04.020 of the Municipal Code, cited above, have been met.

B. City Utilities/Services and Transportation

1. Loveland Comprehensive Master Plan, Section 4.2

- a. Annexation ANX1.A and B:** *Whether the annexation of land minimizes the length of vehicle trips generated by development of the land and whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*

2. Loveland Municipal Code

a. Section 17.04.040:

(i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*

(ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*

(iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

b. Section 17.04.040; Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance

with City standards are not necessary to protect public health, safety, and welfare.

- c. **Section 18.04.010:** *The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. All future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering Staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The development site will be required to comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The annexation will not negatively impact fire protection for the subject development or surrounding properties if all code requirements are met.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater. The existing structures on the site are served water by a well and have a City of Loveland wastewater service.
- The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- Public facilities are available to serve the development.

Power: Staff believes that this finding can be met, based on the following facts:

- This change to zoning and annexation will neither negatively impact our power delivery in this part of the system, nor will it interfere with any proposed projects that are underway.
- The project will comply with the requirements in the ACF ordinance.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

Building: Staff believes that this finding can be met, based on the following facts:

- The proposed annexation of the property from County to City will not negatively impact

surrounding properties in regard to the adopted building codes.

C. Land Use

1. Loveland Comprehensive Master Plan, Section 4.7

a. **Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and zoning application.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The Comprehensive Master Plan designates the site in two categories: Industrial and Floodplain. The proposed zoning of the property to the I-Developing Industrial district is consistent with the Comprehensive Master Plan *Industrial* designation. The Plan's policies for areas designated as *Floodplain* will be enacted at the time a site development plan for the property is submitted for review by staff.
- The I-Developing Industrial district requires that "Safety Training Facilities" obtain a special review prior to development. The special review process requires a neighborhood meeting and allows for public comment throughout the process.

2. Loveland Municipal Code

a. **Section 18.04.010:**

- (i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- (ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The I-Developing Industrial zoning district is suitable at this location. The property is similarly zoned Industrial under County zoning, and industrial uses are already taking place on the property. Industrial zoning and/or industrial uses are present on all adjacent properties. Development of industrial uses that are allowed by right or by special review on this property will not negatively impact light, air, crowding, transportation, utilities, schools, or parks as long as all city site development standards and other code requirements are met.
- Development of the property as an expansion of the adjacent Fire Training Facility will serve a public need for the training of emergency personnel, facilitating public safety.
- The uses allowed by right in the I-Developing Industrial district are generally appropriate for this location.

D. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

a. **Annexation ANX3.A:** *Whether the annexation will comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*

Annexation ANX3.B: *Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.*

Annexation ANX4.A and B: *If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the proposed zoning, an Environmental Impact Report, including a Wetlands*

Reconnaissance Report, has been prepared by a qualified specialist.

Annexation ANX4.B: *Whether the annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.*

Annexation ANX4.D: *All development agreements must deal satisfactorily with any environmental impacts upon the property.*

Planning: Staff believes that this finding can be met, based on the following facts:

- A Phase I and a Phase II Environmental Site Assessment (ESA) was performed by CTL Thompson in March and May of 2014. The ESA concluded that there is some soil contamination on the site as a result of various uses that have occurred on the property through the years and recommends mitigation by overexcavating the site on development, profiling the soil for disposal, and disposing of it at an appropriate offsite landfill that accepts contaminated soils.
- The Open Lands Plan does not recommend this property for open space.

E. Miscellaneous

1. Loveland Municipal Code, Section 17.04.040.F: Whether the annexation is in the best interest of the citizens of the City of Loveland.

Planning: Staff believes that this finding can be met, based on the following fact:

- The property proposed for annexation is owned by the City of Loveland and was purchased for the purpose of expanding the existing Fire Training Facility. The annexation and development of the property is in the best interest of the citizens and will assist in providing fire protection services to both the citizens of the city and of the broader Fire District.

F. Mineral Extraction Colorado Revised Statute: The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.

Planning: Staff believes that this finding can be met, due to the following fact:

- A geologic hazards and mineral extraction evaluation was prepared for the property by Earth Engineering Consultants, LLC. The assessment concluded that based on the review of geologic maps, published reports, satellite and aerial imagery, and the examination of the site, the potential for commercial mineral resources on the site is negligible.

IX. RECOMMENDED CONDITIONS

No conditions are recommended by city staff in conjunction with annexation and zoning. Conditions, if any, will be added by staff at the time of development of the property.

Site Inventory

Project: Loveland Fire Training Expansion at 1040 S. Railroad Avenue

Site Description

The site is developed with three main buildings: the southwest building, approximately 1,530 square feet, the southeast building, approximately 1,296 square feet and the central building, approximately 6,600 square feet, with is divided into 8 bays. A railroad spur dead ends on the property. A small pump house on the north side of the lot houses a well for potable water.

Adjacent properties

- North: Residence and open pasture
- East: Loveland Fire Training Center
- Southeast: Warehouses
- South: Self-storage facility
- West: Burlington Northern Santa-Fe Railroad is located directly west of the property, then South Railroad Avenue ROW with vacant land further west.

Features

Features listed below are shown on the Site Inventory Map or noted documents.

- a) There are no bodies of water adjacent to the property. There is an existing reservoir approximately 1000 feet to the east.
- b) There is an irrigation easement on south and west side of the property which is listed in the Title commitment and shown on the ALTA survey. No known evidence of an open irrigation lateral was observed on the property
- c) There appears to be no wetlands on the property.
- d) The property is within the 100-year and 500-year flood plain. See the ALTA survey for flood zone delineation.
- e) There are no Stream corridors or estuaries near the property.
- f) The Phase II ESA report indicates that soil types are Post-Piney Creek Alluvium, which is described as humic, sandy to gravelly and should be capable of minimum percolation requirements.
- g) The water table was estimated at 8-12 feet based on geotechnical borings.
- h) The site was historically used as a fertilizer plant and Recognized Environment Conditions have been identified at the site and at the adjacent site to the west, including contaminated ground water. Additional details are provided in the Phase I & Phase II ESA, by CTL Thompson, March 2014 and May 2014 respectively.
- i) There are no slopes over 20%
- j) No aquifer recharge or discharge areas were noted.
- k) Mature stands of vegetation are found on adjacent property.

- l) No wildlife habitat or corridors were identified on the site.
- m) The site is not directly adjacent to any natural areas and open space.
- n) The River's Edge Natural Area is 1500' to the north and west of the site on the west side of Railroad Avenue. King's Crossing Natural Area is to the east of the site approximately 2500'. The Big Thompspon River and Barnes Complex / Fairgrounds Park are to the north of the site approximately 550".

Attachments:

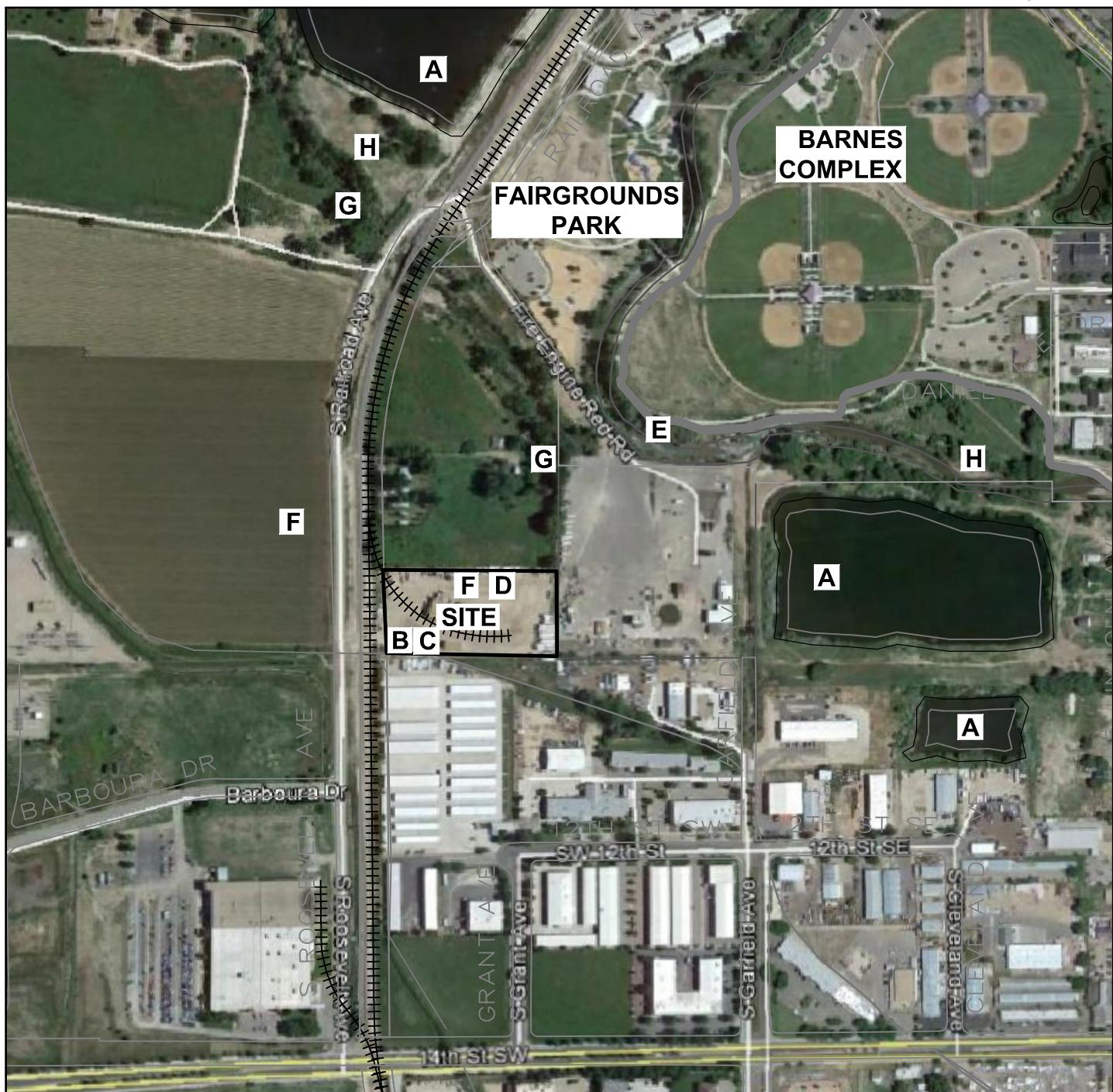
Site Inventory map

ALTA Survey

Documents noted that are included separately in the submission:

Phase I & Phase II ESA

Title Commitment



Site Inventory:

A. Reservoir	E. Big Thompson River
B. Irrigation Ditch	F. REC listing (see ESA)
C. FEMA 500 yr Flood Plain	G. Mature Trees
D. FEMA 100 yr Flood Plain	H. Open Space

ALTA / ACSM LAND TITLE SURVEY

FOR A PARCEL OF LAND IN UNINCORPORATED LARIMER COUNTY, SITUATE IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

(SHEET 1 OF 2)

EXCEPTIONS AS TAKEN FROM THE LAND TITLE GUARANTEE COMPANY COMMITMENT FOR TITLE INSURANCE (Order No. FCC25121140, Effective Date of February 10, 2014)

- Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc. Refer to Map for possible encroachment areas).
- Easements, liens or encumbrances, or claims thereof, not shown by the Public Records. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc. Refer to Map for possible encroachment areas).
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. (May affect subject property. Not researched by Intermill Land Surveying, Inc. Refer to Map for possible discrepancies, conflicts in boundary lines, shortage in area, and/or encroachment areas).
- Any lien, right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc.).
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc.).
- Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc.).
- Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc.).
- TERMS, CONDITIONS AND PROVISIONS OF APPLICATION FOR SEWER TAP OUTSIDE CITY LIMITS RECORDED DECEMBER 07, 1964 IN BOOK 1273 AT PAGE 171. (Affects subject property. This application for sewer tap outside City Limits of Loveland, Colorado appears to be appurtenant to the subject property).
- RIGHT OF WAY FOR DITCHES AS SET FORTH IN DEED RECORDED DECEMBER 10, 1964 IN BOOK 1273 AT PAGE 463. (Affects subject property. Right of way for ditches location as described in Book 1273 at Page 463 depicted on Map).
- TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED JANUARY 20, 1982 IN BOOK 2151 AT PAGE 169. (Affects subject property. Notice of Underground Facilities per Book 2151, Page 169 includes a reference to S23-T5N-R69W of the 6th P.M., Larimer County, Colorado, in which the subject property lies).
- MATTERS AS SET FORTH ON SURVEY RECORDED DECEMBER 24, 1992 AT RECEIPTION NO. 92083197. (Affects subject property as the survey recorded at Reception No. 92083197 was a previous survey of the subject property prepared in 1992. This survey was used as a reference document in the preparation of this ALTA/ACSM Land Title Survey). Certain items depicted on the survey recorded at Reception No. 92083197 have been depicted on this Map).
- RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED APRIL 18, 1988, UNDER RECEIPTION NO. 88017341. (Does not affect subject property. Right of way easement as described in Reception No. 88017341 lies West of the subject property. Right of way easement location depicted on Map).
- TERMS, CONDITIONS AND PROVISIONS OF DECLARATION RECORDED DECEMBER 29, 1994 AT RECEIPTION NO. 94010179. (Affects subject property. This declaration of terms, conditions and provisions appears to be appurtenant to the subject property).
- EXISTING LEASES OR TENANCIES, IF ANY. (May affect subject property. Not addressed or researched by Intermill Land Surveying, Inc., although evidence of tenants (users) of the property was observed during the course of survey).

GENERAL SURVEY NOTES:

- Commitment For Title Insurance was furnished to Intermill Land Surveying Inc., by the client. Commitment For Title Insurance was prepared by Land Title Gaurantee Company (Order No. FCC25121140, Effective Date of February 10, 2014). Only those easements and/or rights of way which are definable, as listed in Schedule B-2 (Exceptions) items 1-14 of said Commitment For Title Insurance are addressed and/or shown on this Map. No further easement and/or right of way research, other than may be shown on this Map, was requested by the client or performed by Intermill Land Surveying, Inc. for the preparation of this survey. Property Description as shown on this Map is the same as identified in said Commitment For Title Insurance.
- FLOOD ZONE NOTE: Per the Federal Emergency Management Agency (FEMA) Flood Zone Mapping for this area (Map Number 0808901189F, Panel 1189 of 1420, Effective Date of December 19, 2008) the subject property lies within a FEMA regulated Flood Zone "AE" and a FEMA Zone "X". As these are FEMA regulated flood zones affecting the subject property and the subject property lies within FEMA regulated flood areas, it is always in one's best interest to consult with Larimer County, Colorado and/or the City of Loveland, Colorado to discuss the regulated flood hazard areas affecting the subject property and the possibility of additional "local" flood hazard areas affecting the subject property.
- There is no above ground observable evidence that site is being used as a dump, sanitary landfill, or cemetery, unless otherwise shown herein, and no visible evidence of earth moving work, building construction or building additions was evidenced during the course of this survey.
- Any utilities and/or evidence of utilities shown hereon are based upon on-site observation and/or known information and mapping only. Underground utility locates, if shown on this Map, were obtained by others and field located by Intermill Land Surveying, Inc. during the course of this survey.
- Evidence of striped on-site parking areas was not observed on the subject property during the course of survey.
- There are no buildings encroaching onto adjoining properties, easements and/or rights-of-ways, except as may be shown on this Map.
- Ownership of fences, if shown on this Map, cannot and will not be determined by Intermill Land Surveying, Inc.
- Property Address: 1040 South Railroad Avenue, Loveland, Colorado, 80537
- Site Area: 174.841± S.F. / 4.01± AC.
- Existing Zoning: I-Industrial (Per the current Larimer County Zoning Map, dated January 24, 2014).
- Adjacent property depiction and ownership per the most recent records of the Office of the Assessor of Larimer County, Colorado (February 26, 2014). No further adjacent property owner verification of ownership or research was performed by Intermill Land Surveying, Inc. for the preparation of this survey.
- Control Monumentation and External Boundary Monumentation as shown on Map (Sheet 2 of 2).

(Meas.): Indicates Measured Bearing and/or Distance from field survey.
 (Calc.): Indicates Calculated Bearing and/or Distance.
 (Rec.): Indicates Record bearing and/or distance per the property description contained within the Commitment For Title Insurance as prepared by Land Title Gaurantee Company (Order No. FCC25121140, Effective Date of February 10, 2014).
 (PR): Indicates Pro-Rated bearing and/or distance.

SURVEYOR'S CERTIFICATE:

TO: (i) THE CITY OF LOVELAND, COLORADO, A Municipal Corporation
 and (ii) LAND TITLE GUARANTEE COMPANY;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Details Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(c), 8, 9, 11(a), 13, 16, and 18 of Table A thereof. The field work for this survey was completed on March 5, 2014.

PREPARED BY ANN ON BEHALF OF:

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



BASIS OF BEARINGS STATEMENT: Basis of Bearings for this survey are based on an assumed bearing of N89°57'44"E (Mens.: 2653.13') on the South line of the Southeast Quarter of Section 23, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado. Note: Monumentation of said line as shown on Map.

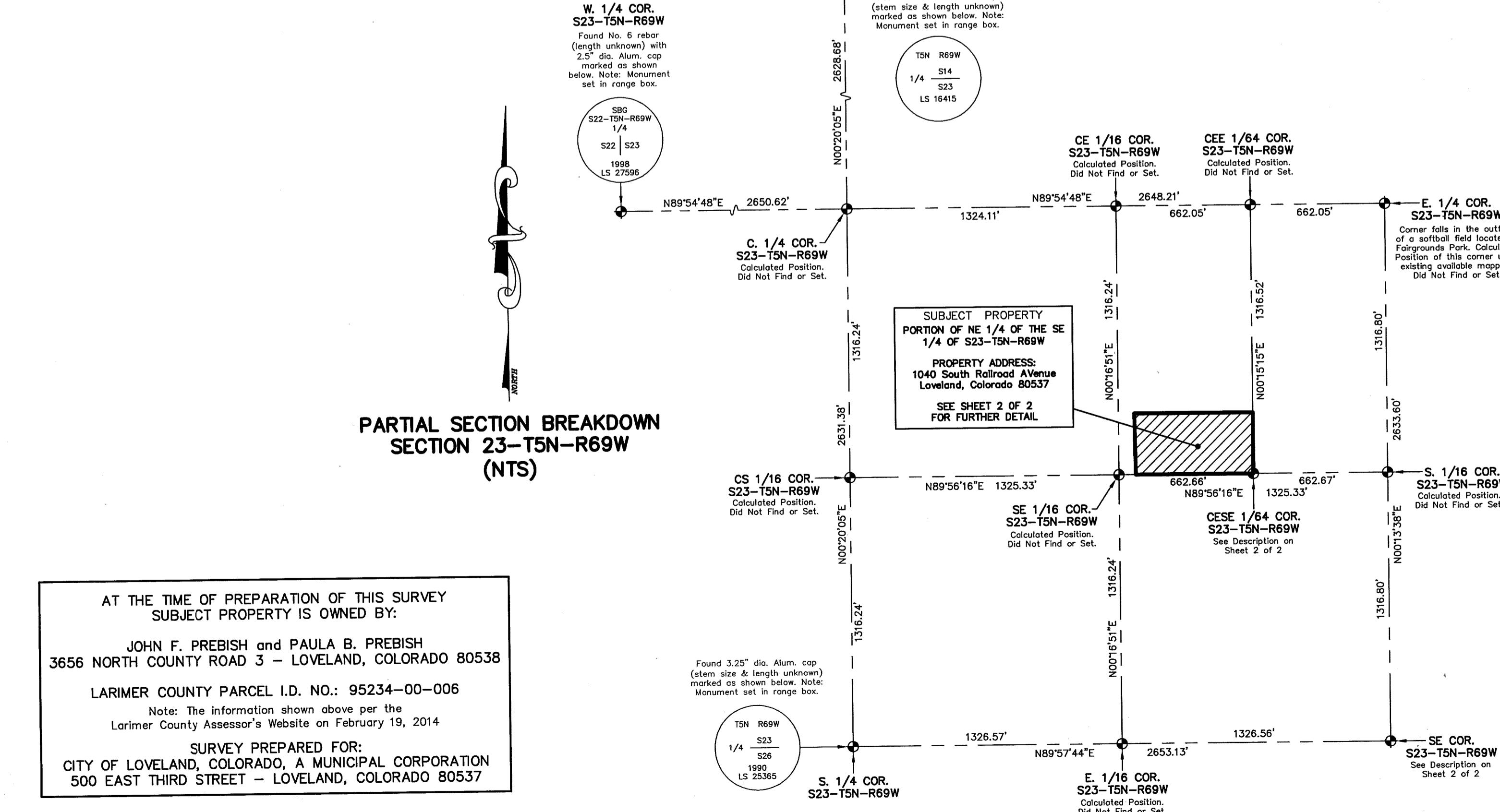
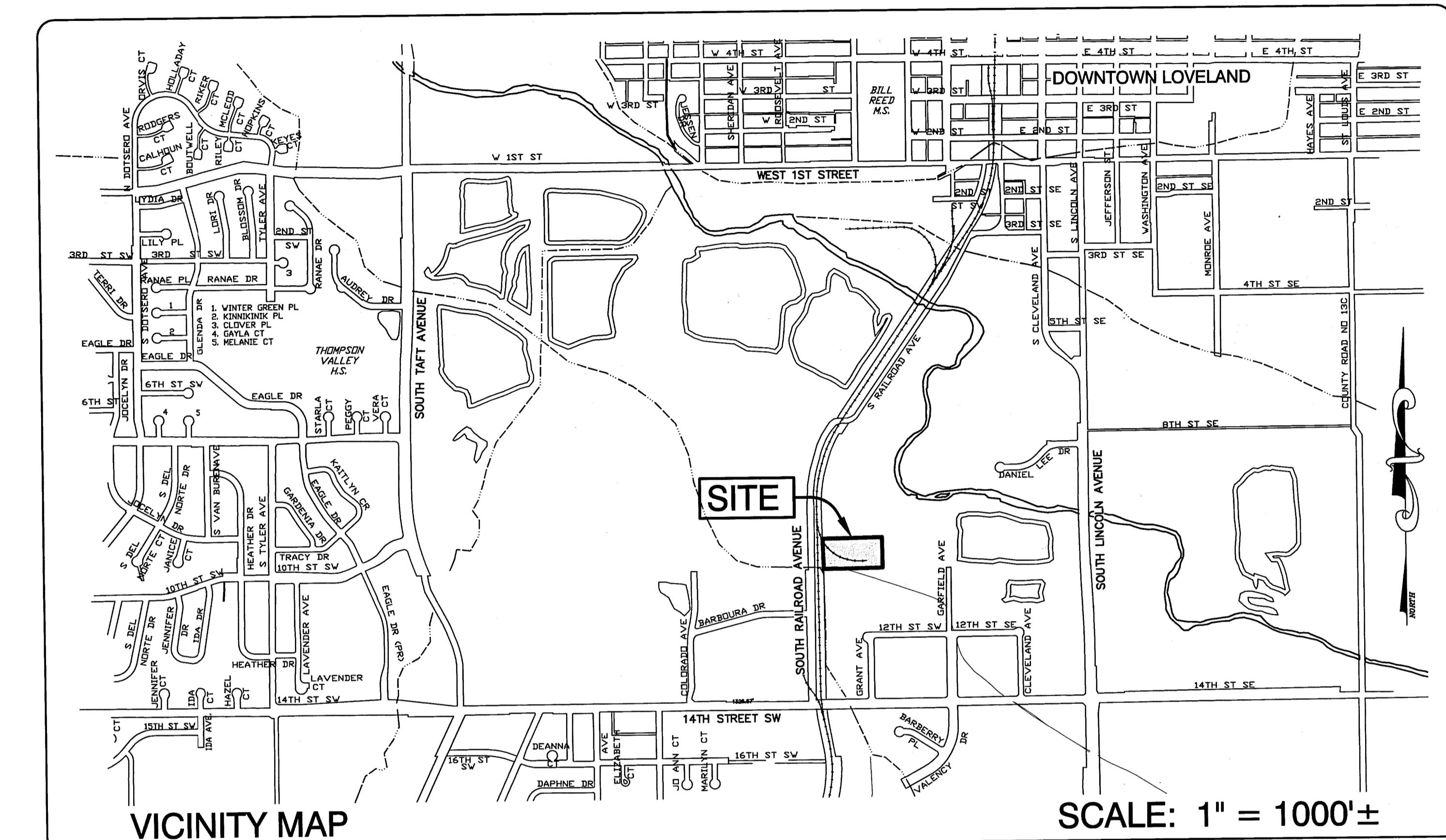
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action be based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

SUBJECT PROPERTY DESCRIPTION:

ALL THAT PORTION OF THE SE 1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS; BEGINNING AT THE SE CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION S 89° 57' 44" W, 1326.59 FEET TO THE WEST LINE OF THE E 1/2 OF THE SE 1/4 OF SAID SECTION; THENCE ALONG SAID WEST LINE N 0° 14' 27" E, 1316.18 FEET TO A 1 1/2" IRON PIPE WITH SEAL LS 4845, SAID PIPE BEING AT THE SW CORNER OF THE NE 1/4 OF SAID SECTION; THENCE ALONG SAID SOUTH LINE OF THE NE 1/4 OF SAID SECTION N 89° 56' 25" E, 83.19 FEET TO A 1 1/2" IRON PIPE, THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N 89° 56' 25" E, 580.03 FEET TO A 1 1/2" IRON PIPE ON THE EAST LINE OF THE W 1/2 OF THE E 1/2 OF SAID SECTION; THENCE ALONG SAID EAST LINE N 0° 14' 15" E, 300.00 FEET TO A 1 1/2" IRON PIPE; THENCE S 89° 56' 25" W, 586.15 FEET TO A 1 1/2" IRON PIPE; THENCE S 0° 55' 50" E, 300.03 FEET TO THE TRUE POINT OF BEGINNING.

Address of Property (for identification purposes only): 1040 South Railroad Avenue, Loveland, Colorado 80537

NOTE: The Property Description, as shown above is the same as that identified in the Commitment For Title Insurance as prepared by Land Title Gaurantee Company (Order No. FCC25121140, Effective Date of February 10, 2014) as provided to Intermill Land Surveying, Inc. by the client for the preparation of this survey.



AT THE TIME OF PREPARATION OF THIS SURVEY
 SUBJECT PROPERTY IS OWNED BY:
 JOHN F. PREBISH and PAULA B. PREBISH
 3656 NORTH COUNTY ROAD 3 – LOVELAND, COLORADO 80538
 LARIMER COUNTY PARCEL I.D. NO: 95234-00-006
 Note: The information shown above per the Larimer County Assessor's Website on February 19, 2014
 SURVEY PREPARED FOR:
 CITY OF LOVELAND, COLORADO, A MUNICIPAL CORPORATION
 500 EAST THIRD STREET – LOVELAND, COLORADO 80537

DATE: _____
 BY: _____

REVISIONS: _____

INTERMILL LAND SURVEYING, INC.
 1301 NORTH CLEVELAND AVENUE
 LOVELAND, COLORADO 80537
 BUS. (970) 669-0516 / FAX (970) 535-9775

CITY OF LOVELAND, COLORADO
 1301 NORTH CLEVELAND AVENUE
 LOVELAND, COLORADO 80537

ALTA / ACSM LAND TITLE SURVEY
 PORTION OF THE SE 1/4 OF S23-T5N-R69W, LARIMER COUNTY, COLORADO

1 (Rev 1/17-14-09)

Rezoning Assessment Report

Project: Loveland Fire Training Expansion at 1040 S. Railroad Avenue

Current Zoning: Unincorporated Larimer County – Industrial

Proposed Zoning: City of Loveland – I Industrial & FF Flood Fringe

The proposed use of the property will be a fire training facility and equipment storage in existing buildings. The Comprehensive Master Plan Land Use map calls for this area to be Industrial.

Compatibility with existing uses and Zoning in the Vicinity:

1. The existing use and zoning of all the adjacent properties is Industrial. The property to the north is currently unincorporated, but zoned Industrial in the County. The Loveland Fire Department has an existing fire training facility on the adjacent property to the east that is zoned Industrial. This property is proposed to be an extension of the current uses on that property. This use is not permitted by right and would be subject to the Special Review Process for development of a Fire Training Facility.
2. Uses permitted by right in the Industrial zone district as shown in Section 18.36.010 of the Loveland Municipal Code include the following:
 - A. Administrative, insurance and research facilities;
 - B. Experimental or testing laboratories;
 - C. Manufacturing, assembly or packaging of products from previously prepared materials;
 - D. Manufacture of electric or electronic instruments and devices;
 - E. Manufacture and preparation of food products;
 - F. Warehouses, distribution and wholesale uses;
 - G. Any industrial or manufacturing use similar in character and external effects to above uses;
 - H. Utility service facilities;
 - I. Retail and wholesale sales of products produced on site or products incidental to such products, provided such use is incidental to the primary manufacturing use;
 - J. Minor recycling processing facilities;
 - K. Accessory uses which are reasonably required to provide necessary maintenance or security of the principal use, including, a dwelling unit for occupancy as a caretaker's quarters or for occupancy by the business or property owner;

- L. Accessory buildings and uses including commercial child day care centers when incorporated as part of a development project and compatible with surrounding uses;
- M. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- N. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
- O. Bar or tavern;
- P. Car wash;
- Q. Clubs and lodges;
- R. Convention and Conference Center;
- S. Domestic animal day care facility;
- T. Food catering;
- U. Funeral home;
- V. Greenhouse;
- W. Health care service facility;
- X. Indoor recreation;
- Y. Light industrial;
- Z. Lodging establishments (hotel and motel);
- AA. Lumber yards with outdoor storage screened as required by Section 4.06 of Site Development Performance Standards and Guidelines;
- BB. Parking garage and parking lot;
- CC. Personal and business service shop;
- DD. Place of worship or assembly;
- EE. Special trade contractor's shop (any outdoor storage screened as required by Section 4.06 of Site Development Performance Standards and Guidelines);
- FF. Medical or professional office/clinic;
- GG. Office, general administrative;
- HH. Outdoor storage subject to Site Development Performance Standards and Guidelines, Section 4.06;
- II. Restaurant standard; (Ord. 5845 § 6 (part), 2014)
- JJ. Retail store;
- KK. Self-service storage facility;
- LL. Vehicle minor and major repair, servicing, & maintenance;
- MM. Vehicle rentals for cars, light trucks and light equipment;
- NN. Vehicle rentals for heavy equipment, large trucks and trailers;
- OO. Vehicle sales and leasing for cars and light trucks;

- PP. Sales & leasing of farm equipment, mobile homes, recreational vehicles, large trucks & boats with outdoor storage; and
- QQ. Veterinary facility, clinic or hospital; and
- RR. Workshop and custom small industry. Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.
- SS. Crematorium located more than 500 feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located more than 500 feet from any residential property within a Planned Unit Development, subject to Section 18.52.080. (Ord. 5446 § 7, 2009; Ord. 5114 § 2, 2006, Ord. 4246 § 1 (part), 1997; Ord. 4236 § 10, 1997; Ord. 4221 § 1 (part), 1996; Ord. 3648 § 4, 1990; Ord. 3630 § 4, 1990; Ord. 1934 §§ 1, 2, 1980; Ord. 1276 § 23, 1973; Ord. 1004 § 11.1, 1968)
- TT. Firing range, indoor; (Ord. 5845 § 6 (part), 2014)

3. The property is in the Flood Fringe District, which allows all uses by right of the underlying Industrial District with the exception of outside storage.

Consistency with Comprehensive Master Plan

The proposed development pursuant to any use for the proposed Industrial Zoning is consistent with the Comprehensive Master Plan.

1. The proposed Change of Zoning to Industrial is consistent with the surrounding properties.
2. The proposed development would not result in impacts on City infrastructure and services.
 - a. The property is currently on City of Loveland sanitary sewer.
 - b. The property is currently served by a well. There is existing City of Loveland water infrastructure adjacent to the site that could be used by the site.
 - c. The use of the property will be an expansion of the existing fire training facilities to the east, minimizing the volume of new traffic created. Demand for additional city services would be minimal.
3. The Comprehensive Master Plan Land Use map calls for this area to be Industrial. The site is an infill of a current gap within the City of Loveland's outer boundary.
4. The development of the subject property pursuant to any of the uses permitted by right or the proposed use of the property by the fire department as a training facility will not be a detriment to the health, safety and welfare of the general public.





LOVELAND FIRE TRAINING SITE
EXPANDED EXISTING SITE PLAN

DECEMBER 2, 2015



LOVELAND FIRE TRAINING SITE
EXISTING SITE PLAN

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 14, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 14, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, and McFall. Members absent: Commissioners Crescibene and Meyers. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; and Jenell Cheever, Commission Secretary.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, provided a preview of the 3/28/16 Planning Commission Agenda. **Mr. Paulsen** noted that the Temporary Uses Code Amendments may be postponed until an April Planning Commission meeting.
 - a. **Commission Ray** asked if staff can place a notice on the city's website that **Dr. Maas** will present the Thompson School District Master Plan. **Mr. Paulsen** stated that any material received from the school district will be posted on our website prior to the meeting.
2. **Mr. Paulsen** asked the commissioners if they wanted to continue receiving the monthly updates from the Building Division. The commissioners stated that they would like to continue receiving the information.
3. **Mr. Paulsen** noted that the 2015 Annual Report has been released and a hard copy was provided to the commissioners. **Mr. Paulsen** referred to the Development Review Process data on page 3 and noted that although the level of applications in 2015 nearly double since 2014, that staff performance levels and efficiency has stayed nearly the same.
4. **Mr. Paulsen** noted that Create Loveland is scheduled for a City Council study session on April 12th.
5. **Mr. Paulsen** stated that **Brett Limbaugh**, the new Director of Development Services, will begin on March 21st.
6. **Mr. Paulsen** noted that the two open positions for the Planning Commission have been advertised and applications can be submitted until March 30th.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the February 22, 2016 minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.

CONSENT AGENDA:

Commissioner Ray requested that Item 1, 5726 Byrd Drive, be removed from the consent agenda and be presented as Item 1 on the regular agenda.

REGULAR AGENDA

1. 5726 Byrd Drive Electronic Message Sign

Project Description: The Planning Commission held a public hearing on February 22, 2016 to consider an appeal of the Planning Division's decision that an electronic message sign is not permitted on the I-25 frontage of 5726 Byrd Drive. The Commissioners voted 6-1 to reverse staff's decision and find that the applicant's property qualifies for an electronic sign on I-25. Staff has provided the Commission with a brief memo and a resolution for approval of the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016.

COMMISSIONER COMMENTS:

- **Commissioner Ray** stated that he was not in favor of appealing the staff's decision and wanted the commissioners to vote on the resolution approval.
- **Commissioners Molloy and McFall** both stated that they drove by the site and are in full support of their prior vote and their decision to allow the electronic sign.

*Commission Dowding moved to approve the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016 regarding the 5726 Byrd Drive Appeal. Upon a second by **Commissioner Forrest**, the motion was approved with 5 ayes and 1 nay.*

2. Fairgrounds 8th

Project Description: This is a public hearing on a legislative matter to consider the annexation and zoning of a 4 acre property at 1040 S. Roosevelt Avenue. The property, which has been purchased by the city, is immediately west of the existing Loveland Fire Training Facility. It currently contains a few industrial buildings, and the industrial uses that were constructed prior to the city purchase continue to lease and operate on the property. The Fire Authority is interested in redeveloping the property as an expansion of the Fire Training Facility. The Fire Authority is beginning its master planning process for both development of the fire training use on this lot and for improvements to the existing facility on the lot to the east.

Staff believes that all key issues have been resolved based on city codes and standards

relevant to annexation and designation of the I-Developing Industrial zoning district for the property. The development of the lot as a Fire Training Facility will require a special review application and a neighborhood meeting along with a site development plan and building permit application. Upon submittal, these applications will be reviewed by staff for compliance with all code requirements.

Noreen Smyth, City Planner, described the location of the existing Fire Training Facility. The adjacent property was purchased with the intention of expanding the facility; however, this property must be annexed into the city and zoned Industrial prior to development. The Fire Training Facility would need to be approved through a Special Review prior to construction.

Sam Eliason, United Civil Design Group, representing the City, described the project and provided a brief description of the proposed site plan and discussed access roads to the surrounding sites.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Ray** asked how the River Walk project would be affected by building the Fire Training Facility. **Ms. Smyth** noted that the Parks and Recreation Department has reviewed the application and did not have any comments. **Ms. Smyth** noted that the Fire Training Facility would have dense buffering requirements and conflicts would be handled through the site development process.
- **Commissioner Dowding** asked what the existing Larimer County zoning is and **Ms. Smyth** noted that the property is currently zoned Industrial in the county.
- **Commissioner Forrest** asked if the property to the north is residential and if the city planned to purchase and annex any of this land. **Ms. Smyth** noted that the property to the north is under county jurisdiction and is zoned Industrial. The property appears to have residential uses. **Mark Miller**, Fire Chief, stated that this property is owned by the Probasco family and it will most likely not be feasible for the city to purchase.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:05 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 7:05 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated concerns with access to the facility due to the potential closing of Fire Engine Road. **Mr. Paulsen** stated that access would be evaluated as part of the Special Review process.

- **Commissioner Molloy** stated support for the Industrial zoning designation because it is consistent with the surrounding zoning.
- **Commissioner Ray** asked what the implications of the 100 year and 500 year flood plains are for the proposed Fire Training Facility. **Mr. Eliason** explained the boundaries of flood plain and noted that a majority of the existing Fire Training facility is in the 500 year flood plain and nothing can be built in this area. In the proposed new location, a majority of the property is in the 100 year flood plain and structures can be built as long as they meet the requirements for raised buildings. A small portion of the new location would be outside of the flood plain and would not have building restrictions based on the flood plain.
- **Commissioner Jersvig** stated he was in favor of the annexation and zoning.

*Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated March 14, 2016 and, based on those findings, recommend that City Council approve the Fairgrounds Eighth Addition to the City of Loveland and zone said land as "I-Developing Industrial." Upon a second by **Commissioner Ray**, the motion was unanimously approved.*

Commissioner Jersvig called for a recess at 7:15 p.m.

Commissioner Jersvig called the meeting to order at 7:26 p.m.

3. Zoning Overlay District Code Amendments

Project Description: This is a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. This amendment would allow property owners within designated areas to be exempted from standard zoning requirements. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity. Consideration the proposed code amendment is a legislative matter.

Mr. Paulsen stated that a Planning Commission study session was held on January 25th and noted that the Zoning Overlay District code amendment is substantially the same; however, legal clarifications have been provided and a section was added that deals with the expiration of overlay districts. **Mr. Paulsen** gave a general overview of the provisions as provided in the Staff Report.

Mr. Paulsen stated that after the study session, staff reached out to the community for their input on the proposed code amendment. This included emailing over 100 developers and development consultants, posting the information on the city's website, and publication of a newspaper article and editorial in the Reporter Herald. **Mr. Paulsen** received 6 inquiries from the outreach efforts. Of these inquiries, **Mr. Steinbicker** was the only citizen that provided written comments. A copy of the email was provided to the commissioners stating **Mr. Steinbicker's** support for the Zoning Overlay District code amendments.

Mr. Paulsen noted that this code amendment does not proactively change the zoning on any property; an application must be submitted and approved before zoning standards are altered.

Mr. Paulsen noted that the underlying zoning stays in place, indicating that the underlying zoning provisions are superseded while the flexible zoning overlay district is in place. In the event that the overlay expires or is otherwise eliminated, the underlying zoning would be re-activated.

Mr. Paulsen provided a PowerPoint presentation, providing a summary of the code provisions, the process for adoption of an overlay district and an explanation of how the overlay would work. He also outlined changes and updates made to the proposed code amendment since the January study session. **Mr. Paulsen** outlined the application process and noted that the provisions were originally structured in such a way that approval from surrounding property owners would be required. Following additional review, it was determined that the normal public hearing process would be sufficient to receive and address citizen's concerns. Through this process, the Planning Commission would be able to provide recommended conditions to City Council.

COMMISSIONER QUESTIONS

- **Commissioner Molloy** asked if the applicant would need to submit a conceptual master plan, allowing the commissioners to see what the proposed use and project site would look like. **Mr. Paulsen** stated that the process requires the applicant to provide a conceptual plan for the project that is reviewed by staff, the Planning Commission and City Council.
- **Commissioner Molloy** asked if an applicant can potentially subdivide a large piece of property and leave some of the property out of the overlay. **Mr. Paulsen** stated that the code has no provisions to prevent this from happening.
- **Commissioner Jersvig** asked how the applicant can terminate the overlay once it is approved. **Mr. Paulsen** stated that the applicant would need to go before City Council to request a termination prior to expiration date.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 8:00 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 8:00 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated she is in favor of the amendment as it allows flexibility for the applicant and the city.
- **Commissioner McFall** stated he is in favor of the amendment as this could provide a less costly option for an applicant to develop a property.
- **Commissioner Ray** stated he is generally in favor of the amendment; however, he expressed concerns that "no zoning" puts the Planning Commission in a position to

catch all potential conflicts. However, the use of overlay expirations would allow the city to try this on a temporary basis to determine effectiveness.

- **Commissioner Molloy** stated he is in favor of the amendment and agreed that the overlay expiration is necessary.
- **Commissioner Dowding** stated she is in favor of the amendment as many areas of town may benefit from this approach.
- **Commissioner Jersvig** stated he is in favor of the amendment and feels it is very well written.

Commissioner Dowding moved to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on March 14, 2016 and as described in the Planning Commission staff report dated March 14, 2016 as specified in the attachments thereto and as further amended on the record. Upon a second by Commissioner McFall, the motion was unanimously approved.

ADJOURNMENT

Commissioner Ray made a motion to adjourn. Upon a second by **Commissioner Forrest**, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 8:07 p.m.

Approved by:



Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary



Fairgrounds Eighth Addition Annexation and Zoning

City Council Public Hearing
May 3, 2016



Fairgrounds Eighth Addition

Proposal: Expansion of the adjacent Fire Training Facility

Annexation:

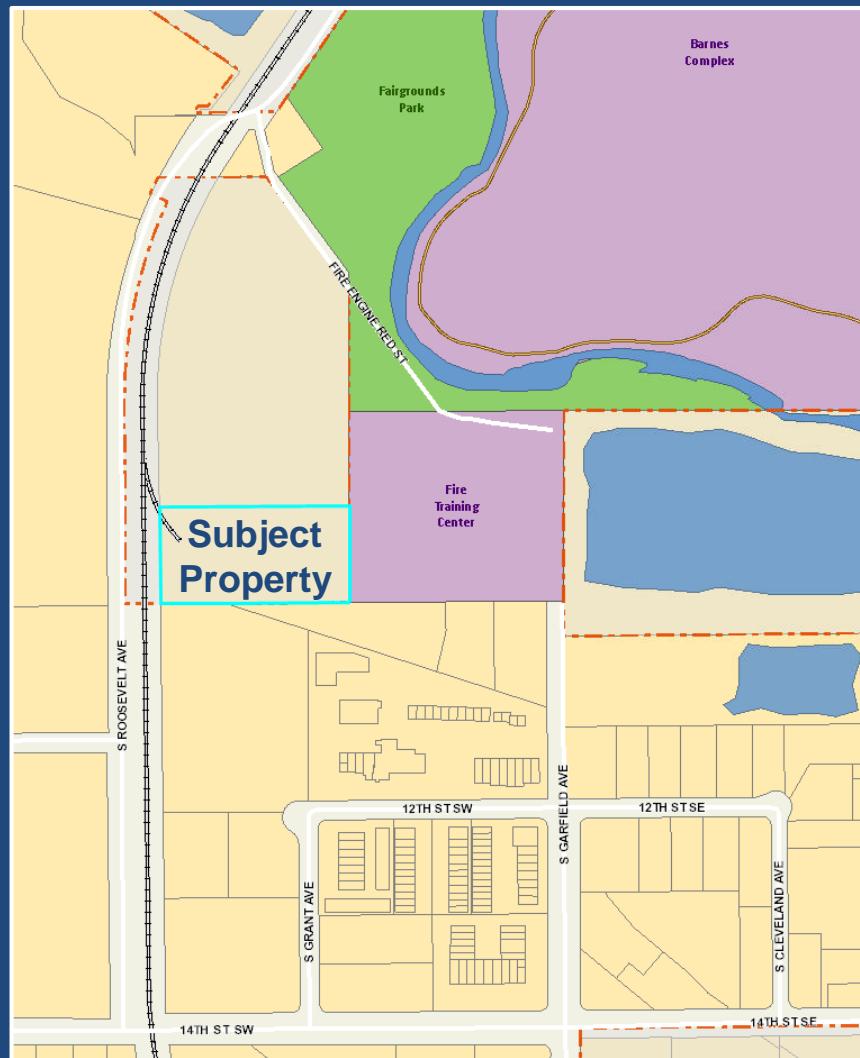
- Borders the city to the east and south
- Adjacent to existing Fire Training Facility

Zoning:

- Existing uses on site are industrial
- Proposed use is most fitting in the I-Developing Industrial District
- Existing Fire Training Facility is zoned I-Developing Industrial
- Industrial zoning on all sides

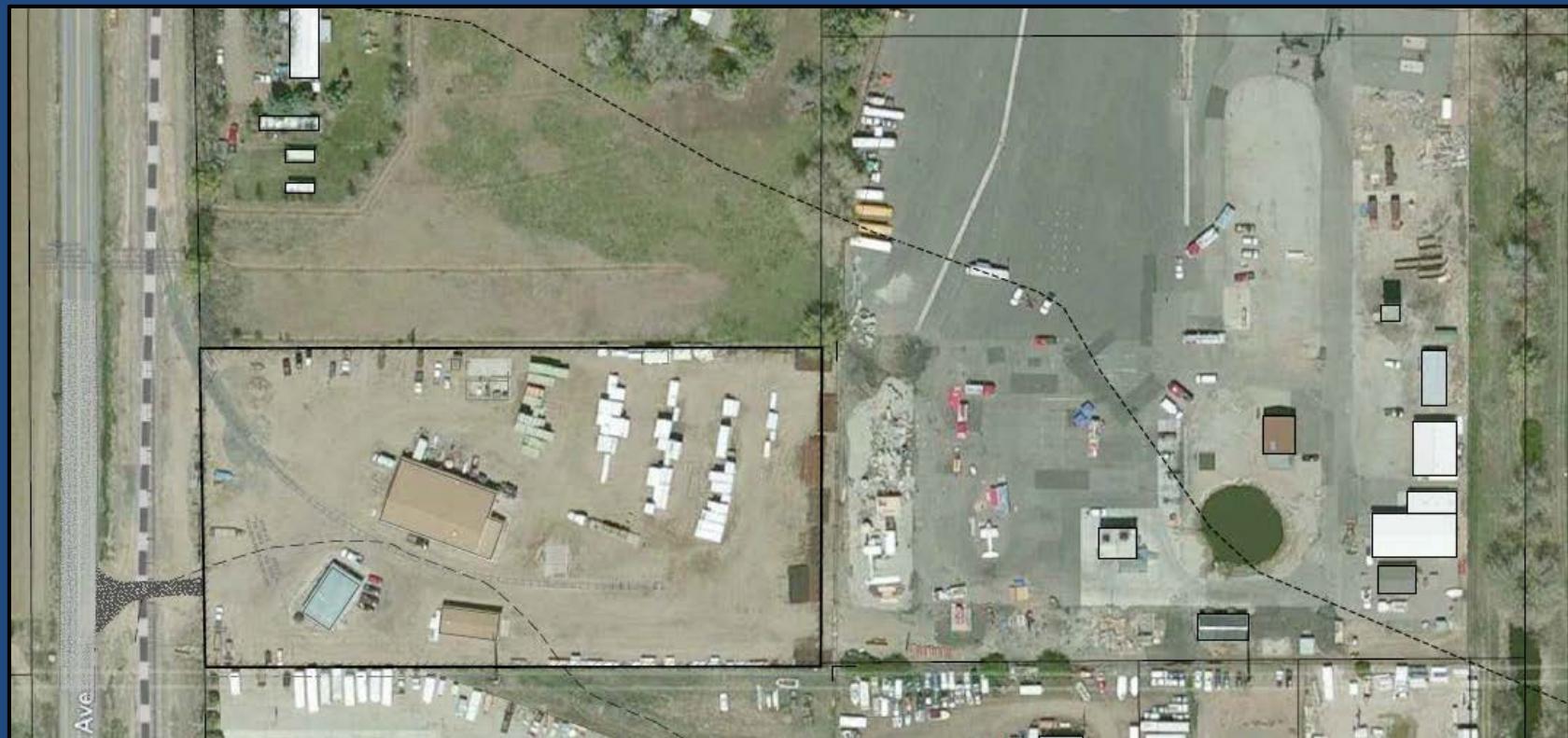


Fairgrounds Eighth Addition





Fairgrounds Eighth Addition





Fairgrounds Eighth Addition





Fairgrounds Eighth Addition

- **Special review approval is required prior to development of the expanded Fire Training Facility**
- **Planning Commission recommends City Council approval of both the annexation and zoning.**
- **No conditions recommended by staff or the Planning Commission for the annexation/zoning.**

AGENDA ITEM: 5
MEETING DATE: 5/3/2016
TO: City Council
FROM: Brett Limbaugh, Development Services
PRESENTER: Kerri Burchett, Current Planning

TITLE:

A Resolution Finding a Certain Petition for Annexation Known as Waters Edge Addition, Filed April 14, 2016, to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of Section 31-12-107(1), C.R.S.; and Establishing a Date, Time, and Place for a Hearing to Determine Whether the Proposed Annexation Complies with the Applicable Requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is Eligible for Annexation to the City of Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution setting a public hearing date for June 7, 2016.

OPTIONS:

1. Adopt the action as recommended.
2. Adopt a modified action setting an alternate public hearing date. A revised resolution would be needed with this option.

SUMMARY:

This is a legislative action to set a public hearing date of June 7, 2016 for the consideration of an annexation of 82.68 acres to be known as the Waters Edge Addition. The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. Included with the annexation proposal is a request to zone the property R1-Developing Low Density Residential. The applicant is Lynda Beierwaltes with Luxor, LLC.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

State Statutes require that City Council adopt a resolution finding that the annexation petition is in compliance with applicable requirements in 31-12-107 (1) C.R.S. The annexation petition for the Waters Edge Addition was accepted by the City Clerk on April 14, 2016. The petition demonstrates that; 1) the landowners of more than fifty percent of the area to be annexed have petitioned for annexation, 2) the annexation petition was considered complete as it contains all required information, 3) the annexation petition was submitted with an accompanying complete annexation map, and 4) the annexation petition was filed no more than 180-days from when it was signed. As a result of deeming the annexation petition complete, a public hearing date of June 7, 2016 can be set.

A neighborhood meeting was held on March 24, 2016 with 82 residents attending. Concerns were voiced regarding increased traffic, density, impacts to wildlife, overall character of the

development and loss of open space. The annexation and zoning request is scheduled for a Planning Commission public hearing on May 9, 2016.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Resolution
2. Annexation Map

R E S O L U T I O N N O. #R-31-2016

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS WATERS EDGE ADDITION, FILED APRIL 14, 2016, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on April 14, 2016, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on **Exhibit A**, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys; and

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

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on **Exhibit A**, attached hereto and incorporated herein, excluding public streets and alleys;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for June 7, 2016, at the hour of 6:00 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with Section 30 of Article II of the Colorado Constitution and with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

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

ADOPTED this 3rd day of May, 2016.

Cecil Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS WATERS EDGE ADDITION, FILED APRIL 14, 2016, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

EXHIBIT A

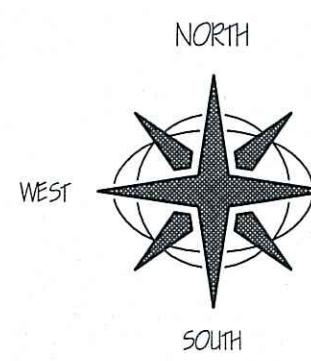
That portion of the South Half of Section 27 and that portion of the North Half of Section 34, all being in Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 27 as bearing North 89°46'28" West and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of the Southeast Quarter of said Section 27; thence along the South line of the Southwest Quarter of said Section 27 North 89°46'49" West 952.24 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of said Section 27 and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 1256.77 feet; thence departing said Westerly right-of-way of Larimer County Road No. 16 South 89°31'29" East 30.00 feet, more or less, to a point on the Westerly line of that certain parcel of land as described in Deed recorded at Reception No. 97073349, records of said County; thence along said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 North 00°28'31" East 225.76 feet and again North 51°31'32" East 179.34 feet, more or less, to a point in the Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309, records of said County; thence departing said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 and along said Southerly lines of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 the following nine (9) courses and distances: 1) South 52°15'00" East 24.41 feet; 2) North 89°40'00" East 643.24 feet; 3) North 70°31'30" East 355.66 feet; 4) North 00°00'00" East 368.32 feet; 5) North 57°43'00" West 271.65 feet; 6) North 10°46'00" East 216.89 feet; 7) North 55°40'00" East 210.16 feet; 8) South 73°01'30" East 489.04 feet; 9) South 29°17'30" East 306.32 feet, more or less, to the Northwest corner of Lakeside Terrace Third Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 and along the Westerly line of said Lakeside Terrace Third Addition South 00°13'32" West 1585.18 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; thence departing said Westerly line of said Lakeside Terrace Third Addition and along the Southerly line of said Lakeside Terrace Third Addition South 89°46'28" East 340.00 feet, more or less, to a point on the Westerly line of Lakeside Terrace Estates P.U.D. Second Addition And Subdivision to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of said Lakeside Terrace Third Addition and along the Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision the following five (5) courses and distances: 1) South 00°13'32" West 60.00 feet; 2) South 24°23'19" West 225.78 feet; 3) South 00°13'32" West 180.00 feet; 4) North 89°46'28" West 10.00 feet; 5) South 00°13'32" West 141.99 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; said

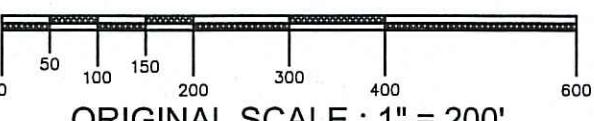
point also being a point on the Southerly right-of-way line of Larimer County Road No. 16; thence departing said Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition And Subdivision and along said Southerly right-of-way line of Larimer County Road No. 16 North 89°46'28" West 1059.46 feet and again North 89°46'49" West 952.37 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16; thence departing said Southerly right-of-way line of Larimer County Road and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.



WATERS EDGE ADDITION

BEING AN ANNEXATION OF PORTIONS OF SECTIONS 27 AND 34, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



ORIGINAL SCALE : 1" = 200'

Date of Initial Preparation: November 13, 2015

STATEMENT OF LINEAR UNITS USED:

Linear Units Used for this Survey - U.S. Survey Feet

Reservoir Summary Table

Ryan Gulch Reservoir

(UNINCORPORATED LARIMER COUNTY)

High Water Line: 5012.94' (1929 Vertical Datum)

Dam Crest Elevation vary from

Elevation 5019.44 to 5019.73 as

measured on February 26, 2016 (1929 Vertical Datum)

Approximate Limits of Ryan

Gulch Reservoir

Spiley Creek Reservoir

(UNINCORPORATED LARIMER COUNTY)

High Water Line: 5013.17 (1929 Vertical Datum)

Dam Crest Elevation vary from

Elevation 5013.17 to 5013.23 as

measured on February 26, 2016 (1929 Vertical Datum)

Approximate Limits of Spiley

Creek Reservoir

SECO 100-Year WSEL

(UNINCORPORATED LARIMER COUNTY)

High Water Line: 5018.28 (1929 Vertical Datum)

Dam Crest Elevation vary from

Elevation 5018.28 to 5018.30 as

measured on February 26, 2016 (1929 Vertical Datum)

Approximate Limits of SECO

100-Year WSEL

10% PMP

(UNINCORPORATED LARIMER COUNTY)

High Water Line: 5045.69 (1929 Vertical Datum)

Dam Crest Elevation vary from

Elevation 5045.69 to 5045.70 as

measured on February 26, 2016 (1929 Vertical Datum)

Approximate Limits of Bud

Mielke Reservoir

BUD MIELKE RESERVOIR

(UNINCORPORATED LARIMER COUNTY)

High Water Line: 5040.44 (1929 Vertical Datum)

Dam Crest Elevation measured on February 26, 2016 (1929 Vertical Datum)

DC: Indicates Dam Crest Elevation

AGENDA ITEM: 6
MEETING DATE: 5/3/2016
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Brent Worthington, Finance Director

TITLE:
March 2016 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2016.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of March 31, 2016. Citywide Revenue (excluding internal transfers) of \$67,859,002 is 101.2% of year to date (YTD) budget or \$835,899 above the budget.

Sales Tax collections are 98.8% of the YTD budget or \$129,255 below budget. For the first three months of 2016, sales tax collections have been extremely volatile, which is not unusual: generally, it takes 5-6 months for this volatility to settle into a meaningful trend. Staff is closely monitoring the retail segments that show signs of weakness.

Building Material Use Tax is 142.2% of YTD budget, or \$166,868 over budget. Sales and Use Tax collections combined were 103.7% of YTD budget or \$432,253 over budget. When the combined sales and use tax for the current year are compared to 2015 for the same period last year, they are higher by 3.2% or \$368,806.

Citywide total expenditures of \$62,837,398 (excluding internal transfers) are 78.9% of the YTD budget or \$16,792,600 under the budget.

In March, the City received FEMA reimbursements totaling more than \$1.5 million. This leaves about \$3.3 million still outstanding.

REVIEWED BY CITY MANAGER:

William D. Caine

LIST OF ATTACHMENTS:

1. March Snapshot Presentation
2. Snapshot report for March 2016

SnapShot



Citywide Revenues & Expenditures	2-3
General Fund Revenues & Expenditures	4-5
Capital Projects	5
Tax Totals & Comparison	6-7
Flood Update	8-9
Geo Codes & Sales Tax SIC	10-12
Health Care Claims	13
Activity Measures	14
Rialto Quarterly Report	15

"Loveland: a vibrant community...surrounded by natural beauty... where you belong."



Monthly Financial Report

- ◆ Citywide Revenue, excluding transfers between funds, \$67.9 million (1.2% above budget projections)
- ◆ Sales & Use Tax Collection, \$12.0 million (3.7% above budget projections)
- ◆ Citywide Expenditures, excluding transfers between funds, \$62.8 million (21.1% below budget projections)
- ◆ Citywide Revenues exceed Expenditures by \$5.0 million; Citywide Operating Revenues exceed Operating Expenditures by \$6.7 million.
- ◆ General Fund Revenue, excluding transfers between funds, \$22.7 million (3.9% above budget projections)
- ◆ General Fund Expenditures, excluding transfers between funds, \$20.0 million, (9.8% above budget projections)
- ◆ General Fund Expenditures exceed Revenues by \$1.0 million; General Fund Operating Revenues exceed Fund Operating Expenditures by \$1.7 million.



Sales / Use Tax Basics

March 2016	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2016	\$ 10,609,251	\$ 548,216	\$ 395,193	\$ 11,552,660
Actual 2016	10,479,996	942,855	562,061	11,984,913
% of Budget	98.8%	172.0%	142.2%	103.7%
Actual 2015	\$ 10,251,494	\$ 767,151	\$ 597,462	\$ 11,616,106
Change from prior yr	2.2%	22.9%	-5.9%	3.2%

Combined Statement of Revenues and Expenditures						
March 2016						
REVENUE		Current Month	YTD Actual	YTD Revised Budget	% of Budget	
General Governmental						
1	General Fund	\$ 8,924,707	\$ 22,659,205	\$ 21,817,741	103.9%	
2	Special Revenue	330,508	1,337,089	1,774,630	75.3% ¹	
3	Other Entities	4,513,752	9,435,392	8,512,492	110.8%	
4	Internal Service	1,841,507	4,890,900	4,599,341	106.3%	
5	<i>Subtotal General Govt Operations</i>	<i>15,610,473</i>	<i>38,322,586</i>	<i>36,704,204</i>	<i>104.4%</i>	
6	Capital Projects	1,141,529	2,552,821	2,086,968	122.3%	
Enterprise Fund						
7	Water & Power	9,541,202	23,517,257	24,809,176	94.8% ²	
8	Stormwater	513,139	1,494,326	1,454,037	102.8%	
9	Golf	234,144	503,751	527,821	95.4%	
10	Solid Waste	504,145	1,468,260	1,440,897	101.9%	
11	<i>Subtotal Enterprise</i>	<i>10,792,630</i>	<i>26,983,594</i>	<i>28,231,931</i>	<i>95.6%</i>	
12	Total Revenue	\$ 27,544,633	\$ 67,859,002	\$ 67,023,103	101.2%	
<i>Prior Year External Revenue</i>						
			<i>60,870,285</i>			
<i>Increase From Prior Year</i>						
			<i>11.5%</i>			
13	Internal Transfers	618,434	4,049,805	8,931,793	45.3%	
14	Grand Total Revenues	\$ 28,163,067	\$ 71,908,807	\$ 75,954,896	94.7%	
EXPENDITURES						
General Governmental						
15	General Fund	6,759,569	19,560,652	20,393,709	95.9%	
16	Special Revenue	938,867	2,500,377	2,620,876	95.4%	
17	Other Entities	4,309,737	6,687,596	9,046,394	73.9%	
18	Internal Services	832,190	3,110,609	5,284,319	58.9%	
19	<i>Subtotal General Gov't Operations</i>	<i>12,840,363</i>	<i>31,859,234</i>	<i>37,345,299</i>	<i>85.3%</i>	
20	Capital	4,386,120	12,253,832	22,911,524	53.5%	
Enterprise Fund						
21	Water & Power	6,341,034	16,349,298	16,487,419	99.2%	
22	Stormwater	243,878	640,790	858,251	74.7%	
23	Golf	315,123	605,846	644,481	94.0%	
24	Solid Waste	481,731	1,128,398	1,383,024	81.6%	
25	<i>Subtotal Enterprise</i>	<i>7,381,766</i>	<i>18,724,332</i>	<i>19,373,175</i>	<i>96.7%</i>	
26	Total Expenditures	\$ 24,608,249	\$ 62,837,398	\$ 79,629,998	78.9%	
<i>Prior Year External Expenditures</i>						
			<i>57,584,749</i>			
<i>Increase (-Decrease) From Prior Year</i>						
			<i>9.1%</i>			
27	Internal Transfers	618,434	4,049,805	7,991,251	50.7%	
28	Grand Total Expenditures	\$ 25,226,683	\$ 66,887,203	\$ 87,621,249	76.3%	

¹ Revenue is lower than projected due to timing of when capital projects are done, and federal grants are drawn on those projects.

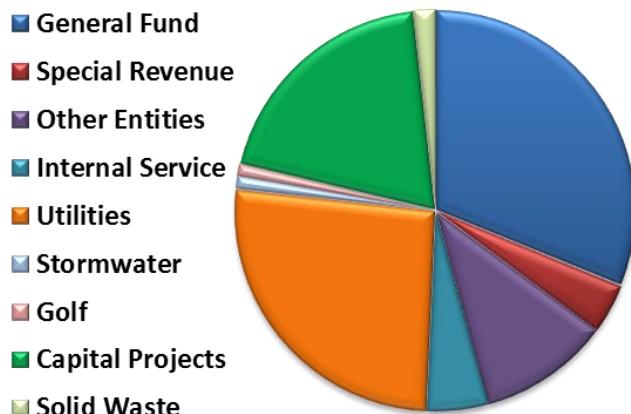
² Revenue is lower than projected due to timing of when capital projects are done, and federal grants are drawn on those projects.

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

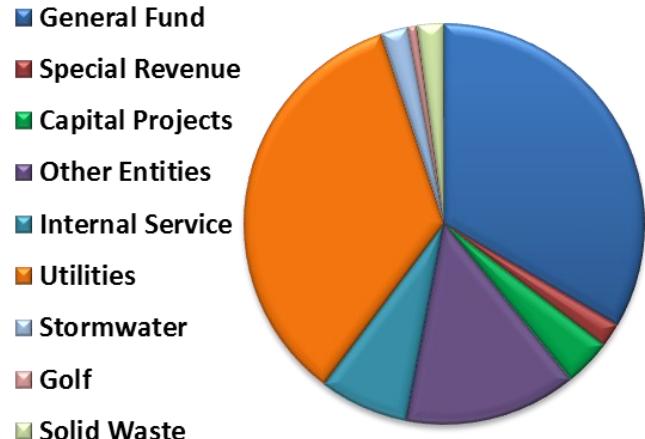
Other Entities Fund: Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority, Loveland Fire and Rescue Authority.

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

YTD Operating Expenditures of \$62.9 Million

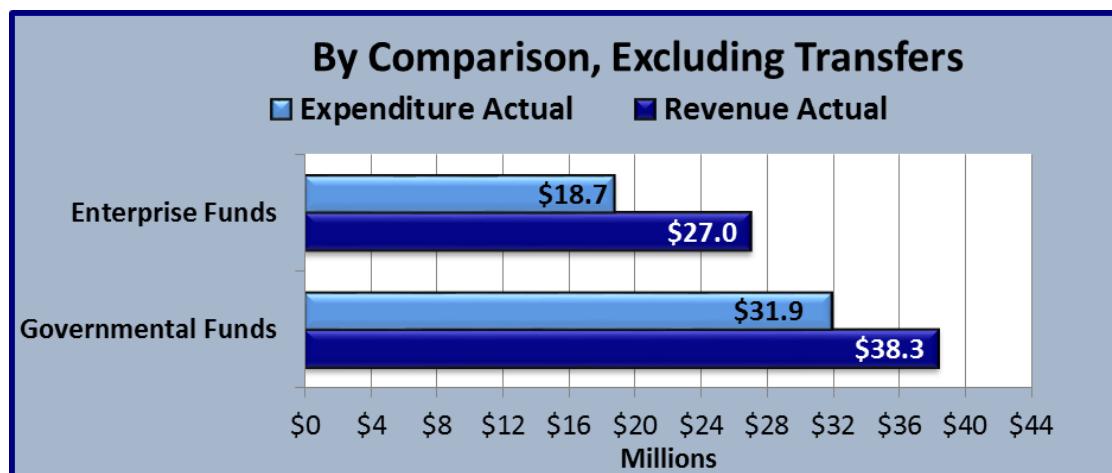


YTD Operating Revenues of \$67.9 Million



By Comparison, Excluding Transfers

Expenditure Actual Revenue Actual



- ♦ General Fund Revenue, excluding capital and transfers between funds, \$22.7 million (3.9% above budget projections)
 - * 5.0% above 2015 YTD
- ♦ General Fund Expenditures, excluding capital and transfers between funds, \$19.6 million (4.1% below budget projections)
 - * 13.6% above 2015 YTD
- ♦ Water & Power Revenue, excluding transfers between funds, \$23.5 million (5.2% below budget projections)
 - * 14.4% above 2015 YTD
- ♦ Water & Power Expenditures, excluding transfers between funds, \$16.3 million (0.8% below budget projections)
 - * 5.1% above 2015 YTD
- ♦ Other Entities Fund Revenue, excluding transfers between funds, \$9.4 million (10.8% above budget projections)
 - * 25.0% above 2015 YTD
- ♦ Other Entities Expenditures, excluding capital and transfers between funds, \$6.7 million (26.1% below budget projections)
 - * 5.7% above 2015 YTD

General Fund Revenue & Expenditures March 2016					
REVENUES	Current Month	YTD Actual	YTD Revised	% of	
1 Taxes					
2 Property tax	\$ 2,819,252	\$ 3,068,007	\$ 2,661,550	115.3%	
3 Sales tax	2,924,575	10,479,996	10,609,251	98.8%	
4 Building use tax	178,825	562,061	395,193	142.2%	
5 Auto use tax	308,532	942,855	548,216	172.0%	
6 Other taxes	274,755	725,828	732,112	99.1%	
7 Intergovernmental	143,253	159,724	118,042	135.3%	
8 License & Permits					
9 Building Permits	168,223	500,243	736,800	67.9% ¹	
10 Other Permits	11,175	53,515	42,630	125.5%	
11 Charges for Services	1,263,216	3,982,643	3,847,637	103.5%	
12 Fines & Forfeitures	101,224	259,274	229,610	112.9%	
13 Interest Income	43,405	84,868	82,110	103.4%	
14 Miscellaneous	688,270	1,840,190	1,814,590	101.4%	
15 Subtotal	8,924,707	22,659,205	21,817,741	103.9%	
16 Interfund Transfers	6,850	45,550	45,550	100.0%	
17 Total Revenue	\$ 8,931,557	\$ 22,704,755	\$ 21,863,291	103.8%	
EXPENDITURES					
Operating Expenditures					
18 Legislative	12,701	42,841	38,200	112.1% ²	
19 Executive & Legal	250,964	622,021	609,632	102.0%	
20 City Clerk & Court Admin	47,605	124,261	131,730	94.3%	
21 Economic Development	224,697	612,300	2,401,848	25.5%	
22 Cultural Services	198,638	490,857	493,961	99.4%	
23 Development Services	332,346	845,555	966,765	87.5%	
24 Finance	489,409	1,241,515	1,200,258	103.4%	
25 Fire & Rescue	-	-	-	0.0%	
26 Human Resources	129,063	305,900	301,465	101.5%	
27 Information Technology	309,866	1,129,911	1,144,346	98.7%	
28 Library	333,166	853,978	857,831	99.6%	
29 Parks & Recreation	967,850	2,237,278	2,279,224	98.2%	
30 Police	2,159,080	5,710,501	5,356,346	106.6%	
31 Public Works	536,399	1,294,041	1,451,833	89.1%	
32 Water/ Waste Operations	-	-	-	0.0%	
33 Non-Departmental	955,671	4,481,833	4,940,270	90.7%	
34 Subtotal Operating	6,947,453	19,992,793	22,173,708	90.2%	
35 Internal Transfers	327,737	1,717,932	3,941,632	43.6%	
36 Total Expenditures	\$ 7,275,190	\$ 21,710,725	\$ 26,115,340	83.1%	

¹ Revenue is lower than projected due to less Multi-Family construction and commercial improvements.

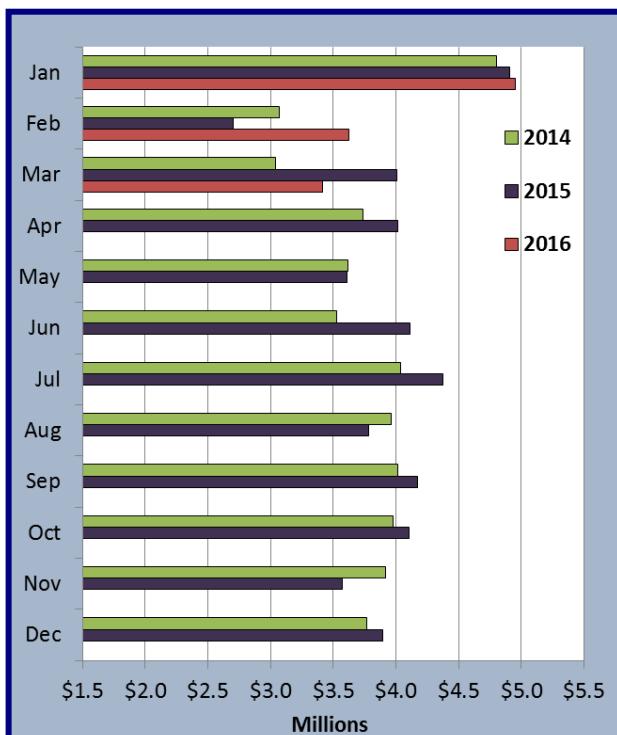
² Expenditures are higher than anticipated due to expenses related to the City Council Workshop and new City Council Portrait.

Capital Projects \$500,000+

P.91

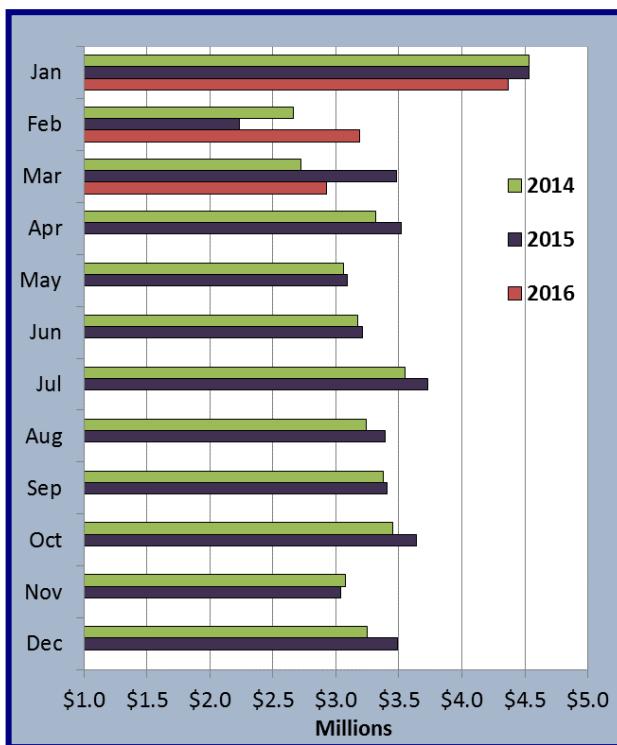
Project Title	2016 Budget	2016 Expenditures	Remaining 2016	% of 2016 Budget
Water Capital				
WTP Phase II Expansion (38 MGD)	\$ 535,417	\$ 1,694,599	\$ (1,159,182)	316.50%
2016 Water Line Replacement	722,800	84,313	638,487	11.66%
Raw Water Capital				
Windy Gap Firming Project	2,406,660	1,118,956	1,287,704	46.49%
Wastewater Utility Capital				
WWTP Expansion	27,101,493	-	27,101,493	0.00%
Southside Lift Station	1,284,980	262,828	1,022,152	20.45%
Power Capital				
Phase 2 of Canyon Voltage Conversion - Glade Rd to WTP	754,250	-	754,250	0.00%
OH to UG conversion Circuit 411	555,660	-	555,660	0.00%
OH to UG conversion 29th St - Madison to Hwy 287	750,000	4,132	745,868	0.55%
OH to UG conversion - RR tracks N of 10th	1,400,000	-	1,400,000	0.00%
OH to UG conversion - Downtown Catalyst	1,400,000	301	1,399,699	0.02%
Land purchase for new substation	1,700,000	-	1,700,000	0.00%
Transfer load from 1012-621 - Crossroads to Fairgrounds	950,000	1,481	948,519	0.16%
Install 750 AL - Crossroads Sub N. to CR30, E. to I-25	1,000,000	-	1,000,000	0.00%
Extend feeders - Crossroads C2 into system	700,000	-	700,000	0.00%
Stormwater Capital				
Benson Park Culvert Improvements	1,000,509	509	1,000,000	0.05%
Airport Basin North Outfall	1,502,743	2,945	1,499,798	0.20%
All Other				
Replace General Spartan Engine	652,300	-	652,300	0.00%
Viestenz-Smith Mountain Park Redevelopment	2,865,610	15,241	2,850,369	0.53%
Museum Collections Storage Building	2,400,000	2,079,779	320,222	86.66%
Open Lands Acquisition & Restoration	4,156,000	-	4,156,000	0.00%
Neighborhood Park East	1,900,000	-	1,900,000	0.00%





Sales & Use Tax

	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 4,801,433	\$ 4,908,517	\$ 4,950,022	\$ 5,026,356	-1.5%
Feb	3,066,965	2,700,204	3,622,959	3,115,503	16.3%
Mar	3,037,688	4,007,386	3,411,932	3,410,801	0.0%
Apr	3,737,255	4,011,633		3,950,876	
May	3,614,459	3,611,468		3,686,850	
Jun	3,525,536	4,116,214		3,636,050	
Jul	4,038,555	4,375,627		4,286,198	
Aug	3,962,915	3,783,694		4,104,437	
Sep	4,014,321	4,170,066		4,103,238	
Oct	3,974,590	4,102,720		4,138,714	
Nov	3,919,205	3,572,713		3,898,651	
Dec	3,763,933	3,894,616		3,933,615	
	\$ 45,456,855	\$ 47,254,859	\$ 11,984,913	\$ 47,291,289	
YTD	\$ 10,906,086	\$ 11,616,106	\$ 11,984,913	\$ 11,552,660	3.7%

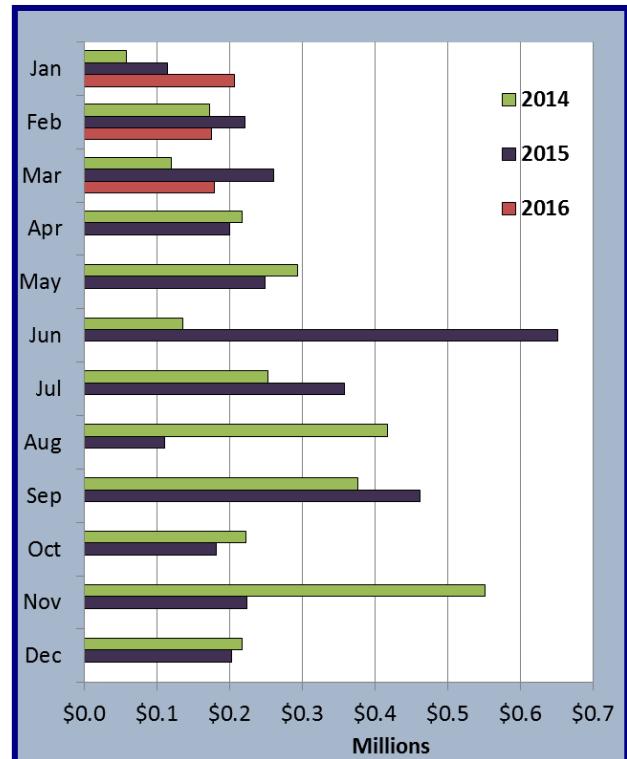


Retail Sales Tax

	2014	2015	2016	2016 Budget	+ / - Budget
Jan	\$ 4,531,650	\$ 4,535,554	\$ 4,365,416	4,697,419	-7.1%
Feb	2,658,798	2,235,775	3,190,005	2,770,381	15.1%
Mar	2,719,254	3,480,164	2,924,575	3,141,451	-6.9%
Apr	3,317,905	3,521,350		3,596,856	
May	3,059,076	3,092,253		3,217,352	
Jun	3,170,467	3,208,195		3,335,420	
Jul	3,546,945	3,727,389		3,870,943	
Aug	3,241,521	3,389,010		3,495,655	
Sep	3,374,248	3,408,259		3,563,123	
Oct	3,448,473	3,642,285		3,693,841	
Nov	3,077,404	3,034,997		3,289,036	
Dec	3,246,097	3,486,297		3,495,655	
	\$ 39,391,838	\$ 40,761,528	\$ 10,479,996	\$ 42,167,132	
YTD	\$ 9,909,702	\$ 10,251,494	\$ 10,479,996	\$ 10,609,251	-1.2%

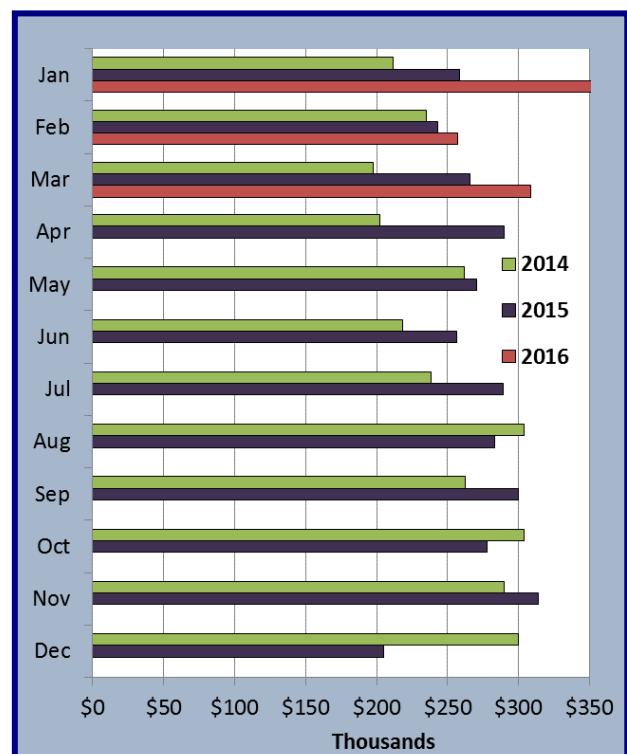
Building Materials Use Tax

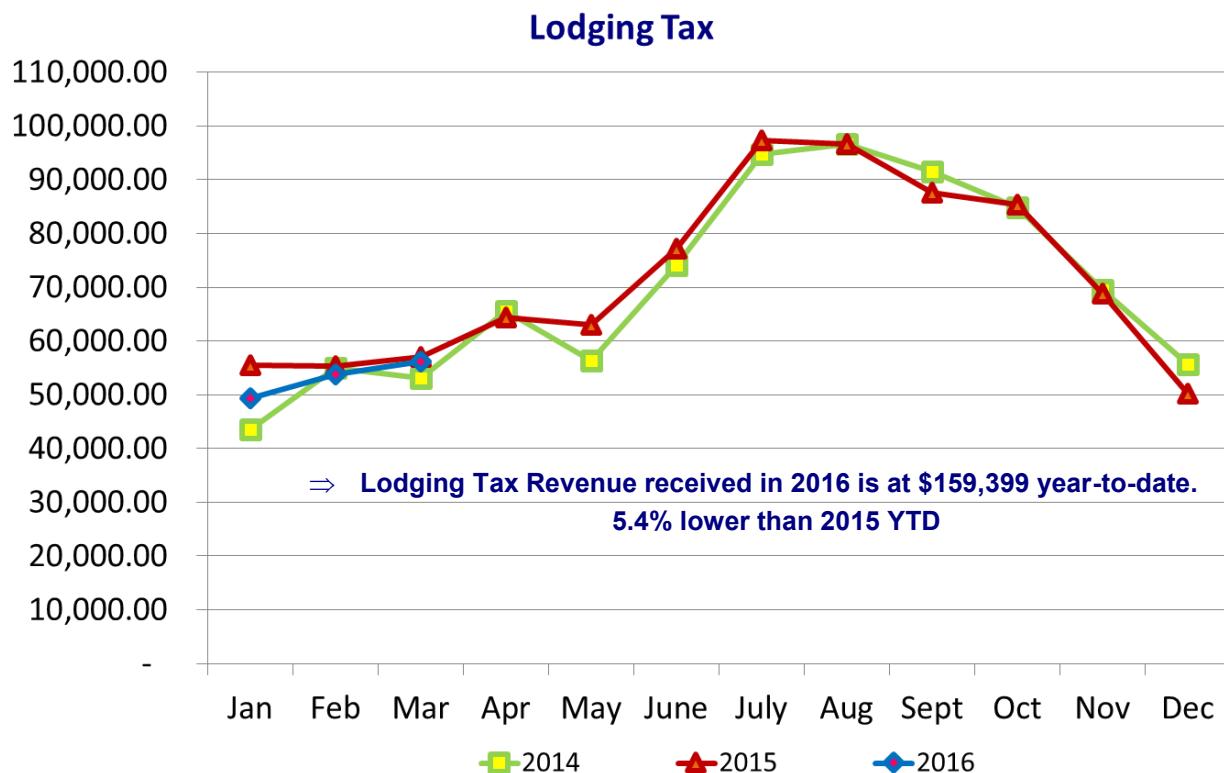
	2014	2015	2016	2016	+ / -
Jan	\$ 57,942	\$ 114,444	\$ 207,531	148,689	39.6%
Feb	173,295	221,517	175,706	145,302	20.9%
Mar	120,768	261,500	178,825	101,202	76.7%
Apr	217,134	200,708		182,010	
May	293,543	248,738		246,503	
Jun	136,432	651,849		114,457	
Jul	253,077	358,806		212,345	
Aug	417,801	111,575		350,509	
Sep	377,319	462,146		316,605	
Oct	222,297	182,690		186,343	
Nov	551,682	223,788		362,672	
Dec	217,712	203,069		182,520	
	\$ 3,039,002	\$ 3,240,831	\$ 562,061	\$ 2,549,157	
YTD	\$ 352,005	\$ 597,462	\$ 562,061	\$ 395,193	42.2%



Motor Vehicle Use Tax

	2014	2015	2016	2016	+ / -
Jan	\$ 211,841	\$ 258,519	\$ 377,075	180,248	109.2%
Feb	234,872	242,911	257,248	199,820	28.7%
Mar	197,666	265,721	308,532	168,148	83.5%
Apr	202,216	289,575		172,010	
May	261,840	270,477		222,995	
Jun	218,637	256,170		186,173	
Jul	238,533	289,432		202,910	
Aug	303,593	283,109		258,273	
Sep	262,754	299,661		223,510	
Oct	303,820	277,746		258,530	
Nov	290,119	313,928		246,943	
Dec	300,124	205,249		255,440	
	\$ 3,026,015	\$ 3,252,500	\$ 942,855	\$ 2,575,000	
YTD	\$ 644,379	\$ 767,151	\$ 942,855	\$ 548,216	72.0%



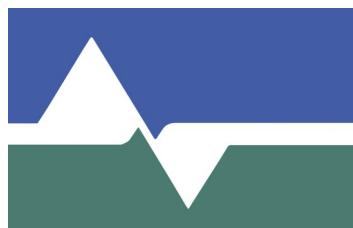


Building Permit Comparison History

— Monthly Flood Update —

P.95

Cost Estimates		
Emergency Response		\$ 2,000,000
Business Assistance		600,000
Capital		27,906,129
Total		\$ 30,506,129
Actual Expenditures		
	March	To Date
Total	\$ 120,098	\$ 22,578,075
Reimbursements Applied For		
	March	To Date
FEMA	\$ 1,133,032	\$ 11,401,427
CIRSA		7,119,891
Other	29,445	734,535
Total	\$ 1,162,476	\$ 19,255,853
Reimbursements Received		
	March	To Date
FEMA	\$ 1,531,821	\$ 8,130,884
CIRSA	-	\$ 7,119,891
Other	29,445	\$ 734,534
Total	\$ 1,561,265	\$ 15,985,309



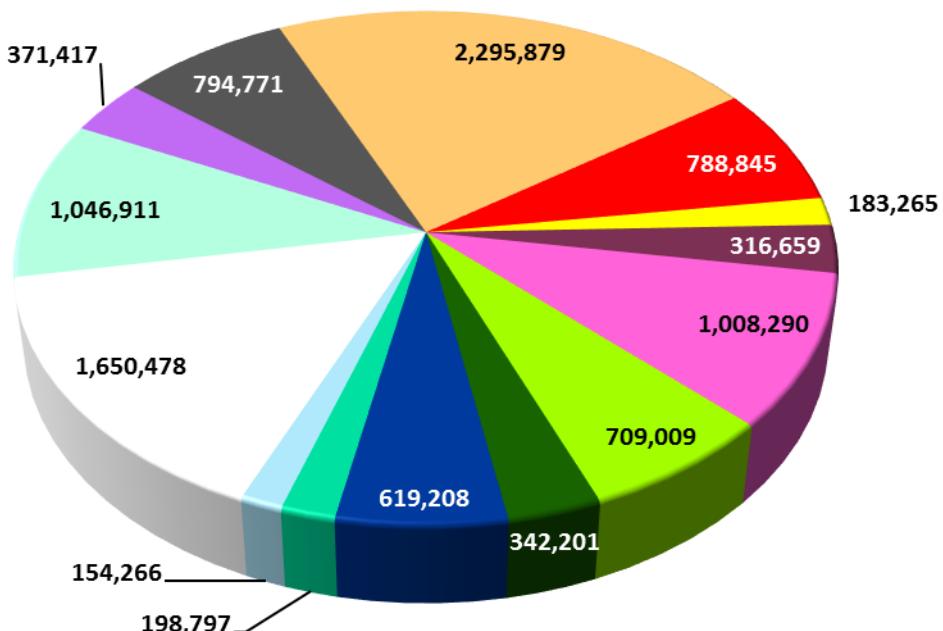
Geographical Codes

P.96

Geographical Area		YTD 2016	YTD 2015	Change
South East Loveland		\$ 2,295,879	\$ 2,259,436	1.6%
North West Loveland		1,046,911	1,026,779	2.0%
Centerra		1,008,290	1,001,981	0.6%
North East Loveland		794,771	785,768	1.1%
Orchards Shopping Center		788,845	716,222	10.1%
Promenade Shops		709,009	753,148	-5.9%
Thompson Valley Shopping Center		619,208	595,622	4.0%
South West Loveland		371,417	331,431	12.1%
Outlet Mall		342,201	357,347	-4.2%
Downtown		316,659	304,502	4.0%
The Ranch		198,797	203,729	-2.4%
Columbine Shopping Center		183,265	180,342	1.6%
Airport		154,266	94,318	63.6%
All Other Areas (1)		1,650,478	1,640,868	0.6%
Total		\$10,479,996	\$10,251,493	2.2%

(1) Refers to sales tax remitted by vendors who are located outside of the City but make sales to customers within Loveland.

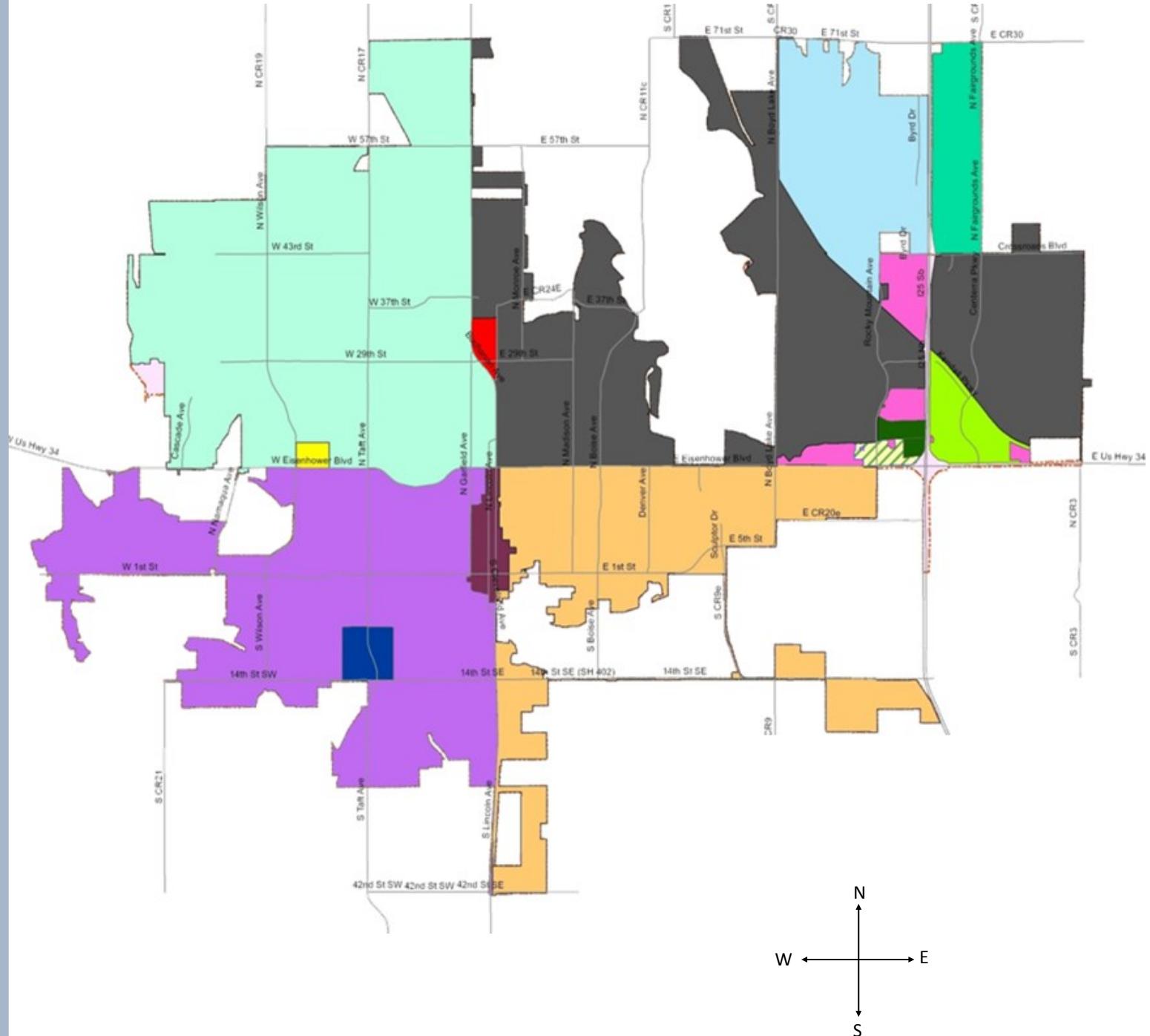
- North West Loveland
- North East Loveland
- Orchards Shopping Center
- Downtown
- Promenade Shops
- Thompson Valley Shopping Center
- Airport
- South West Loveland
- South East Loveland
- Columbine Shopping Center
- Centerra
- Outlet Mall
- The Ranch
- All Other Areas



Map →

Geographical Codes

P.97



Sales Tax Collections

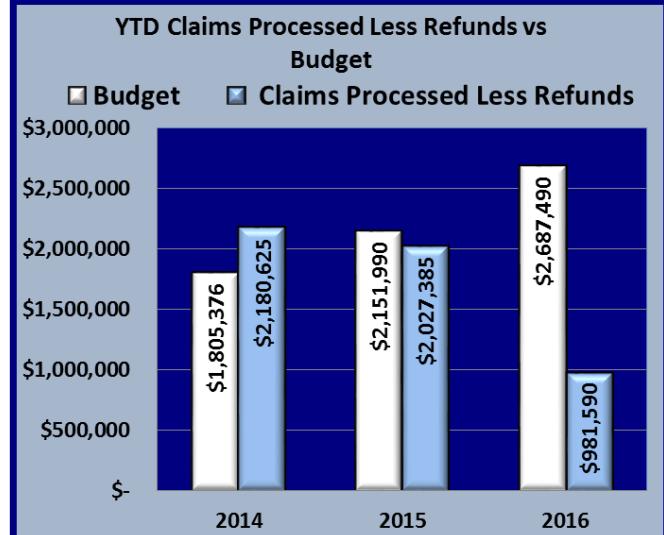
P.98

Description	YTD 2016	YTD 2015	\$ Change	% Change	% of Total	Total %
Department Stores & General Merchandise	\$ 1,994,730	\$ 2,021,799	\$ (27,069)	-1.3%	19.0%	19.0%
Restaurants & Bars	1,316,969	1,266,299	50,670	4.0%	12.6%	31.6%
Grocery Stores & Specialty Foods	1,287,949	1,224,061	63,888	5.2%	12.3%	43.9%
Motor Vehicle Dealers, Auto Parts & Leasing	736,284	706,082	30,202	4.3%	7.0%	50.9%
Clothing & Clothing Accessories Stores	693,367	736,999	(43,632)	-5.9%	6.6%	57.5%
Building Material & Lawn & Garden Supplies	674,345	600,791	73,554	12.2%	6.4%	64.0%
Utilities	575,512	596,374	(20,862)	-3.5%	5.5%	69.5%
Sporting Goods, Hobby, Book & Music Stores	491,348	469,234	22,114	4.7%	4.7%	74.1%
Used Merchandise Stores	363,458	351,556	11,902	3.4%	3.5%	77.6%
Broadcasting & Telecommunications	300,844	347,316	(46,472)	-13.4%	2.9%	80.5%
Beer, Wine & Liquor Stores	264,437	250,010	14,427	5.8%	2.5%	83.0%
Consumer Goods & Commercial Equipment Rental	260,889	218,565	42,324	19.4%	2.5%	85.5%
Electronics & Appliance Stores	231,868	188,243	43,625	23.2%	2.2%	87.7%
Hotels, Motels & Other Accommodations	200,171	214,433	(14,262)	-6.7%	1.9%	89.6%
Health & Personal Care Stores	195,060	188,069	6,991	3.7%	1.9%	91.5%
Electronic Shopping & Mail-Order Houses	176,348	191,439	(15,091)	-7.9%	1.7%	93.2%
Furniture & Home Furnishing Stores	155,344	135,569	19,775	14.6%	1.5%	94.6%
Gasoline Stations with Convenience Stores	96,604	99,105	(2,501)	-2.5%	0.9%	95.6%
Office Supplies, Stationery & Gift Stores	77,093	86,715	(9,622)	-11.1%	0.7%	96.3%
All Other Categories	387,376	358,834	28,542	8.0%	3.7%	100.0%
Total	\$10,479,996	\$10,251,493	\$ 228,503	2.2%	100.0%	

Claims Incurred

	OAP	HRA	Total
Mar	757,463	228,920	986,383
YTD	2,333,250	493,271	2,826,521
Mar	640,398	187,717	828,115
YTD	2,365,015	567,813	2,932,828
Mar	117,065	41,203	158,268
Mar	18.3%	21.9%	19.1%
YTD	(31,765)	(74,542)	(106,307)
% YTD	-1.3%	-13.1%	-3.6%

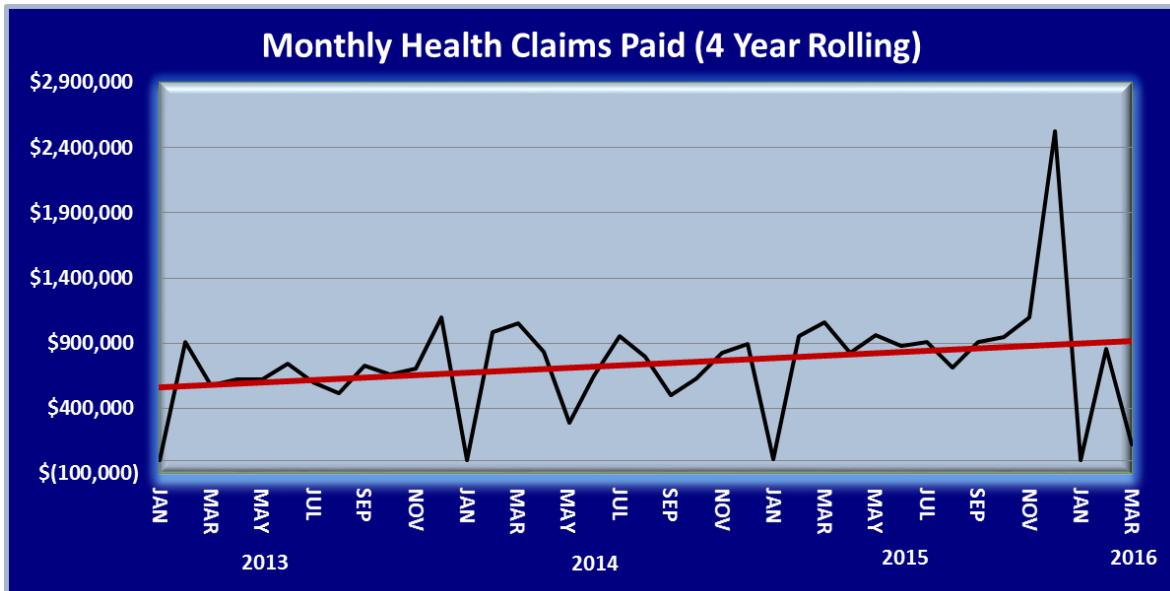
Change 2015 2016



⇒ HRA—Health Reimbursement Arrangement

⇒ OAP—Open Access Plan

Incurred claims are total expenses the City is obligated to pay for claims, including claims paid and unpaid. Paid claims are those claims that have been paid and reconciled through the bank to-date, which may not reflect Stop Loss reimbursements or other refunds.



Comparison of YTD Claims Over \$25k				
March	2013	2014	2015	2016
# of claims	12	23	22	12
YTD Cost of high claims	\$612,323	\$1,681,200	\$1,433,744	\$875,394

⇒ 2016 # of StopLoss claims: 0

⇒ Projected YTD Reimbursements: \$0
(claims over \$175k paid by StopLoss Carrier)

Activity Measures

P.100

Measures	Mar 2014	Mar 2015	Mar 2016	2014 YTD	2015 YTD	2016 YTD	
# of Building Permits	145	215	227	455	545	584	
Building Permit Valuations	\$ 8,356,735	\$ 17,998,339	\$ 13,952,972	\$ 35,531,935	\$ 40,088,191	\$ 44,373,716	
# of Certified Occupancies	16	17	63	37	80	162	
Net # of Sales Tax Licenses	(63)	(12)	(28)	(126)	(60)	(41)	
New Residential Electric Meter Sets	12	105	41	105	243	152	
# of Utility Bills Sent	36,804	37,373	38,287	110,233	111,864	114,709	
Rounds of Golf	5,252	7,007	4,605	6,358	11,719	7,028	
\$ Average Health Claim Costs/Emp.	\$ 1,268	\$ 1,216	\$ 1,380	\$ 1,030	\$ 1,479	\$ 1,442	
KWH Demand (kH)	90,246	95,581	83,594	292,851	291,978	273,965	
KWH Purchased (kwh)	58,218,182	58,944,759	58,228,289	123,585,983	182,954,741	177,304,579	
Gallons of Water Sold	131,233,169	141,193,276	139,332,161	434,762,390	453,472,733	431,086,188	
# of Workers' Comp Claims 2015	7	10	5	15	24	22	
\$ of Workers' Comp Claims Paid 2015	\$ 88,105	\$ 27,189	\$ 75,577	\$ 159,735	\$ 163,830	\$ 118,638	
# of Total Open Claims	15	16	13	<i>Not Cumulative</i>			
\$ of Total Open Claims	\$ 471,962	\$ 423,712	\$ 395,690	<i>Not Cumulative</i>			
\$ of Lodging Tax Collected	\$ 53,063	\$ 57,107	\$ 56,227	\$ 151,463	\$ 168,017	\$ 159,399	



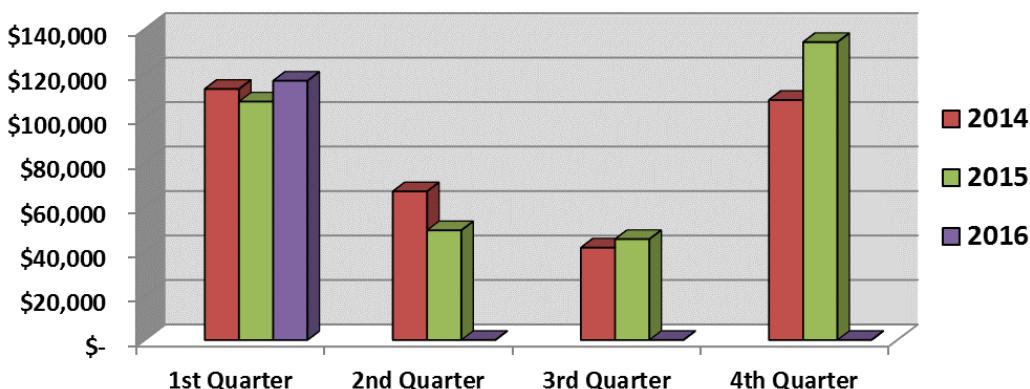
Quarterly Rialto Report

P.101

**City of Loveland
Statement of Results of Operations for Rialto Theater Center
For Quarter Ending 3/31/2016**

	2016 YTD Amount	2016 YTD Budget	% of Budget	2015 YTD	Change from Prior Year
Rialto Theater					
Rialto Theater Revenues					
Revenues from Operations	67,348	51,150	131.67%	59,042	14.07%
Gifts/Donations	20,100	7,500	268.00%	20,000	0.50%
Transfers from Lodging Tax Fund	25,000	25,000	100.00%	25,000	0.00%
Total Rialto Theater Revenues	112,448	83,650	134.43%	104,042	8.08%
Rialto Theatre Expenses					
Personnel Costs	85,143	67,330	126.46%	74,812	13.81%
Supplies	5,105	6,083	83.94%	6,105	-16.38%
Purchased Services	55,243	29,882	184.87%	45,996	20.10%
Capital Outlay	-	-	0.00%	-	0.00%
Total Direct Costs	145,491	103,295	140.85%	126,914	14.64%
Administrative Allocations	45,900	45,900	100.00%	38,080	20.54%
Total Rialto Theater Expenses	191,391	149,195	128.28%	164,994	16.00%
Rialto Theater Net Income (Loss)	(78,943)	(65,545)	120.44%	(60,952)	29.52%
Rialto Event Center					
Rialto Event Center Revenues					
Revenues from Operations	4,130	4,170	99.04%	3,166	30.45%
Gifts/Donations	-	-	0.00%	-	0.00%
Total Event Center Revenues	4,130	4,170	99.04%	3,166	30.45%
Rialto Event Center Expenses					
Personal Services	4,965	7,070	70.23%	9,235	-46.23%
Supplies	59	550	10.65%	-	-
Purchased Services	-	12,880	0.00%	(13,306)	-100.00%
Capital Outlay	-	-	0.00%	-	0.00%
Total Rialto Event Center Expenses	5,024	20,500	24.51%	(4,071)	-223.40%
Rialto Event Center Net Income (Loss)	(894)	(16,330)	5.47%	7,237	-112.35%
Grand Total Rialto Theater Center Revenues	116,578	87,820	132.75%	107,208	8.74%
Grand Total Rialto Theater Center Expenses	196,415	169,695	115.75%	160,923	22.06%
Rialto Theater Center Net Income (Loss)	(79,837)	(81,875)	97.51%	(53,715)	48.63%

Rialto Theater Center Quarterly Revenue Comparison



SnapShot

March 2016



**Financial Sustainability
Strategies Can Be
Found At:
CityofLoveland.org**

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

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

For more information regarding this report contact:

Brent Worthington

Finance Director

970.962.2300 or brent.worthington@cityofloveland.org



April 19, 2016

TO: Mayor and City Council
FROM: Susan Ison, Cultural Services Director
RE: Rialto Theater Center First Quarter Report

Revenue for the Rialto Theater Center (RTC) continues to track higher than previous first quarters. Expenses, specifically Purchased Services, are also tracking higher, but that is due to early activity in contracting for performances later in the year.

Snapshot

**March
2016**

Brent Worthington
Finance Director

Presented
May 3, 2016

March 2016 Snapshot

- Citywide Revenue
 - 67.9 million, excluding transfers
 - 1.2% above budget projections
- Citywide Expenditures
 - \$62.8 million, excluding transfers
 - 21.1% below budget projections
- Citywide revenues exceed expenditures by \$5.0 million.

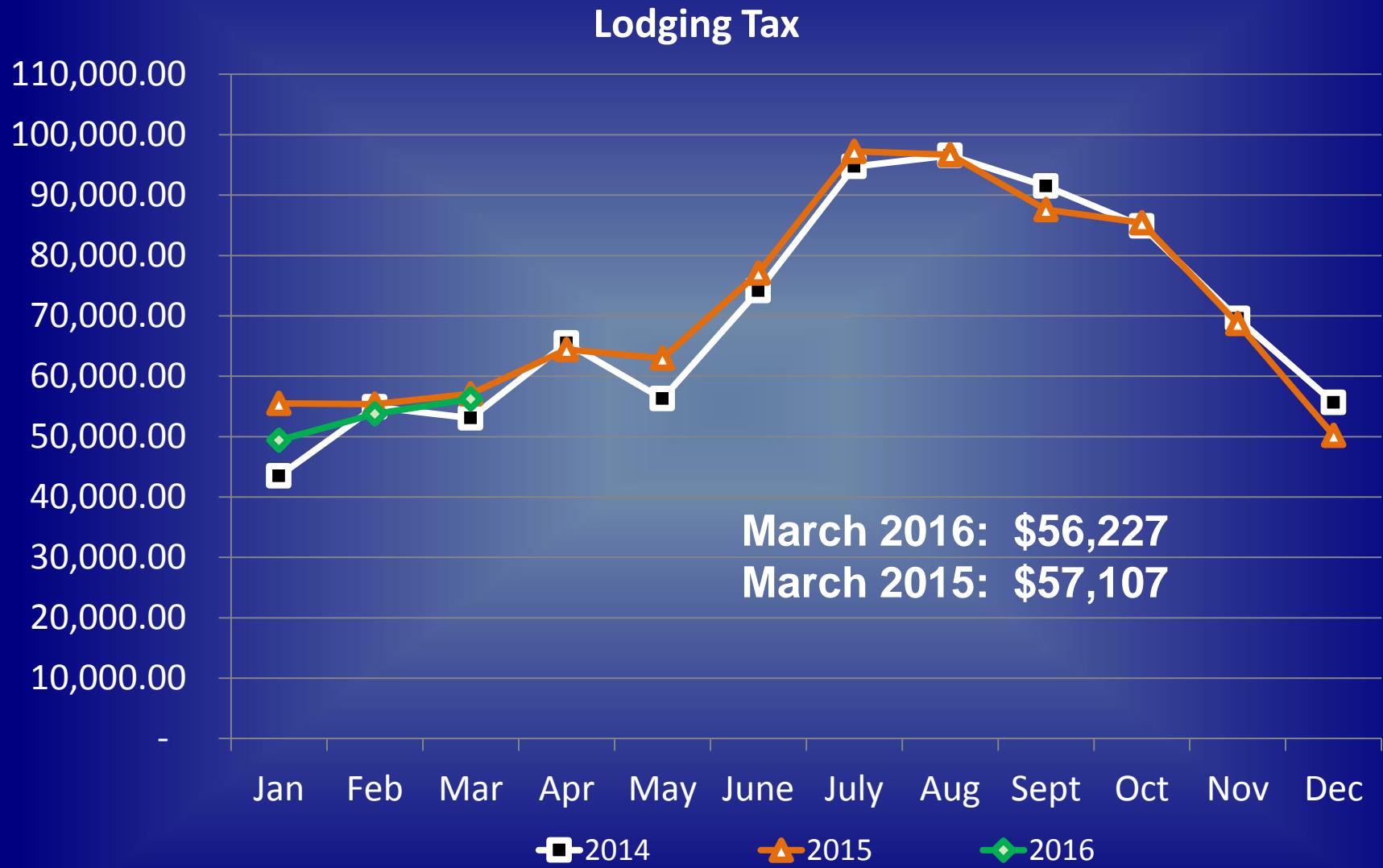
March 2016 Snapshot

- General Fund Revenue
 - \$22.7 million YTD, excluding transfers
 - 3.9% above YTD Budget
 - 5.0% above same period last year
- Sales and Use Tax Revenue
 - \$12.0 million YTD
 - 3.7% above budget projections
 - 3.2% above same period as last year
- Sales Tax only
 - \$10.5 million YTD
 - 1.2% below budget projections
 - 2.2% above same period last year

March 2016 Snapshot

- General Fund Expenditures
 - \$20.0 million YTD, excluding transfers
 - 9.8% above budget projections
- General Fund Expenditures Exceed Revenues by \$1.0 million
- Health Claims
 - March Claims \$986 thousand
 - 2016 YTD decreased from \$2.9 million to \$2.8 million from same time as last year (3.6%)

March 2016 Snapshot



March 2016: \$56,227

March 2015: \$57,107

➤ Lodging tax YTD is \$159,399 (5.4% lower than 2015 YTD).

Flood Report

P.109

Cost Estimates

Emergency Response	\$ 2,000,000
Business Assistance	600,000
Capital	27,906,129
Total	\$30,506,129

Actual Expenditures

		<u>March</u>		<u>To Date</u>
Total	\$	120,098	\$	22,578,075

Reimbursements Applied For

		<u>March</u>		<u>To Date</u>
FEMA	\$	1,133,032	\$	11,401,427
CIRSA				7,119,891
Other		29,445		734,535
Total	\$	1,162,476	\$	19,255,853

Reimbursements Received

		<u>March</u>		<u>To Date</u>
FEMA	\$	1,531,821	\$	8,130,884
CIRSA		-	\$	7,119,891
Other		29,445	\$	734,534
Total	\$	1,561,265	\$	15,985,309

March 2016 Snapshot

F.110



Questions?

Brent Worthington
Finance Director

Presented
May 3, 2016

AGENDA ITEM: 7
MEETING DATE: 5/3/2016
TO: City Council
FROM: Alan Krcmarik
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:
Investment Report for March 2016

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the March monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.13%. For the first quarter, total earnings of \$381,113 were posted to City fund accounts; the year-to date target was \$533,560. U.S. short-term Treasury interest rates fell slightly again in March; the portfolio's change in unrealized gain for the year-to-date was \$1.84 million. The end of March portfolio market value is estimated to be \$215.7 million. The total amount of the portfolio is lower than the end of 2015 by \$1.5 million. The peak amount for the portfolio was reached before the 2013 flood when it had estimated market value of \$226.3 million.

BACKGROUND:

At the end of March, the City's portfolio had an estimated market value of \$215.7 million, about \$3 million more than a month ago. Of this amount, USBank held \$193.6 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. Through 2015 interest rates cycled down, up, down, and back up through December. In the first quarter of 2016, they were down sharply. Short-term rates are projected to rise later in 2016 and are dependent upon the actions of the Federal Open Market Committee. City investments are in U.S. Treasury Notes, high-rated U.S. 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 \$2.1 million annually.

REVIEWED BY CITY MANAGER:

William D. Calinec

LIST OF ATTACHMENTS:

Investment Focus March 2016



Loveland Municipal Building

Investment Focus

Monthly Investment Report

March 2016

What's in here?

Focal Points	1
Gain / Negative Interest Rates	
Rate Trends	2
Cash Statement	3
Portfolio Size / Investment Types	4
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Would Negative Interest Rates

Work in the U.S.? With rates near zero, hypothetical question could turn real if the economy needs boost

'Asked on Capitol Hill recently whether the Fed would consider negative rates: 'We wouldn't take those off the table, but we have work to do to judge whether they would be workable here.'

Janet Yellen, Chairwoman of the Federal Reserve Board

Source: Story by Kate Davidson in the **THE WALL STREET JOURNAL**, April 15, 2016.

Focal Points

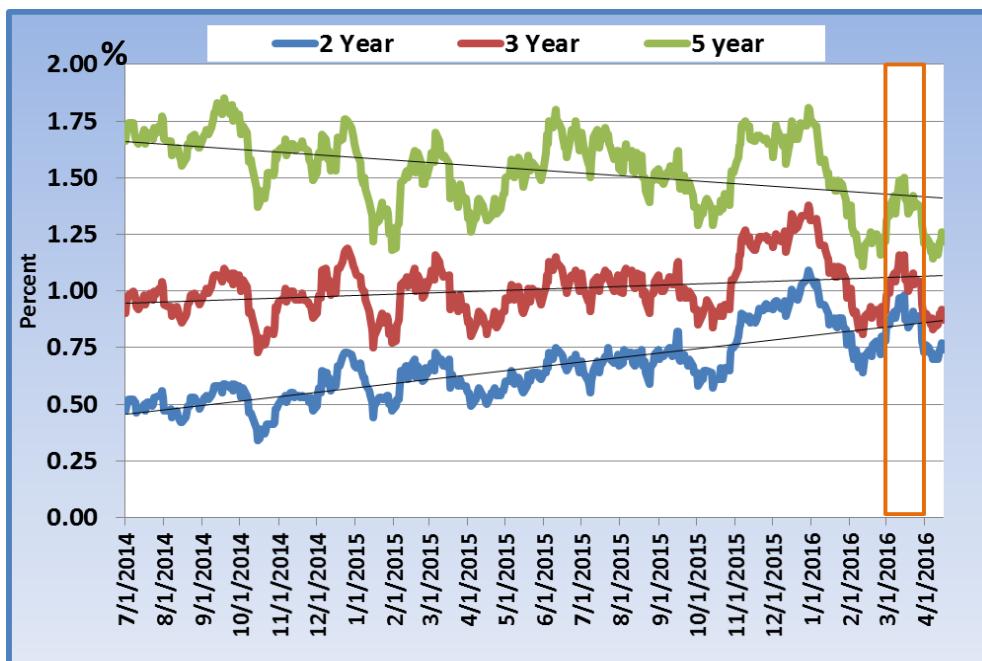
- * **The 2016 targets for the City's portfolio:**
1) **interest rate = 1.02%; 2) earnings = \$2,199,328.**
- * **City investments are in high-quality, low-risk securities to comply with Colorado law and the City's investment policy.**
- * **Interest earnings posted for the month totaled \$199,003.**
Year-to-date earnings total \$381,113.
- * **Each 1% of market value amounts to nearly \$2.1 million.**
- * **The month-end market value shows the unrealized gain is estimated to be \$1,137,251 at the end of March.**

Type of Investment	Purchase Price	Market Price	Unrealized Gain / Loss
Checking Accounts	\$ 17,029,989	\$ 17,029,989	-
Investment Pools	\$ 5,037,341	\$ 5,037,341	-
Money Markets	\$ 25,144,009	\$ 25,144,009	-
Subtotal	\$ 47,211,339	\$ 47,211,339	-
Notes, Bonds, and CDs	\$ 167,345,130	\$ 168,482,382	\$1,137,251
Total Portfolio	\$ 214,556,469	\$ 215,693,720	\$1,137,251
Data sources	(Morgan Stanley)	(US Bank)	3/31/2016

continued on page 2

Due to rounding, column and row totals may not add exactly.

Treasury Rate Trends / Negative Interest Rates



Interest rates on U.S. Treasuries continued to fall in March. The 2-year Treasury note was down 5 basis points, the 3-year note fell 4 basis points, and the 5-year Treasury was down 1 basis point.

When rates moved lower, the price of securities held in the portfolio increased, resulting in a larger unrealized gain at month end.

Continued from Page 1.

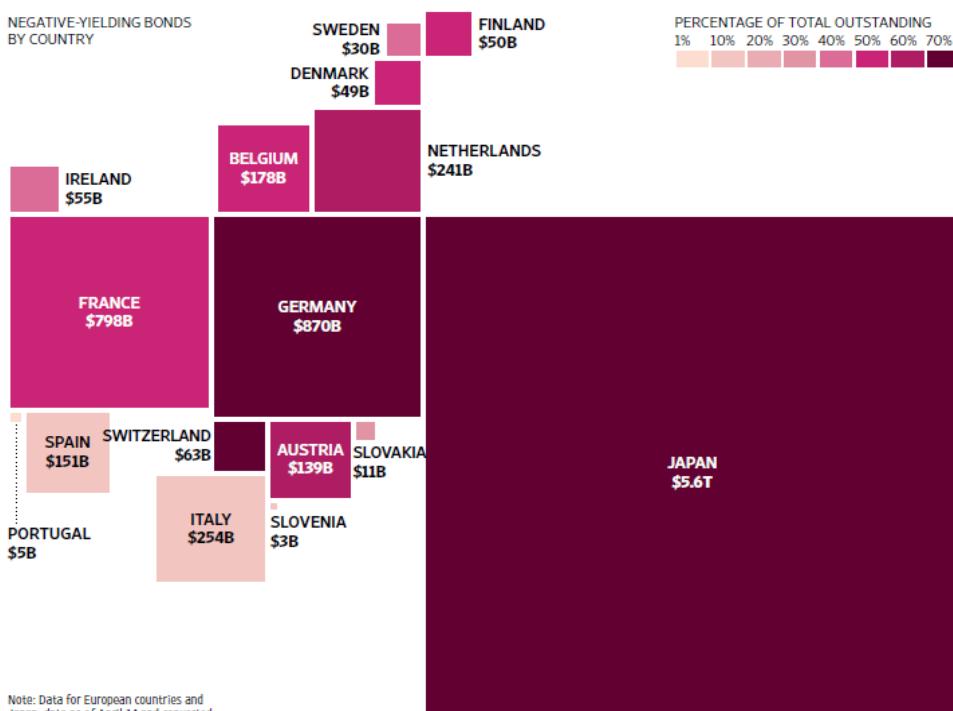
"Negative interest rates are rattling banks around the world... A small Swiss bank became the first to comprehensively pass along negative rates to all of its customers. Violating an almost religious precept in the financial world, the bank informed its clients that they would have to pay a charge of at least 0.125% to maintain their accounts at the bank starting in 2016, instead of having the bank pay them."

"In theory, the negative rates should prompt people to spend their money or hoard it in cash, rather than save it in a bank and watch it shrink."

"Total account balances fell, but overall assets remained steady."

A Global Phenomenon

Governments have issued more than \$8 trillion of debt that now trades at negative rates.



Elaine He/THE WALL STREET JOURNAL

(Source: "Negative Rates Upend the World" by John Letzing in THE WALL STREET JOURNAL, April 15, 2016.)

Bottom Line: Minus 0.6% to Beginning Balance

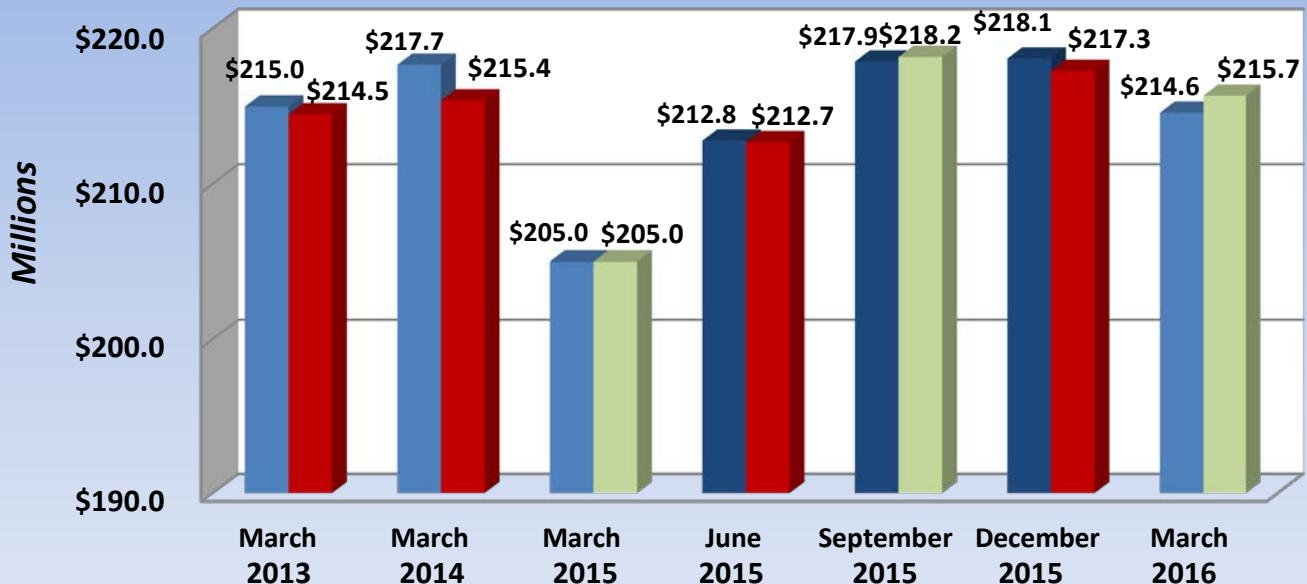
		2016 Beginning	YTD Activity	Month End Total
	Restricted Reserves			
1	Capital Expansion Fees	\$ 28,829,948	\$ (761,735)	\$ 28,068,213
2	Water System Improvement Fees	3,463,847	(921,071)	2,542,776
3	Raw Water Revenue - Windy Gap	21,258,069	(1,691,389)	19,566,680
4	Wastewater System Imp. Fees	8,190,570	37,300	8,227,870
5	Storm Drainage System Imp. Fees	2,029,191	43,265	2,072,456
6	Power Plant Investment Fees	2,882,209	888,881	3,771,090
7	Cemetery Perpetual Care	2,765,890	(3,469)	2,762,421
8	Other Restricted	33,601,906	(2,053,631)	31,548,275
9	Total Restricted	\$ 103,021,630	\$ (4,461,849)	\$ 98,559,782
	Committed / Assigned			
10	General Fund	\$ 11,224,908	\$ 645	\$ 11,225,553
11	Enterprise Funds	6,693,603	12,116	6,705,719
12	Internal Service Funds	11,813,489	1,836,439	13,649,927
13	Total Committed / Assigned	\$ 29,732,000	\$ 1,849,200	\$ 31,581,199
14	Total Restricted/Committed/Assigned	\$ 132,753,630	\$ (2,612,649)	\$ 130,140,981
	Unassigned Balance			
15	General Fund	\$ 34,406,367	\$ 935,646	\$ 35,342,014
16	Airport	1,830,922	200,882	2,031,804
17	Internal Service - Vehicle Maint.	5,670	91,896	97,565
18	Enterprise Funds	46,105,905	728,486	46,834,391
19	Total Unassigned	\$ 82,348,864	\$ 1,956,910	\$ 84,305,774
20	TOTAL FUND BALANCE	\$ 215,102,494	\$ (655,739)	\$ 214,446,755

Source: City of Loveland Budget Office

Due to rounding, column and row totals may not add exactly.

Portfolio Growth Trend / Types of Investments

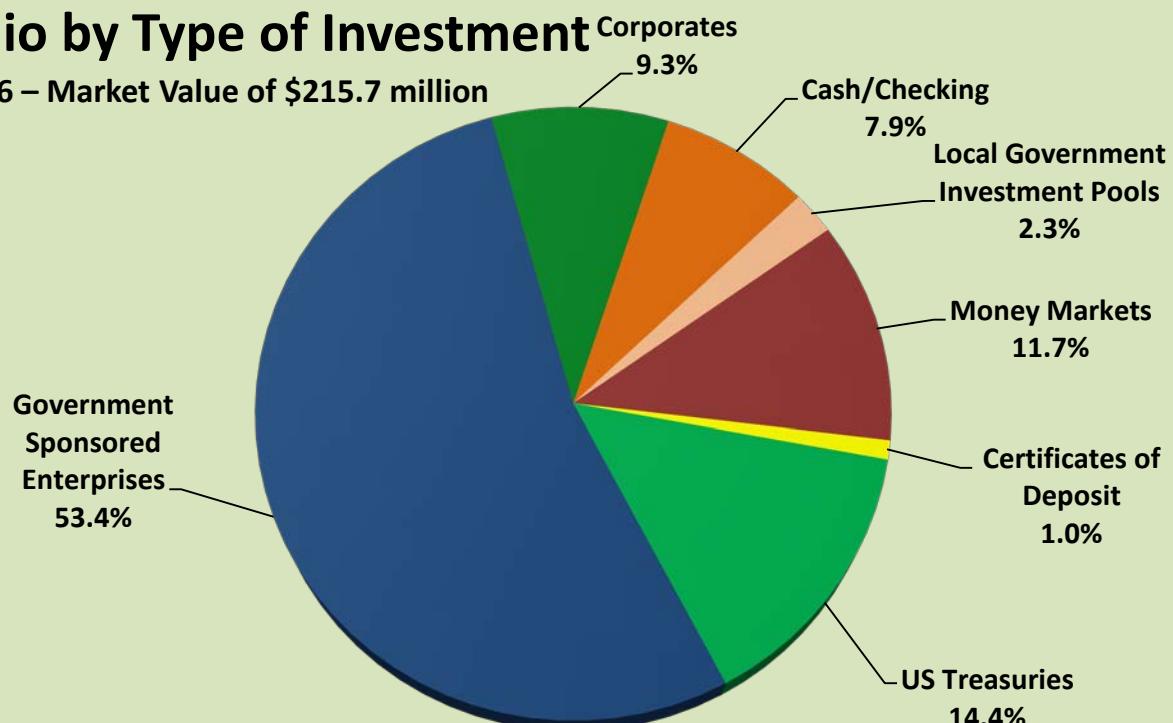
Portfolio Size Since March 2013



Blue bars show Purchase value; red or green bars show Market value (red = loss and green = gain).

Portfolio by Type of Investment

March 2016 – Market Value of \$215.7 million



Transactions / Portfolio by Maturity

	Maturity Date	Face Value \$	Purchase \$	Rate
Purchases				
Massachusetts Taxable Note	5/01/2019	\$ 1,000,000.00	\$ 1,016,180.00	1.880%
Matured				
None this month				
Called				
Fed. Home Loan Mortgage Corp	12/29/2020	\$ 5,000,000.00	\$ 5,000,000.00	2.100%
Sales				
None this month				

Portfolio by Estimated Maturity Term
(in millions - Total = \$215.7 at the end of the month)



The target interest earnings rate for 2016 is 1.02%. Rates have been volatile over recent months and reached all-time lows for the 10-year treasury.

To support earnings, or to reposition the portfolio, bonds may be sold. Sales have netted \$54,758.36 this year.

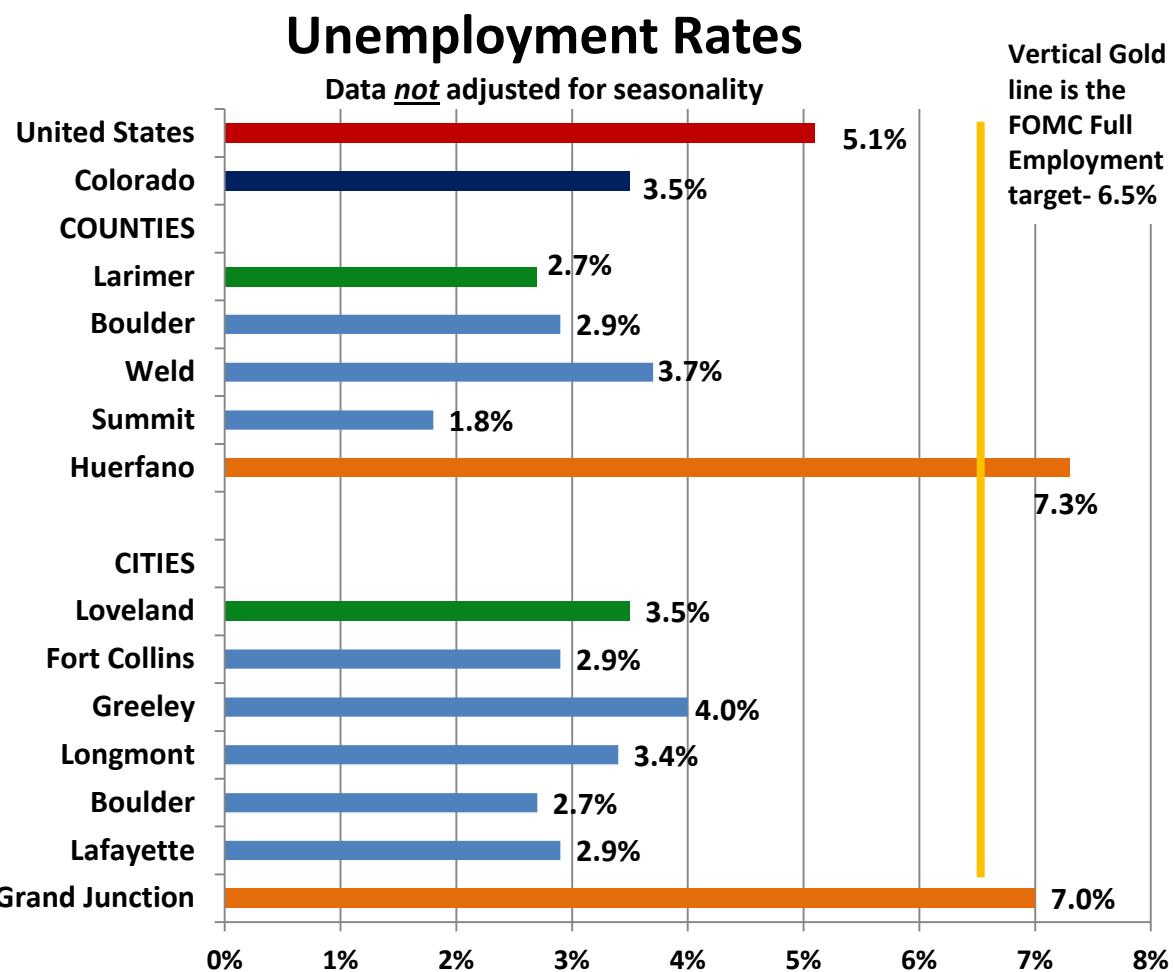
Blue bars show the stated term; red bars show possible calls.

Updated Colorado Labor Data – from the Colorado Department of Labor and Employment

P.117

- ❑ Loveland's employed workforce expanded in March, **up 33** jobs from February.
- ❑ Compared to March of 2015, there are **1,660 more** jobs reported by Loveland residents.

Important note: It is a routine practice at the beginning of each year for the Bureau of Labor Statistics to revise estimates for prior years based on new information available and updated methodologies. Revisions to the unemployment rate and all related household survey based series as a result of the benchmark process this year were particularly significant due to a change to American Community Survey based inputs. All series were revised back to 1976.



Current “missing worker” estimates at a glance

Updated April 1, 2016, based on most current data available.

Total missing workers,
March 2016:
2,180,000

Unemployment rate if
missing workers were
looking for work:
6.3%

*Official
unemployment rate:
5.0%*





Future Scan: Fed Talk, Recession Data, Colorado Employment

❖ The Simple Truth About The FOMC Minutes

- "There has been a lot of back and forth about how dovish or hawkish the Fed really is and yesterday's [April 6] Federal Open Market Committee Minutes (FOMC) did nothing to dispel the intense debate. The dovish leaning Fed officials remained dovish and hawkish leaning Fed officials remained hawkish."
- "The one major difference is that finally the U.S. Federal Reserve has acknowledged the fact that conditions overseas warrant a lot of caution going forward although they did use the tired and old line of remaining data dependent. From the minutes, *'several participants expressed the view that the underlying factors abroad that led to a sharp, though temporary, deterioration in global financial conditions earlier this year had not been fully resolved and thus posed downside risks'*." "A result many officials expressed *'that a cautious approach to raising rates would be prudent or noted their concern that raising the target range as soon as April would signal a sense of urgency they did not think appropriate'*."
- "Futures market are currently pricing in a 20% chance of a rate hike at the June meeting and no chance of a hike at the end of the current month. After the close Fed Head, James Bullard, also acknowledged that growth here at home has been *'somewhat tepid'* and of that growth continues to be sluggish, he would be *'willing to push rate hikes further into the future'*."

(Source: *"The Simple Truth About The FOMC Minutes"* by Jay Somaney in **FORBES** online, April 7, 2016.)

❖ Early Warning Signs of Recession Flash Faintly in U.S. Jobs Data

- "As the economy again started off the year on a sour note, the glass-half-full crowd pointed to the strength of the U.S. jobs market as a reason not to worry. As long as payrolls are racking up monthly gains of 200,000 or more, the economy remains in fine fettle, or so the optimists would have it."
- "Take a peek below the headline jobs data, however, and there are signs that the labor market is losing some momentum. Temporary-help employment, which peaked prior to the last two recessions, is showing signs of topping out. 'Our industry is always on the front end of a recession,'"

(Source: *"Early Warning Signs of Recession Flash Faintly in U.S. Jobs Data"* by Rich Miller on the Bloomberg website, April 19, 2016.)

❖ The March 2016 Colorado Employment Situation

was released April 15th. Total nonfarm payroll jobs grew by 5,500 from February to March. Over the year, nonfarm payroll jobs increased by 71,000. The latest household survey data show Loveland's unemployment rate to be 3.5%, up from 3.3% in February. Other cities and counties showed slight increases in their rates. The chart is on page 6. (Next Update May 20, 2016.)

(Source: Colorado Department of Labor and Employment *March 2016 Colorado Employment Situation*, April 15, 2016.)

❖ Recession Indicators:

Four indicators (Industrial Production, Nonfarm Employment, Real Personal Income, and Real Retail Sales) are the basis for determining a recession. Based on March data, Employment was **up 0.15%**, Industrial Production **was down 0.59%**, and Real Sales **were down 0.39%**. February Real Income **was up 0.18%**. "The US economy has been slow in recovering from the Great Recession, and the overall picture has been a mixed bag for well over a year and counting. Employment and Income have been relatively strong. Real Retail Sales have been going nowhere for the past nine months, and Industrial Production has essentially been in a recession."

(Source: *Advisor Perspectives*, Doug Short, April 14, 2016.)

For more information regarding this report, please contact:

Alan Krcmarik, Executive Fiscal Advisor **970.962.2625** or Alan.Krcmarik@cityofloveland.org

Monthly Investment Report

March 2016



City of Loveland
500 East 3rd Street
Loveland, CO 80537

AGENDA ITEM: 8
MEETING DATE: 5/3/2016
TO: City Council
FROM: Cindy Mackin, Economic Development
PRESENTER: Cindy Mackin, Visitor Services Coordinator

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Fort Collins-Loveland Municipal Airport Budget For Airport Marketing

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 airport would not receive additional funds necessary to create a PR and marketing plan.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. Delays in receiving this funding will push back the development and execution of the PR and marketing plan.

SUMMARY:

This is an administrative action. The ordinance provides \$50,000 from the Lodging Tax Fund to support the Fort Collins-Loveland Airport marketing and PR efforts through a comprehensive marketing campaign which would include advertising.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. The current balance of the Lodging Tax reserves is \$781,053.

BACKGROUND:

The airport board recently completed a new strategic plan which includes rebranding the airport to Northern Colorado Regional and increasing marketing of the airport services. The total cost of the marketing plan is anticipated to be \$100,000; shared equally between the City of Fort Collins and the City of Loveland. The funding is for the development of a comprehensive marketing campaign that could include print and digital advertising such as billboards, terminal signage, online/website/social banners, and contests. The goal is to increase awareness of the flights between Loveland, Colorado and Rockford, Illinois, and in-turn increase the number of enplanements. By increasing the enplanements to 10,000 or more per year, the Fort Collins-Loveland Airport would receive a guaranteed \$1 million of annual funding from the Federal Aviation Administration (FAA). Currently the airport receives \$150,000 annually from the FAA.

Staff took the \$50,000 funding request to the Community Marketing Commission (CMC) on April 20, 2016 for initial funding approval for the marketing efforts at the airport. The CMC unanimously approved the motion of support. The Airport Director is in the process of pursuing additional funding from regional partners to support this marketing campaign.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: May 3, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF FORT COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET FOR AIRPORT MARKETING

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for Airport marketing; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for Airport marketing, 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 \$50,000 from fund balance in the Lodging Tax Fund are available for appropriation. Such revenues in the total amount of \$50,000 are hereby appropriated to the 2016 Ft. Collins-Loveland Municipal Airport budget for Airport marketing. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Lodging Tax Fund 206**

Revenues

Fund Balance

50,000

Total Revenue

50,000

Appropriations

206-18-182-1504-47600

Transfers to Airport Fund

50,000

Total Appropriations

50,000

**Supplemental Budget
Airport Fund 600**

Revenues

600-00-000-0000-37206

Transfers from Lodging Tax

50,000

Total Revenue

50,000

Appropriations

600-60-290-0000-43738

Marketing

50,000

Total Appropriations

50,000

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

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

ADOPTED this _____ day of May, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Tami Yaffee

City Attorney

AGENDA ITEM: 9
MEETING DATE: 5/3/2016
TO: City Council
FROM: Beth Gudmestad, YAC Staff Liaison
PRESENTER: Youth Commissioners Jack Crowley, Mark McKenna, Ava McQuade, Hattie Volk

TITLE:
National League of Cities Conference

RECOMMENDED CITY COUNCIL ACTION:

No action required – information only item.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

This is an information only item. Members of the Youth Advisory Commission would like to personally thank the City Council for funding their trip to the National League of Cities in Washington, DC in March 2016. The YAC who attended this conference returned with valuable information and ideas that they are excited to share with other commissioners and look forward to discovering ways to implement these ideas into the Loveland community.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

BACKGROUND:

In March, nine YAC commissioners attended the 2016 National League of Cities Conference in Washington, DC funded entirely by the City Council. They met with Youth Advisory Commissions from around the country learning what other commissions are passionately working on in their communities. These commissioners participated in a “Mock Caucus” where Bernie Sanders and John Kasich were clear front runners among teens. The commissioners who attended this year’s conference would like to thank the City Council and Mayor for allowing them the means and opportunity to attend this year’s NLC.

REVIEWED BY CITY MANAGER:

William D. Caine

LIST OF ATTACHMENTS:

1. Commissioner's papers
2. Video

National League of Cities
Congressional City Conference

Ava McQuade
Loveland Youth Advisory Commission

This past March, the Youth Advisory Commission was privileged enough to attend the National League of Cities Congressional City Conference in D.C. due to the Loveland City Council donation that paid for our entire trip. We not only thank them for their contribution to our commission, but for the opportunity they gave us to learn from other youth commissions in order to benefit our city. Thank you, Councilors, for supporting us.

Through the conference, we were able to learn about the issues that our nation is facing and how the government is attempting to acknowledge those issues, how a caucus is held, and new ways to contribute to our community. Our youth commission was surprised and interested to hear about the opioid crisis, environmental crises, sex education in schools, and many other aspects of our nation that are being recognized as issues. Each youth commissioner was able to participate in an activity in which he or she was able to choose an issue with group of youth commissioners and brainstorm why it is an issue in our nation, what are some things that need to be addressed in order to challenge that issue, and how will the way we confront that issue affect individuals in our nation either positively or negatively. Then, each group wrote a policy that they believed would address all the above ideas and presented their statements to the whole conference. This activity helped us use our decision-making skills, address the possible positive and negative outcomes, and practice coming to a consensus within our group -- all of which resulted in a well thought out policy that attempted to benefit all that would be affected. After this activity, we were able to listen to adults, council members from cities nationwide, and professionals about how they are attempting to remove the issues from our nation.

An exciting event that occurred within the conference was a mock caucus. Each youth commission found their neighboring home cities and stood under a sign that presented their state.

Each state came to a consensus on which candidates -- Republican and Democratic -- they would give their votes to based on the candidates who are involved in the election presently. As the individual states represented who they vote for, all the youth cheered for the votes that they agreed with and booed for all the votes they disagreed with while waving their American flags and state signs. That room was incredibly loud. This mock caucus gave us an idea of what is involved in politics and how we can contribute to our nation.

As an activity that primarily focused on the cities each commission came from, each youth commissioner was able to get to know other commissioners from another state and learn about the different ways those youth have affected their communities through a speed dating icebreaker. While music played, we would walk from chair to chair, and when it stopped we would sit in a seat across from a youth commissioner from another state. We started by introducing ourselves, then we talked about the different ways our commissions were contributing to our communities. From the commissioners that I talked to, I learned that multiple individuals of the youth outside of their commission attend the commission monthly meetings and participate in their events. I believe this is an easy thing to do in Loveland that will help the youth get more involved. Also, one commission attends registration days at their local high schools and helps the students understand the Youth Advisory Commission program and how the students can get involved. A service project that I heard from another commission was the Trash Bash. The youth commissioners, and from what I heard, a large amount of volunteers, go to local parks and schools to pick up trash. This would be a great event to hold in Loveland.

From addressing national issues to meeting new people, the National League of Cities Conference benefitted the Loveland Youth Advisory Commission unimaginably. We were able

to share our ideas, learn how to better contribute to our communities, and understand how our nation works all while having a great time. Thank you so very much, City Council, for giving us this amazing opportunity.

National League of Cities Congressional City Conference

By Hattie Volk
Youth Advisory Commission Member

Hattie Volk
Beth Gudmestad

Heading into my first year of high school, I was eager to jump into my life and help make a positive impact on the world around me. A few years earlier, my sister was a member in a wonderful group called the Loveland Youth Advisory Commission. YAC is an organization that's purpose is to serve as a channel between the city council and the younger generations of Loveland to identify current issues pertaining to the youth. After which, the city council and YAC work together to resolve these problems. Knowing how impactful this group was, I immediately interviewed for a position and was accepted.

The Loveland Youth Commission has given my fellow councilors and I many great opportunities and experiences. For example, constant volunteering, partnering with the Tabacno coalition, and being able to meet and discuss with other local youth groups. In 2016, YAC had the opportunity to participate in the NLC trip; a country wide event held in the US capital designed to help cities build better communities. Throughout this busy week, we met and brainstormed with other youth commission from every state in the country about rising issues and all the possible ways to solve them. Being able to hear about the problems within other cities was personally most beneficial because it opened my eyes to new perspectives and made me more appreciative of my city.

Another activity we participated in while in D.C, was sitting in on the City's Role in Climate Change meeting. For a couple hours we learned about the concerning issue of green house gasses and the clean power plan that city leaders had already put to action. From this meeting I got a better understanding of how different types of power sources can affect the environment and which is currently the best option for our future.

However extremely educational, this week wasn't all work. On our down time, we went to the famous D.C zoo, explored several of the endless Smithsonians, toured the Holocaust museum, and of course, ate at an abundance of tasty restaurants.

Due to the support from the Loveland City Council and fundings from our nation's capitol, this once in a life time trip has given a skill set that I can apply to everywhere I go.

Mr. Crowley Goes to Washington

Recount of the DC trip

Jack Crowley

First of all I would like to thank the Loveland City Council for their incredibly generous actions toward us in allowing us to attend the NLC conference. I learned quite a lot about how intergovernmental affairs affect officials on a federal and local level, and none of it would have been possible without your help, so thank you.

The first topic I would like to visit is the youth conference, although there was a surplus of chatter and activities about the coming 2016 presidential election, too much in my opinion, there was one day where we were able to visit topics that, not only could we affect—cant vote yet—but would apply greatly to our endeavors locally. Said activity was simply organized where a number of delegates would team up to tackle one issue. I was given the issue of the opium crisis and teamed up with one of our local delegates, Mark, and a good mix of delegates from Oregon, Idaho, and Florida. We were able to bring forward the experience of living in a state where drug use was legal and widespread which is something that helped us effectively brainstorm solutions. We also attended presentations by certain officials about 4 different topics.

I was forced into the conservation efforts presentation because it was the only one with seating, but all the same it was worth the time given. This panel spoke much about the Cop-21 conference in Paris France that occurred last year. The panel spoke much of how cities and counties can implement some of the ideas that were shared at the conference. Specifically the “Bottom-Up” approach to how cities can affect the entire country by beginning to follow the proposed regulations. They talked about signing on to the compact of mayors in order to kick start the process and find implementation ideas. Other than this, I did not learn much as it was very similar to many of the countless conservation presentations I have heard over my span of living in an area heavily connected with the environment as we are in the state of Colorado, yet it

is helpful to know that the people across the nation and government are focusing efforts on an issue we can fix if we tried.

We also attended the speech from a CNN political analysis with the purpose of giving all the delegates, including youth, the inside scoop of what has been happening in the political sphere in recent days. The entire speech was a well presented and audience engaging rant about Donald Trump, but that is the main focus of the media on politics these days. However it was still a great experience and a great learning experience on what has been going on with the candidates in recent times.

With most of the harder work done we had a great time exploring the capital city, meeting government officials, and bonding with our mayor. ON the first day we had a bus tour going around the city visiting various historical monuments and government buildings. My favorite is definitely the Lincoln memorial. We visited the national zoo and saw the new panda. We toured numerous Smithsonian museums with my favorite being the air and space. We toured the holocaust museum and I learned important lessons about the respect of human life and how sacred the freedom we have today really is. We also focused on national government I had the opportunity to visit the east wing of the white house and visit some of the historical antiques and other objects there. And of course we had breakfast with both of our senators. However I think the most humorous part of the entire trip was that we continued to run into our beloved mayor time and time again. It was a great bonding experience being able to have dinner with him twice and go out for donuts.

From everything I have learned this trip I will apply to my efforts within the Loveland city government, but the most important thing I bring away from this trip is the relationships

created between myself and our state Senators, Mayor, and City Council officials, and for that I thank you again.

Jack Crowley

**National League of Cities
Loveland Youth Advisory Commissions trip
to Washington, D.C.**

**Mark McKenna
Youth Advisory Commission Member**

Dear Members of Loveland City Council,

First, I would like to personally thank each of you and the citizens of Loveland for the sacrifices made in order to send our Youth Advisory Council to Washington D.C. It was the trip of a lifetime and one I will never forget. I also want to thank pass a special thanks to councilman Clark and Mayor Gutierrez who spent time with us throughout the week. It was so much fun getting to know both of them on a personal level and I hope the Youth Advisory Commission and City Council can continue to have a close relationship in the future.

Our YAC trip to Washington, D.C. was full of amazing new experiences. The boys I roomed with and I brought homework to complete during the trip and none of us had time to do it! We constantly had something planned, there was so much in Washington that we wanted to experience. I was able to hear Ana Navarro speak, meet with other youth commissioners and local officials from across the country, and explore Washington D.C. I would not have gotten to experience any of these things if I hadn't been sponsored to go on this trip. Thank you!

During the visit we attended a couple different youth sessions where we got to meet other youth commissioners. This was an awesome opportunity because we were able to share what we are working on in our communities and bring back great ideas from other commissions. One thing I noticed was that other youth commissions had reached out to their fellow youth in the community in interesting ways. For example, one commission held a youth talk project in a city gym. Other youth came forward and told the commissioners what they wanted to see change in their city for the youth. I think that our commission could do this exact project by having a youth talk night at the Chilson.

Also, I found that other commissions were having problems setting youths in their cities to participate in city events simply because they didn't advertise them well. We discussed start Twitter and/or Instagram pages advertising city events and targeting them towards our generation. There is so much Loveland has to offer its youth and I want to make sure they have the information and opportunity to participate.

During our time in Washington, D.C. we were able to participate in the adult sessions. Jack Crowley a fellow YAC member, and I were in the opioid discussion. We discussed the increasing problem of opioid use and overdose in the country and we helped create a resolution on how we could solve the problem. At another one of our sessions, we had a youth mock presidential caucus. This was very fun, each state at the convention worked together and to discuss how we would cast our votes. The Colorado YACs decided to give our votes to Bernie Sanders and Marco Rubio. As a national YAC, we selected Bernie Sanders as the Democratic candidate and John Kasich as the Republican candidate.

I attended an adult session about the Post-Industrial Economic Development Administration (EDA). The focus was mostly on 20th century economic development. I don't think the Youth Advisory Commission has a lot of power to create significant change on these issues but it is important that we help keep our generation informed on these developments so they can be better prepared when they have the opportunity to be active in the economic development process.

The most exciting thing we got to do on this trip was exploring our nation's capital. We went on a night bus tour of D.C., visited different Smithsonian museums, toured the U.S. Capitol, and visited the zoo. I learned so much about our democratic

government and great nation. Even though we read about our government in school, it is so different when you get to experience it in real life. I got to see so many amazing things and the best part about it is that I got to see them with my fellow commissioners.

Thank you again for making this trip possible. I will remember it forever and I know you will see a lot of change happening on our Youth Advisory Commission because of it.

Sincerely,

A handwritten signature in black ink that reads "Mark McKenna". The signature is fluid and cursive, with "Mark" on the left and "McKenna" on the right, connected by a horizontal line.

Mark McKenna

National League of Cities
March 5th 2016 - March 9th 2016
Oliver Byles

This year I was honored to be given the opportunity to visit the National League of Cities Conference in Washington DC. I attended last year, but I feel this year was much more valuable to me because I already had an understanding of how municipal government works and was able to really dig deeply into the lessons, workshops, and speeches we attended.

We spent a large amount of time in the Youth Track discussing issues in our communities and what bills we would pass to try to combat these issues. The issues proposed for action were suggestions from cities all across the country, ranging from The Opiate Crisis to renewable energy, and from small business to police brutality. It was very interesting to hear the different youth opinions and how they varied from state to state and even from city to city. We then all came together and voted on which issues were the most important to all of our cities and which proposed bills we liked the best.

Also during the Youth Track we had a mock brokered convention. I learned a lot from this brokered election. Since this year the republican race is looking to be closer and closer and the possibility of a brokered convention is getting ever closer the leader at NLC thought it would be good for people to see how a brokered election works. Every state that was represented was given a certain number of votes and then they came together to elect their super delegates. Then after a discussion the super delegates voted under the wants of the state. I found this [process to be very interesting because it appeared to remove power from people. For example there was a group of people in Colorado who supported Clinton but the superdelegate opted to give all of our voted to Bernie, thus making the Clinton supporters votes irrelevant.

We also participated in the Adult Track by going to various workshops and listening to many speeches. One of the most interesting workshops I attended was on renewable energy in our communities. The key note speaker was a councilman from Fort Collins and I was very impressed with the actions Fort Collins had taken towards green energy. On the Adult Track we also had the opportunity to hear our senators speak on what they had accomplished in the last year and what they saw in our state. I really enjoyed this part of the trip because they showed great insight to what is happening in Colorado at national level.

Now our trip was not all workshops and education. We also did lots of fun attractions. My favourite thing we did was go to the National Zoo. I had never been to a zoo before and the DC Zoo was incredible. We got to see the Pandas eat, which was adorable. We also went on a night time bus tour where we visited the Lincoln Memorial, the MLK statue, the National Monument and many more DC attractions. We also tour the capitol building which was incredible. We went into the House and Senate chambers while they were in session and got to see how the senate operates. I loved seeing how government actually works.

I had the most wonderful time at NLC this year and I know our youth advisory commision came back with many ideas of new issues for us to take action upon in our community. We came back hearing many opinions on our E-Cigarette Bill and we were able to take all the advice we heard to help narrow our bill and truly consider what we wanted to change with the ordinance. After NLC we were thinking about the next steps

for YAC , in regards to community involvement, volunteering, and being a voice for the youth.

2016 National League of Cities Report
Stirling Pettit

Last March, I was given the amazing opportunity to accompany some of the city council to the 2016 National League of Cities Conference in Washington D.C. Thanks to the generous donation given by city council, my fellow commissioners and I were able to not only attend this conference, but experience the culture of Washington D.C. and discuss with future leaders like ourselves. It was truly inspiring to meet so many young adults that shared the same drive and passion it takes to make our respective cities better places.

One of the highlights of our trip had to be the conference we were there to attend. Because most of us were first-time attendees, we got to sit in the front row of a massive room filled to the brim with people. Ana Navarro, a political analyst from CNN, gave a wonderful speech that was both humorous and thought-provoking. After the opening ceremony, everyone split into groups and attended one of four sessions concerning prominent problems facing cities across the country. I, along with several other of my fellow commissioners, elected to attend the discussion on environmental pollution, mainly due to our interest in the effects of electronic cigarettes on our town within the last few months. During this session, we listened to four experts from all around the country discuss how their respective towns have tackled the problem of climate change. This was very interesting to hear, and further fueled our drive to make a difference with our proposed electronic cigarette policy back in Loveland.

While we spent much of our time at the conference, a lot of it was also spent around the town in Washington D.C. As somebody who has grown up in Loveland my entire life, I was amazing to see what life is like in such a historic and lively city. We had

the opportunity to attend many famous sites, such as the Lincoln Memorial, the Holocaust Museum, the Capitol Building, and the Smithsonian. Some of us (myself included) even got to tour the Executive Office and the White House. While there, we were privileged to discuss with several very high-up individuals, including a speechwriter for President Obama himself. Through my time on the Youth Advisory Commission, I've become relatively familiar with the way local governments work, and I was truly ecstatic to observe some of national government inner-workings for the first time.

As spectacular as our entire trip was, my absolute favorite part had to be getting to meet fellow youth commissioners from all around the country. It was extremely interesting to observe some of the similarities and differences between our groups. One young man from Oregon that I talked with had an organization very similar to ours. Their commission was currently taking on the issue of public transportation for youth who cannot yet drive, which I know is one problem our YAC focused heavily on last year. On the other hand, a girl from Texas I had the pleasure of meeting had a group of over a hundred young adults! If Dave Clark thinks our meetings are crazy, I can only imagine what they must be like! One of the most influential aspects of the youth meetings was when we all split up and examined many different, but equally pressing, problems facing today's youth. My team tackled the issue of affordable and accessible college education. We brainstormed, came up with a solution and how to fund it, and wrote a mock bill that we shared back to the rest of the convention. It was such an amazing experience to get to meet so many like-minded young adults and discuss with them.

This year's trip to the National League of Cities Convention is one I will never forget. I would like to thank the Loveland City Council for funding this and making all of it possible. It was a truly eye opening experience and got me even more excited to come back to Loveland and make a difference. I know that as long as I serve on our Youth Advisory Commission, I will rely on the knowledge I have gained on this trip to help make Loveland a better place.

National League of Cities
Congressional City Conference

Zoë Keeler

Loveland Youth Advisory Commission

I had a wonderful time in Washington DC. Among other things, the youth advisory commission participated in parts of the NLC conference while also getting to know other youth from around the country and or nation's capital. I can't describe how grateful I am to have had an opportunity to go on this trip. Thanks to city council's generosity, I have gained a great amount of insight on the inner workings of the American government and forged a stronger bond with the Loveland Youth Advisory Commission.

While in Washington, we were always busy. The day we arrived, we took a bus tour of the monuments at night. Although the cold eventually prompted us to remain inside the bus, the monuments were gorgeous. The Lincoln memorial was a personal favorite. The next day, there was a session of debate with all the youth regarding some of our country's leading issues. This was fun, especially getting to know people from different states and hearing about their hometowns and what their youth advisory commissions have accomplished. I met a lot of people from Louisiana, Idaho, and someone from Arkansas who I still keep in touch with today. We also got to spend two of our dinners with the mayor and one with the city manager. It was interesting to get to know the people who run our city, and the food was delicious. On Monday, we went to the opening general session of the national league of cities, where we listened to a variety of speakers introduce us to DC. After that we went to a session on urban development. We heard five speakers discuss different development plans in various cities and how those plans have affected the population demographic and distribution within the community. I found the model involving Phoenix most interesting, and I think it could definitely apply to a place with as much artistic flare as Loveland. I was lucky enough to get a spot on the Tuesday morning tour of the White House, which was one of my favorite parts of the whole trip. The tour included a

briefing session with some of President Obama's staff. They answered our questions and helped me get an honest look at what working for the government is really like. I had no idea that the president's cabinet left when they did. I also never really considered how wide the range of public service jobs are. I think it's very easy to forget that there's an army of people working to better the country, and that's a really important thing to remember. Wednesday, the youth held a mock caucus. Although unsurprising, it was quite fascinating to see the results. Almost all the youth cast their votes for Bernie Sanders on the democratic side while the republican side remained relatively undecided. Activities like this helped shape my perception of politics in a new way, and also demonstrated the huge trend among youth. It was nice to see that even though we can't vote we still have opinions, and together we could give those opinions a voice.

I was extremely sad when we arrived at the airport and it became clear my time in DC was over. I learned so many valuable skills throughout the trip that will benefit me in my future. I learned how to work with other people towards a common goal, and also how to have thoughtful discussions about topics rather than arguments. Touring the various monuments and important federal buildings brought me newfound respect for the foundation of our country and its leaders. I understood the relevance of government in a way I never had before, and that was exciting. I returned from Washington with new ideas and a better perspective, and I'm ready to bring those new ideas to YAC in the upcoming year. I hope we can accomplish more for the youth and help make Loveland an even more inviting community than it already is. I am extremely thankful for the opportunity to be part of such a productive and determined group of individuals, and I'm excited for the year ahead.

AGENDA ITEM: 10 & 11
MEETING DATE: 5/3/2016
TO: City Council and Loveland Urban Renewal Authority
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico, City Attorney

TITLE:

MINOR MODIFICATION TO SEVENTH AMENDMENT TO THE CENTERRA MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT

RECOMMENDED CITY COUNCIL ACTION:

APPROVE THE RESOLUTIONS

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:

These resolutions are administrative actions to approve the proposed Minor Modification to the Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement (“MFA”) to modify Paragraph 2 of the Seventh Amendment to state that the term “Parcel 206 Parking Improvements” shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District, as generally depicted and described in the attachments to this coversheet.

BUDGET IMPACT:

Positive
 Negative
 Neutral or negligible

The proposed Minor Modification to the Seventh Amendment does not change the current or future amount of revenues collected and disbursed under the Centerra MFA. It only expands the type of public improvements for which these revenues can be spent.

BACKGROUND:

On January 20, 2004, the City of Loveland (the “City”) and the Loveland Urban Renewal Authority (“LURA”) entered into the Centerra Master Financing and Intergovernmental Agreement with Centerra Metropolitan District No. 1 (the “District”), together with other parties, (the “MFA”). Since then, the MFA has been amended six times. A proposed seventh amendment to the MFA is being proposed (the “Seventh Amendment”).

The MFA permits the funding and construction by the District of certain improvements identified as Local Improvements in MFA Section 1.54, and further provides that Local Improvements also may include other public improvements approved by City Council.

An Affiliate of Centerra Properties West, LLC is planning a densified mixed-use development on property located immediately east of Houts Reservoir ("Parcel 206"), located within the Commercial District. The anticipated Parcel 206 development is more particularly depicted in Exhibit A to the proposed Seventh Amendment. The Parcel 206 development is anticipated to include multiple office buildings, multi-family residential units, restaurants, retail operations, a hotel, and a pedestrian-friendly "Main Street," which will include plaza areas for programs and events. The initial phase of the Parcel 206 development is anticipated to include, among other things, a 120,000 square-foot Class A office building for a major employer, estimated to bring approximately 300 primary jobs to the City. The Parcel 206 development is anticipated to generate increased sales tax revenues, property tax revenues, and additional jobs within the City. The Parcel 206 development is designed as a dense mixed-use development, commonly seen in urban settings, which is attractive to primary employers, retailers, hotel operators, and restaurant operators. In order to allow for a densified mixed-use development, it is necessary for a public parking structure to be included within the development. A public parking structure in the Parcel 206 development will allow for an increase in the amount of commercial and residential uses within the development.

The District is permitted, pursuant to Title 32 of the Colorado Revised Statutes, to finance, construct, own, operate, and maintain public parking facilities. The District desires to construct the public parking structure to serve the general public accessing the mixed-use development on Parcel 206. The District intends to own and provide for the operation and maintenance of the public parking structure on Parcel 206 for the benefit of the general public. The proposed Seventh Amendment to the MFA would designate the public parking structure on Parcel 206 as a Local Improvement, as permitted by MFA Section 1.54. The proposed Seventh Amendment allows the District to use Pledged Revenues and to incur district Debt to construct the parking structure upon approval of the City Manager, based upon his receipt of satisfactory documentation consisting of an executed lease or land purchase agreement with an employer anticipated to bring primary jobs to the City, for a Class A office building located or to be located on Parcel 206, within the Commercial District, to approve such.

On January 5, 2016, Council and LURA approved the Seventh Amendment in Resolutions #R-5-2016 and #R-6-2016. The Seventh Amendment states that the Parcel 505 Parking Improvements are still designated as Local Improvements permitted by MFA Section 1.54, for which the District can use pledged revenues and to incur district Debt to construct, with the additional requirement added that requires the City Manager to approve such funding of the Parcel 505 Parking Improvements based upon his receipt of satisfactory documentation of an executed lease or land purchase agreement for a significant retail operation of at least 50,000 square feet in size, located or to be located on Parcel 505, within the Commercial District.

The Minor Modification would amend Paragraph 2 of the Seventh Amendment to the MFA to state that the term "Parcel 206 Parking Improvements" shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District, as generally depicted and described on the attached Exhibit A and Exhibit B.

The developer indicates that surface parking would be started in the third or fourth quarter of 2016 and the parking garage would be constructed when surface parking can no longer meet demand.

If City Council approves the Minor Modification to the Seventh Amendment to the MFA, City Council will adjourn and reconvene as the Commissioners of the Board of the Loveland Urban Renewal Authority to consider and vote upon the Minor Modification as the Loveland Urban Renewal Authority, which is also a party to the MFA and the Amendment.

REVIEWED BY CITY MANAGER:

William D. Cain

LIST OF ATTACHMENTS:

1. CITY COUNCIL RESOLUTION
2. LURA RESOLUTION
3. EXHIBIT A – MAP OF PROPOSED SURFACE PARKING
5. EXHIBIT B – PARCEL 206 SITE PLAN

R E S O L U T I O N #R-33-2016

A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING A MINOR MODIFICATION TO THE SEVENTH AMENDMENT TO THE CENTERRA MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT AS AMENDED

WHEREAS, the City of Loveland (the “City”) and the Loveland Urban Renewal Authority (“LURA”) entered into that certain Centerra Master Financing and Intergovernmental Agreement dated January 20, 2004 (together with the First, Second, Third, Fourth, Fifth, and Sixth Amendments described below, referred to herein collective as the “MFA”), with Centerra Properties West, LLC (the “Developer”), Centerra Metropolitan District No. 1 (the “Service District”), Centerra Public Improvement Collection Corporation (the “PIC”), and Centerra Public Improvement Development Corporation (the “PID”); and

WHEREAS, the City, LURA, the Developer, the Service District, the PIC and the PID shall be hereinafter referred to collectively as “the Parties”; and

WHEREAS, the Parties entered into that certain First Amendment to the Centerra Master Financing and Intergovernmental Agreement dated December 5, 2006; and

WHEREAS, the Parties entered into that certain Second Amendment to the Centerra Master Financing and Intergovernmental Agreement dated November 20, 2007; and

WHEREAS, the Parties entered into that certain Third Amendment to the Centerra Master Financing and Intergovernmental Agreement dated October 28, 2008; and

WHEREAS, the Parties entered into that certain Fourth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated April 7, 2009; and

WHEREAS, the Parties entered into that certain Fifth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated November 5, 2013; and

WHEREAS, the Parties entered into that certain Sixth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated February 4, 2014; and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning given them in the MFA including any amendments thereto; and

WHEREAS, the Parties entered into that certain Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement dated January 26, 2016 (the “Seventh Amendment”), which designated the public parking structure on Parcel 206 as a Local Improvement and imposed certain restrictions on the Service District’s authority to construct the Parcel 505 Parking Improvements as a Local Improvement, as permitted by MFA Section 1.54; and

WHEREAS, the Loveland City Council approved the Seventh Amendment in Resolution #R-5-2016 and also approved the Seventh Amendment sitting as the LURA's governing body in Resolution #R-6-2016; and

WHEREAS, subsequent to the Parties' approval of the Seventh Amendment, the Parties determined that allowing the Service District to provide parking improvements in phases on Parcel 206, commencing with the construction of public surface parking prior to the construction of a public parking structure, is economically prudent, avoids over-building and is in the best interests of the City, the Service District, and their taxpayers and residents; and

WHEREAS, the Parties desire to modify the Seventh Amendment, pursuant to the "Minor Modification to the Seventh Amendment" attached hereto as Exhibit A and incorporated by reference, to include "public surface parking" in the definition of "Parcel 206 Parking Improvements," as defined in the Seventh Amendment and designated as a Local Improvement therein; and

WHEREAS, MFA Section 17.1 provides that the Parties may amend the MFA by an instrument signed by all of the Parties; and

WHEREAS, the Loveland City Council approved this Minor Modification to the Seventh Amendment in Resolution #R-____-2016 and also approved this Minor Modification to the Seventh Amendment sitting as the LURA's governing body in Resolution #R-____-2016.

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

Section 1. That the Minor Modification to the Seventh Amendment is hereby approved and the Mayor is authorized and directed to it on behalf of the City.

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

ADOPTED this _____ day of _____, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT “A”

MINOR MODIFICATION TO THE SEVENTH AMENDMENT TO THE CENTERRA MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT

**THIS MINOR MODIFICATION TO SEVENTH AMENDMENT TO THE CENTERRA
MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT** (the “Minor
Modification”) is entered into this ____ day of May, 2016, by and among the **CITY OF
LOVELAND, COLORADO**, a Colorado home rule municipality (the “City”); the **LOVELAND
URBAN RENEWAL AUTHORITY**, a body corporate and politic (“LURA”); **CENTERRA
PROPERTIES WEST, LLC**, a Colorado limited liability company (“CPW”); **CENTERRA
METROPOLITAN DISTRICT NO. 1**, a quasi-municipal corporation and political subdivision
of the State of Colorado (the “Service District”); **CENTERRA PUBLIC IMPROVEMENT
COLLECTION CORPORATION**, a Colorado non-profit corporation (the “PIC”); and the
CENTERRA PUBLIC IMPROVEMENT DEVELOPMENT CORPORATION, a Colorado
non-profit corporation (the “PID”).”

WHEREAS, the City, LURA, CPW, the Service District, the PIC and the PID shall be
hereinafter referred to collectively as the “Parties”; and

WHEREAS, the Parties have entered into that certain Centerra Master Financing and
Intergovernmental Agreement dated January 20, 2004, (together with the First, Second, Third,
Fourth, Fifth, and Sixth Amendments described below, referred to herein collectively as “the
MFA”) to provide, among other things, for the financing of “Public Improvements” and “Regional
Improvements” related to the development of Centerra, as these terms in quotes are defined in the
MFA; and

WHEREAS, the Parties entered into that certain First Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated December 5, 2006; and

WHEREAS, the Parties entered into that certain Second Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated November 20, 2007; and

WHEREAS, the Parties entered into that certain Third Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated October 28, 2008; and

WHEREAS, the Parties entered into that certain Fourth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated April 7, 2009; and

WHEREAS, the Parties entered into that certain Fifth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated November 5, 2013; and

WHEREAS, the Parties entered into that certain Sixth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated February 4, 2014 (the “Sixth Amendment”);
and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning given them in the MFA including any amendments thereto; and

WHEREAS, the Parties entered into that certain Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement dated January 26, 2016 (the “Seventh Amendment”), which designated a public parking structure on Parcel 206 as a Local Improvement and imposed certain restrictions on the Service District’s authority to construct the Parcel 505 Parking Improvements as a Local Improvement, as permitted by MFA Section 1.54; and

WHEREAS, subsequent to the Parties’ approval of the Seventh Amendment, the Parties determined that allowing the Service District to provide parking improvements in phases on Parcel 206, commencing with the construction of public surface parking prior to the construction of any public parking structure, is economically prudent, avoids over-building and is in the best interests of the City, the Service District, and their taxpayers and residents; and

WHEREAS, the Parties desire to execute this Minor Modification to include “public surface parking” in the definition of “Parcel 206 Parking Improvements,” as defined in the Seventh Amendment and designated as a Local Improvement therein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and adequacy of which the Parties acknowledge, the Parties agree as follows:

1. That Paragraph 2 of the Seventh Amendment is hereby amended and restated in its entirety as follows:

That for purposes of this Seventh Amendment, the term “Parcel 206 Parking Improvements” shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District, as generally depicted and described on **Exhibit A** and **Exhibit B** to this Minor Modification, attached hereto and incorporated herein by reference.

2. That except as provided in the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, and the Seventh Amendment and this Minor Modification, all other terms and conditions of the MFA shall remain unchanged and in full force and effect.

(Remainder of Page Left Intentionally Blank.)

IN WITNESS WHEREOF, the Parties have executed this Minor Modification or counterpart copies thereof as of the date first written above.

CITY OF LOVELAND, COLORADO, a Colorado
municipal corporation

By: _____

Cecil Gutierrez, Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

City Attorney

LOVELAND URBAN RENEWAL AUTHORITY,
a Colorado body corporate and politic

By: _____

Cecil Gutierrez, Chairman

ATTEST:

By: _____
_____, Secretary

APPROVED AS TO FORM:

City Attorney

CENTERRA METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: _____

Kim L. Perry, President

ATTEST:

By: _____

Tom Hall, Secretary

CENTERRA PUBLIC IMPROVEMENT COLLECTION CORPORATION, a Colorado
non-profit corporation

By: _____

Joshua Kane, President

ATTEST:

By: _____

Ben Kendall, Secretary/Treasurer

CENTERRA PUBLIC IMPROVEMENT DEVELOPMENT CORPORATION, a
Colorado non-profit corporation

By: _____

Joshua Kane, President

ATTEST:

By: _____

Ben Kendall, Secretary/Treasurer

CENTERRA PROPERTIES WEST, LLC
a Colorado Limited Liability Corporation

By: McWhinney Real Estate Services, Inc.,
a Colorado Corporation, Manager

By: _____
Julie L. Den Herder
Chief Operating Officer

EXHIBIT A

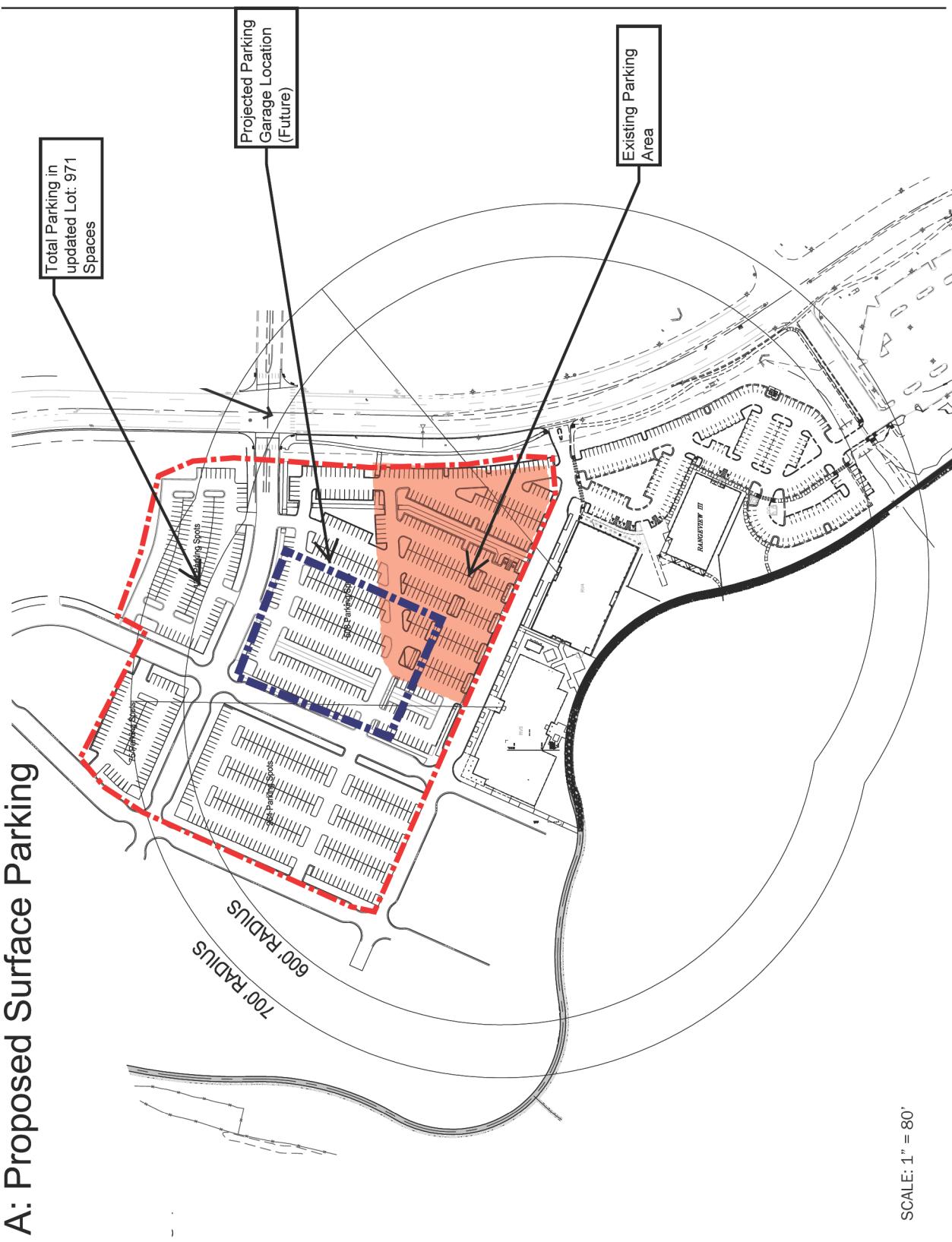
Parcel 206 Public Surface Parking

EXHIBIT B

Parcel 206 Public Parki

Surface Parking

Exhibit A: Proposed Surface Parking



Parcel 206 Site Plan:

P.168

Site Plan



- Residential
- Office
- Office/Retail Mixed-Use
- Retail
- Hotel
- Parking Structure

R E S O L U T I O N #R-34-2016**A RESOLUTION OF THE LOVELAND URBAN RENEWAL AUTHORITY
APPROVING A MINOR MODIFICATION TO THE SEVENTH AMENDMENT TO
THE CENTERRA MASTER FINANCING AND INTERGOVERNMENTAL
AGREEMENT AS AMENDED**

WHEREAS, the City of Loveland (the “City”) and the Loveland Urban Renewal Authority (“LURA”) entered into that certain Centerra Master Financing and Intergovernmental Agreement dated January 20, 2004 (together with the First, Second, Third, Fourth, Fifth, and Sixth Amendments described below, referred to herein collectively as the “MFA”), with Centerra Properties West, LLC (the “Developer”), Centerra Metropolitan District No. 1 (the “Service District”), Centerra Public Improvement Collection Corporation (the “PIC”), and Centerra Public Improvement Development Corporation (the “PID”); and

WHEREAS, the City, LURA, the Developer, the Service District, the PIC and the PID shall be hereinafter referred to collectively as “the Parties”; and

WHEREAS, the Parties entered into that certain First Amendment to the Centerra Master Financing and Intergovernmental Agreement dated December 5, 2006; and

WHEREAS, the Parties entered into that certain Second Amendment to the Centerra Master Financing and Intergovernmental Agreement dated November 20, 2007; and

WHEREAS, the Parties entered into that certain Third Amendment to the Centerra Master Financing and Intergovernmental Agreement dated October 28, 2008; and

WHEREAS, the Parties entered into that certain Fourth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated April 7, 2009; and

WHEREAS, the Parties entered into that certain Fifth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated November 5, 2013; and

WHEREAS, the Parties entered into that certain Sixth Amendment to the Centerra Master Financing and Intergovernmental Agreement dated February 4, 2014; and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning given them in the MFA including any amendments thereto; and

WHEREAS, the Parties entered into that certain Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement dated January 26, 2016 (the “Seventh Amendment”), which designated the public parking structure on Parcel 206 as a Local Improvement and imposed certain restrictions on the Service District’s authority to construct the Parcel 505 Parking Improvements as a Local Improvement, as permitted by MFA Section 1.54; and

WHEREAS, the Loveland City Council approved the Seventh Amendment in Resolution #R-5-2016 and also approved the Seventh Amendment sitting as the LURA's governing body in Resolution #R-6-2016; and

WHEREAS, subsequent to the Parties' approval of the Seventh Amendment, the Parties determined that allowing the Service District to provide parking improvements in phases on Parcel 206, commencing with the construction of public surface parking prior to the construction of a public parking structure, is economically prudent, avoids over-building and is in the best interests of the City, the Service District, and their taxpayers and residents; and

WHEREAS, the Parties desire to modify the Seventh Amendment, pursuant to the "Minor Modification to the Seventh Amendment" attached hereto as Exhibit A and incorporated by reference, to include "public surface parking" in the definition of "Parcel 206 Parking Improvements," as defined in the Seventh Amendment and designated as a Local Improvement therein; and

WHEREAS, MFA Section 17.1 provides that the Parties may amend the MFA by an instrument signed by all of the Parties; and

WHEREAS, the Loveland City Council approved this Minor Modification to the Seventh Amendment in Resolution #R-____-2016 and also approved this Minor Modification to the Seventh Amendment sitting as the LURA's governing body in Resolution #R-____-2016.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE LOVELAND URBAN RENEWAL AUTHORITY:

Section 1. That the Minor Modification to the Seventh Amendment is hereby approved, and the Mayor, as Chairman of LURA, and the City Clerk, as the Assistant Secretary of LURA, are hereby authorized and directed to execute it on behalf of LURA.

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

ADOPTED this _____ day of _____, 2016.

Cecil A. Gutierrez, Chairman

ATTEST:

Assistant Secretary

APPROVED AS TO FORM:



Tami Yalti
City Attorney

EXHIBIT “A”

MINOR MODIFICATION TO THE SEVENTH AMENDMENT TO THE CENTERRA MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT

**THIS MINOR MODIFICATION TO SEVENTH AMENDMENT TO THE CENTERRA
MASTER FINANCING AND INTERGOVERNMENTAL AGREEMENT** (the “Minor
Modification”) is entered into this ____ day of May, 2016, by and among the **CITY OF
LOVELAND, COLORADO**, a Colorado home rule municipality (the “City”); the **LOVELAND
URBAN RENEWAL AUTHORITY**, a body corporate and politic (“LURA”); **CENTERRA
PROPERTIES WEST, LLC**, a Colorado limited liability company (“CPW”); **CENTERRA
METROPOLITAN DISTRICT NO. 1**, a quasi-municipal corporation and political subdivision
of the State of Colorado (the “Service District”); **CENTERRA PUBLIC IMPROVEMENT
COLLECTION CORPORATION**, a Colorado non-profit corporation (the “PIC”); and the
CENTERRA PUBLIC IMPROVEMENT DEVELOPMENT CORPORATION, a Colorado
non-profit corporation (the “PID”).”

WHEREAS, the City, LURA, CPW, the Service District, the PIC and the PID shall be
hereinafter referred to collectively as the “Parties”; and

WHEREAS, the Parties have entered into that certain Centerra Master Financing and
Intergovernmental Agreement dated January 20, 2004, (together with the First, Second, Third,
Fourth, Fifth, and Sixth Amendments described below, referred to herein collectively as “the
MFA”) to provide, among other things, for the financing of “Public Improvements” and “Regional
Improvements” related to the development of Centerra, as these terms in quotes are defined in the
MFA; and

WHEREAS, the Parties entered into that certain First Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated December 5, 2006; and

WHEREAS, the Parties entered into that certain Second Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated November 20, 2007; and

WHEREAS, the Parties entered into that certain Third Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated October 28, 2008; and

WHEREAS, the Parties entered into that certain Fourth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated April 7, 2009; and

WHEREAS, the Parties entered into that certain Fifth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated November 5, 2013; and

WHEREAS, the Parties entered into that certain Sixth Amendment to the Centerra Master
Financing and Intergovernmental Agreement dated February 4, 2014 (the “Sixth Amendment”);
and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning given them in the MFA including any amendments thereto; and

WHEREAS, the Parties entered into that certain Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement dated January 26, 2016 (the “Seventh Amendment”), which designated a public parking structure on Parcel 206 as a Local Improvement and imposed certain restrictions on the Service District’s authority to construct the Parcel 505 Parking Improvements as a Local Improvement, as permitted by MFA Section 1.54; and

WHEREAS, subsequent to the Parties’ approval of the Seventh Amendment, the Parties determined that allowing the Service District to provide parking improvements in phases on Parcel 206, commencing with the construction of public surface parking prior to the construction of any public parking structure, is economically prudent, avoids over-building and is in the best interests of the City, the Service District, and their taxpayers and residents; and

WHEREAS, the Parties desire to execute this Minor Modification to include “public surface parking” in the definition of “Parcel 206 Parking Improvements,” as defined in the Seventh Amendment and designated as a Local Improvement therein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and adequacy of which the Parties acknowledge, the Parties agree as follows:

1. That Paragraph 2 of the Seventh Amendment is hereby amended and restated in its entirety as follows:

That for purposes of this Seventh Amendment, the term “Parcel 206 Parking Improvements” shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District, as generally depicted and described on **Exhibit A** and **Exhibit B** to this Minor Modification, attached hereto and incorporated herein by reference.

2. That except as provided in the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, and the Seventh Amendment and this Minor Modification, all other terms and conditions of the MFA shall remain unchanged and in full force and effect.

(Remainder of Page Left Intentionally Blank.)

IN WITNESS WHEREOF, the Parties have executed this Minor Modification or counterpart copies thereof as of the date first written above.

CITY OF LOVELAND, COLORADO, a Colorado
municipal corporation

By: _____

Cecil Gutierrez, Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

City Attorney

LOVELAND URBAN RENEWAL AUTHORITY,
a Colorado body corporate and politic

By: _____

Cecil Gutierrez, Chairman

ATTEST:

By: _____
_____, Secretary

APPROVED AS TO FORM:

City Attorney

CENTERRA METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: _____

Kim L. Perry, President

ATTEST:

By: _____

Tom Hall, Secretary

CENTERRA PUBLIC IMPROVEMENT COLLECTION CORPORATION, a Colorado
non-profit corporation

By: _____

Joshua Kane, President

ATTEST:

By: _____

Ben Kendall, Secretary/Treasurer

CENTERRA PUBLIC IMPROVEMENT DEVELOPMENT CORPORATION, a
Colorado non-profit corporation

By: _____

Joshua Kane, President

ATTEST:

By: _____

Ben Kendall, Secretary/Treasurer

CENTERRA PROPERTIES WEST, LLC
a Colorado Limited Liability Corporation

By: McWhinney Real Estate Services, Inc.,
a Colorado Corporation, Manager

By: _____
Julie L. Den Herder
Chief Operating Officer

EXHIBIT A

Parcel 206 Public Surface Parking

EXHIBIT B

Parcel 206 Public Parki