



CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
 (970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620
www.cityofloveland.org

PROCLAMATION

- WHEREAS, National Engineers Week, founded in 1951 by the National Society of Professional Engineers, is always celebrated at the time of George Washington's birthday in February because he was our first president and a military engineer, and
- WHEREAS, the purpose of National Engineers Week is to increase public awareness and appreciation of the engineering profession; and
- WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and
- WHEREAS, the Engineers of the State of Colorado will actively help to maintain and sustain the vital infrastructure of our civilized and national environments; and
- WHEREAS, engineers help America remain at the forefront of technological development and contribute to countless breakthroughs that improve the quality of life for people throughout the world.

NOW, THEREFORE, we, the Loveland City Council of the City of Loveland, do hereby proclaim February 19 through 25, 2012 as

NATIONAL ENGINEERS WEEK

in the City of Loveland.

Signed this 21st day of February, 2012

Cecil A. Gutierrez, Mayor





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PROCLAMATION

- WHEREAS, the month of February, 2012, has been designated as "Career & Technical Education Month"; and
- WHEREAS, the Thompson R2-J School District provides a Career & Technical Education program that focuses on preparing students to enter the 21st Century workforce; and
- WHEREAS, we desire students to graduate from our schools with the motivation to continue to learn throughout their lives and be equipped with the knowledge and tools to make informed life choices; and
- WHEREAS, the Business/Education Partnership Programs in cooperation with participating businesses in the communities offer all students the opportunity to gain employability skills through classroom education, leadership development, projects, shadows, mentors, apprenticeships, internships, cooperative programs; and
- WHEREAS, the future of the City, State, and Nation depend upon the growth and development of our youth who will one day become our business leaders;

NOW, THEREFORE, we, the City Council of Loveland, Colorado, do hereby proclaim the month of February, 2012, as

CAREER & TECHNICAL EDUCATION MONTH

and strongly urge business, industry, education, government, and citizens of the community to lend their interest, assistance, and encouragement to the students participating in the program.

Signed this 21st day of February, 2012

Cecil A. Gutierrez, Mayor



Mayor Gutierrez called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, McEwen, Fogle, Taylor, Farley, McKean, Trenary, Klassen and Shaffer. City Manager, Bill Cahill was also present. To accommodate the presentations more efficiently, the agenda items were rearranged.

1. WATER & POWER

Cross Connection Control Program (CCCP)

Water and Power Director, Steve Adams presented this item to educate Council on the CCCP and offer recommendations on the implementation of the program. Staff members John McGee, Andy Tenbraak, Chris Matkins, Gretchen Stanford and Assistant City Attorney, Sharon Citino were present to address Council or answer questions. John McGee reviewed the history of the program to identify any potential hazards that exist; installation, enforcement and maintenance of containment devices installed to eliminate the hazards; and implementation of a tracking system to notify customers with backflow devices that annual testing is required to be conducted and proper City records maintained. Council discussion ensued and staff was directed to bring the item to a regular meeting for consideration.

3. ECONOMIC DEVELOPMENT

City of Loveland Economic Development Strategic Plan and Incentive Policy Amendments

Economic Development Director, Betsey Hale presented these items to Council. A) Ms. Hale introduced Cindy Mackin, recently hired for the Destination Loveland Program. Ms. reviewed the draft of City of Loveland economic development strategic plan which was recently developed by a citizen working group, LBAN partners and city staff. Council directed staff to move forward to a regular meeting for consideration. B) Ms. Hale also presented an amended City of Loveland Incentive Policy, which was renamed from Economic Development Policy. The policy also includes the current description of the City's Economic Development Department. Discussion by Council supported adding into the policy a detailed flowchart of the process and the requirement of a firm recommendation in the staff report for Council consideration. C) Ms. Hale reviewed the proposed amendment to the Office of Creative Sector Development strategic plan metrics. Business Development Specialist, Marcie Erion came forward to answer questions on the requested rollback of job creation and event attendee numbers. Council discussion ensued. Staff was directed to track the job creation and retention metrics but allow more time to go by to assess the office's progress and more "realtime" data is available.

2. FIRE & RESCUE

Loveland Fire Rescue Authority Update

Fire Chief, Randy Mirowski presented this item to Council as a progress report on the Loveland Fire Rescue Authority with a focus on the Model 1 Basic Services Plan. Public Safety Administration Director, Renee Wheeler also gave an overview of staffing and the capital expansion plan over the next 8-10 years. Council was very supportive of the plan and discussion concerned costs and priorities. Jeff Swanty and Attorney Greg White discussed the City's partnership with the Rural District and updated Council on the Mill Levy Election to be held on May 8, 2012 by the District. A short visual display of the proposed relocation for Fire Station 2 was also presented.

Councilor Shafer gave a brief update about recent activities of the North Front Range MPO.

The study session was adjourned at 11:02 p.m.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

Cecil A. Gutierrez, Mayor

CALL TO ORDER

Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE**ROLL CALL**

Roll was called and the following responded: Gutierrez, Taylor, Farley, Klassen, Shaffer, Trenary, McKean, McEwen and Fogle.

PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor McEwen moved to approve the Consent Agenda. The motion was seconded by Councilor Shaffer and a roll call vote was taken with all councilors present voting in favor thereof.

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

Administrative Action: A motion approving Council minutes from January 10, 2012 study session, January 17, 2012 regular meeting and January 24, 2012 study session was approved.

2. CITY MANAGER**Board & Commission Appointments
Motion**

Administrative Action: City Council approved the following appointments:
Human Services Commission: Melody Bettenhausen was appointed for a partial term effective until June 30, 2012.
Police Citizen Advisory Commission: Erin Frisch, Pat Kistler and John Tindall were reappointed each for three year terms effective until December 31, 2014. Tony Adams was appointed as an alternate member for a one year term effective until December 31, 2012.

3. DEVELOPMENT SERVICES**Supplemental Appropriation – State Historical Grant (Pulliam Building)
Ordinance #5662**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR A STATE HISTORICAL FUND GRANT TO FUND A STRUCTURAL ASSESSMENT OF THE PULLIAM BUILDING" was approved and ordered published on second reading.

4. FINANCE

Supplemental Appropriation – Costs incurred with Agilent property purchase

Ordinance #5663

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO APPROPRIATE A PORTION OF THE PROCEEDS FROM THE AGILENT PROPERTY SALE" was approved and ordered published on second reading.

5. ECONOMIC DEVELOPMENT

Supplemental Appropriation of Developer Funds (Rialto Bridge Project)

Ordinance #5664

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO APPROPRIATE THE DEVELOPER'S CONTRIBUTION TO THE RIALTO BRIDGE CONSTRUCTION PROJECT" was approved and ordered published on second reading.

6. CITY MANAGER

Municipal Code Amendment – Change to Senior Advisory Board Membership

1st Rdg Ord. & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 2.60.240 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO THE SENIOR ADVISORY BOARD" was approved and ordered published on first reading.

7. DEVELOPMENT SERVICES

Street Name exception in Mariana Butte 25th Subdivision

Resolution #R-7-2012

Legislative Action: Resolution #R-7-2012 regarding street name exception to Section 12.08.100 of the Loveland Municipal Code within the Mariana Butte PUD legally described as Lot1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision, all situated in the southwest quarter of Section 16, Township 5 North, Range 69 West of the 6th P.M. to the City of Loveland, County of Larimer, State of Colorado was approved.

RESOLUTION NO. #R-7-2012

A RESOLUTION REGARDING STREET NAME EXCEPTION TO SECTION 12.08.100 OF THE LOVELAND MUNICIPAL CODE WITHIN THE MARIANA BUTTE PUD LEGALLY DESCRIBED AS LOT 1 BLOCK 12 MARIANA BUTTE SEVENTH SUBDIVISION AND A PORTION OF TRACT A MARIANA BUTTE PUD FIRST SUBDIVISION, ALL SITUATE IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.

WHEREAS, Lot 1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision, were zoned as part of the Mariana Butte PUD; and

WHEREAS, C.R.S. §31-15-702 authorizes the governing body of a municipality to name and rename any streets within its boundaries; and

WHEREAS, Chapter 12.08 of the Loveland Municipal Code regulates the naming and numbering of streets within the city limits of Loveland, Colorado; and

WHEREAS, Section 12.08.045 of the Loveland Municipal Code sets forth the guidelines for names of streets within the City of Loveland and provides as follows:

12.08.045 Guidelines for names.

The names for streets shall be selected in such a manner so that no repetition shall appear in any of the names given to different streets. The names for streets used in any area shall not be unduly similar to those names used in other areas. The length of the names for streets shall be kept to a reasonable minimum. Anytime that a street makes a directional change of approximately ninety degrees, the street name shall change. A directional change of approximately ninety degrees shall mean a horizontal curve where a reduction in the design speed is required (i.e. a sharp turn vs. a sweeping curve). Street

names from each category shall be readily recognizable to the general public. Street names may not reflect any corporate or brand names. Existing street names shall continue across intersections and roundabouts.; and

WHEREAS, the streets located in Lot 1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision are further governed by Section 12.08.100 of the Loveland Municipal Code, which states as follows:

12.08.100 South of Eisenhower Blvd., north of First Street and west of Railroad Avenue. In the area south of Eisenhower Boulevard and north of First Street and west of Railroad Avenue all streets shall have the names of pioneers of the Loveland area, Loveland Mayors, native Colorado animals, prominent geographical features of the area, golf terms, Native American tribe names and Native American chief names.; and

WHEREAS, a request has been made to City staff to all allow for an exception to the street naming conventions as set forth in Chapter 12.08 and, due to a desire in using the name Zander; and

WHEREAS, Section 12.08.200 of the Loveland Municipal Code allows the City Council to grant exceptions to the provisions of Chapter 12.08 with respect to naming of streets; and

WHEREAS, the City Council desires to allow for an exception to the City's standard street naming conventions and allow for a street located in Lot 1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision to be named Zander Court.

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

Section 1. Pursuant to Loveland Municipal Code section 12.08.200, the City Council determines that it is in the best interest of the citizens of the city of Loveland to allow for an exception to the street naming conventions set forth in Loveland Municipal Code section 12.08.100 with respect to those portions of Lot 1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision which lie within the Mariana Butte PUD, and does hereby approve the following street name for said development.

1. Zander Court.

Section 2. The City Clerk is directed to record this Resolution with the Larimer County Clerk and Recorder.

Section 3. The effective date of this Resolution shall be the date of its recording with the Larimer County Clerk and Recorder.

Adopted this 7th day of February, 2012

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

8. DEVELOPMENT SERVICES

Fee Waivers for Loveland Habitat for Humanity

Resolution #R-8-2012

Administrative Action: Resolution #R-8-2012 waiving certain development fees for construction of eight residences by Loveland Habitat for Humanity was approved.

RESOLUTION #R-8-2012

A RESOLUTION WAIVING CERTAIN DEVELOPMENT FEES FOR CONSTRUCTION OF EIGHT RESIDENCES BY LOVELAND HABITAT FOR HUMANITY

WHEREAS, Loveland Habitat for Humanity ("Habitat") has requested that the City waive certain City-imposed development fees, including capital expansion fees, for eight residences that it will construct in 2012 in Loveland, Colorado, including 6 residences located in Willow Park 2nd Subdivision at 574, 598, 599, 623, 647, and 671 East 27th Street, and 2 residences located in Wards 3rd Subdivision at 1229 2nd Street Southeast and 1232 Raven Place, (collectively, the "Residences"); and

WHEREAS, Loveland Municipal Code Section 16.38.075 provides that the City Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed upon new development upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, that such facilities relieve the pressures of growth on City-provided facilities, and that such facilities do not create growth or growth impacts; and

WHEREAS, Habitat is willing and able to enter into one or more development agreements with the City pursuant to which Habitat will agree to construct the Residences for the benefit of low and moderate income Loveland households.

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

Section 1. That the City Council finds that the waiver of the development fees, capital expansion fees, and enterprise fees which results from the adoption of this Resolution will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, that such facilities relieve the pressures of growth on City-provided facilities, and that such facilities do not create growth or growth impacts.

Section 2. That capital expansion fees in a total amount not to exceed \$95,876.88 payable for the construction of the Residences are hereby waived for the purpose described above.

Section 3. That as provided in Loveland Municipal Code Section 16.38.075, when a capital related fee is waived as set forth in Section 2, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund.

Section 4. That development fees, including, but not limited to, all building permit fees, plan review fees, and any and all other fees, due and payable for construction of the Residences between permit application and final certificate of occupancy (but not including capital expansion fees, enterprise fees such as system impact fees, raw water fees, tap fees or other enterprise fees) in a total amount not to exceed \$30,640.56 are hereby waived for the purpose described above.

Section 5. That enterprise fees, including system impact fees, raw water fees, tap fees, or any other enterprise fees, payable for construction of the Residences in a total amount not to exceed \$65,000.00 are hereby waived for the purpose described above.

Section 6. That the amount of the waived enterprise fees, in an amount not to exceed \$65,000.00, as set forth in Section 5 hereof, shall be paid by the City into the City's enterprise funds from the general fund of the City, and that such funds have been appropriated in the City's 2012 budget.

Section 7. That the waiver of the fees described in Sections 2, 4, and 5 hereof shall be conditioned upon the City, through its City Manager, and Habitat entering into one or more development agreements, which development agreements shall provide for the waiver of said fees in exchange for the construction of the Residences, as well as such other conditions as the City Manager shall deem necessary.

Section 8. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of February, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

9. PUBLIC WORKS

Supplemental Appropriation- Fleet Replacement of a roadway mowing tractor

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR THE FLEET REPLACEMENT OF A ROADWAY MOWING TRACTOR" was approved and ordered published on second reading.

10. WATER & POWER

Amend Rate Schedule TS (Transmission Voltage Service)

Resolution #R-9-2012

Administrative Action: Resolution #R-9-2012 adopting Rate Schedule TS, Transmission Voltage Service, and superseding all prior resolutions establishing former Rate Schedule IP, Interruptible 115 kV Transmission Voltage Service was approved.

RESOLUTION #R-9-2012

A RESOLUTION ADOPTING RATE SCHEDULE TS, TRANSMISSION VOLTAGE SERVICE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING FORMER RATE SCHEDULE IP, INTERRUPTIBLE 115 kV TRANSMISSION VOLTAGE SERVICE

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set such rates, charges, and fees for the City's Water and Power Department in Resolution #R-64-2011; and

WHEREAS, City staff has presented to the City Council a revised "Schedule IP, Interruptible 115 kV Transmission Voltage Service" ("Rate Schedule IP"), now renamed "Schedule TS, Transmission Voltage Service," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Rate Schedule TS").

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

Section 1. That Rate Schedule TS, attached hereto as Exhibit A, is hereby adopted.

Section 2. That this Resolution, as of the effective date of this Resolution and as provided in Section 3 below, shall supersede in all respects all previous resolutions of the City Council which established former Rate Schedule IP.

Section 3. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 7th day of February, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available at the City Clerk's Office

11. CULTURAL SERVICES

Supplemental Appropriation for donation to Rialto Theater Center

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR EQUIPMENT AT THE RIALTO THEATER CENTER" was approved and ordered published on first reading.

12. FIRE & RESCUE

Loveland Fire Rescue Authority Bylaws

Resolution #R-10-2012

Administrative Action: Resolution #R-10-2012 approving the Loveland Fire Rescue Authority Bylaws was approved.

RESOLUTION #R-10-2012

A RESOLUTION APPROVING THE LOVELAND FIRE RESCUE AUTHORITY BYLAWS

WHEREAS, On August 19, 2011, pursuant to that Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity (The "Formation Agreement") the City of Loveland ("City") and the Loveland Rural Fire Protection District ("District") created the Loveland Fire Rescue Authority ("Fire Authority") and set a beginning operational date of January 1, 2012 at 12:01 a.m.; and

WHEREAS, pursuant to the Section 1.5 of Article I of the Formation Agreement the Fire Authority Board ("Board") is required to adopt bylaws and/or any necessary policies governing the responsibilities and duties of the Board consistent with the terms of the Formation Agreement; and

WHEREAS, such section further requires that the Board submit such bylaws, policies and any amendments to the City and the District for approval before going into effect; and

WHEREAS, on January 12, 2012, the Board unanimously adopted Resolution #R-002, approving the "Loveland Fire Rescue Authority Bylaws," attached hereto as Exhibit A and incorporated by reference ("Bylaws"), and now seeks approval by the City and the District; and

WHEREAS, the City Council of the City of Loveland finds that it is in the best interests of the City to approve the Bylaws; and NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:

Section 1. That the Bylaws are hereby approved.

Section 2. That the City Manager is hereby authorized to execute the Bylaws on behalf of the City, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interest of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 7th day of February, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available at the City Clerk's Office

13. ECONOMIC DEVELOPMENT

Fee Deferral Agreement with Advanced Manufacturing for Bottles, Inc.

Resolution #R-11-2012

Administrative Action: Resolution #R-11-2012 approving Advanced Manufacturing for Bottles, Inc. fee deferral agreement was approved.

RESOLUTION #R-11-2012

A RESOLUTION APPROVING ADVANCED MANUFACTURING FOR BOTTLES, INC. FEE DEFERRAL AGREEMENT

WHEREAS, Advanced Manufacturing for Bottles, Inc., a Colorado corporation ("AMT") designs and produces conveyance systems for bottles, cans, caps and cartons in its existing facility located at 3920 Patton Avenue, in Loveland (the "AMT Facility"); and

WHEREAS, AMT plans to construct a new building adjacent to the AMT Facility at a budgeted cost of approximately \$800,000.00 (the "New Building") on certain real property known as 3950 Patton Avenue (the "Property"); and

WHEREAS, AMT is required to pay the City certain capital expansion fees and other fees (the "Fees") and construction materials use taxes ("City Use Taxes") as a precondition to receiving from the City a building permit and/or final certificate of occupancy for the New Building; and

WHEREAS, AMT has asked the City for certain economic incentives to aid it in constructing the New Building on the Property to support and expand AMT's design and production business operated in the AMT Facility; and

WHEREAS, City staff and AMT have negotiated certain economic incentives as set forth in the Advanced Manufacturing Technology for Bottles Fee Deferral Agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Agreement"); and

WHEREAS, construction of the New Building, retention of AMT's business operations in Loveland, and expansion of AMT's business will provide significant economic benefits to the citizens of Loveland, primarily in the form of jobs and increased property tax revenues to the City; and

WHEREAS, deferral of the Fees may be authorized by a resolution of Council under City Code Section 16.38.071 and credit for or deferral of the City Use Taxes is authorized under City Code Section 3.16.590, if the resolution makes a determination and finding that such deferral will serve a public purpose, which purpose may include providing the public with significant economic benefits, and provided the resolution approves a written agreement with the person owing the fees containing such terms and conditions as the City Council determines are in the best interest of the City.

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

Section 1. That pursuant to City Code Sections 16.38.071 and 3.16.590, the City Council hereby finds that: (a) the deferral of the Fees and City Use Taxes and possible partial waiver of City Use Taxes pursuant to the Agreement will serve the public purpose of providing the public with significant economic benefits including, without limitation, new jobs and increased property taxes; and (b) the terms and conditions of the Agreement are in the best interests of the City.

Section 2. That the Agreement is hereby approved.

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

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

Section 5. That the City Clerk shall record the Agreement in the real property records of the Larimer County Clerk and Recorder after execution by all parties.

Section 6. That this Resolution shall be effective as of the date of its adoption.

Approved this 7th day of February, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk
Exhibit A is available at the City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

PRESENTATION Miss Loveland Valentine 2012, Mary Askham gave a presentation to Council.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Farley Councilor Farley attended a meeting with developers from Artspace Projects Inc.

McEwen Councilor McEwen commented on members from the Youth Advisory Commission's participation in the Loveland Trivia Bowl held Saturday, February 4, 2012. Proceeds benefited a local organization "Look Both Ways". She also attended the 50th anniversary of the Sweetheart Ball for the Foote and Fiddle Square Dance Club.

Shaffer Councilor Shaffer reported on the North Front Range Metropolitan District meeting that "all is well". She was unable to attend the Loveland Housing Authority meeting where they discussed the project between Housing Authority and Artspace for management of the proposed project located on property adjacent to the Feed & Grain Building.

Gutierrez Councilor Gutierrez attended "A Night in Hollywood", a fundraiser for the Loveland High School band program and a breakfast award ceremony for the Boys and Girls Club. The Rialto Theater Center is opening soon. Former Transportation Advisory Board member Jimmy Johnson passed away. The Mayor encouraged everyone to come out to the various events Friday night in downtown Loveland.

c) City Manager Report City Manager Cahill mentioned the improvements to the Council Chambers including new microphones.

d) City Attorney Report None

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

14. DEVELOPMENT SERVICES

Maintenance of HOA Open Lands within Garden Gate Subdivision Appeal

Quasi-judicial Action: The Mayor opened the public hearing at 6:58 p.m. Current Planning Manager Bob Paulsen introduced this item to Council. Also present were City

Planner Troy Bliss, Director of Development Services Greg George and the appellant, Mr. Cromwell. A public hearing to consider a quasi-judicial action to reverse or uphold a decision made by the Planning Commission denying an appeal of an administrative decision by the Director. The Director's decision concerned the maintenance of HOA open space lands within the Garden Gate Subdivision. The appellant, Mr. Cromwell, is a resident of the Garden Gate neighborhood. Mr. Cromwell contends that the Planning Commission erred in its decision, failing to fully consider relevant facts and failing to specify the conditions associated with their decision. As a de novo hearing, the presentation of new and additional evidence is permitted and City Council may reverse, uphold, or modify the decision of the Planning Commission.

Bruce Cromwell, 267 Wrybill Avenue, spoke in support of the appeal and distributed copies of photographs that were also included in the Council packet. Robert Valland, 224 Sand Grouse Drive, Secretary of the HOA for Garden Gate, spoke in opposition to the appeal. Brandon Brake with Mill Brothers Landscaping distributed a maintenance schedule for Garden Gate Landscape. Richard Ferner, 2020 Sandhill Crane Circle spoke in support of the appeal. The Mayor closed the hearing at 8:12 p.m. Council discussion ensued. Councilor McEwen made a motion to uphold the Planning Commission decision on November 28, 2011 to deny the appeal of the administrative determination made by the Director of Development Services, and, therefore, uphold the Director's decision concerning the maintenance of HOA open space areas within the Garden Gate First Subdivision, subject to the Planning Commission's condition that noxious weeds (within the open space tracts) be controlled by the Garden Gate Homeowners Association Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof. Staff will come back with written findings and conclusions setting forth Council's decision for consideration and adoption within 30 days of this appeal hearing.

ADJOURNMENT

Having no further business to come before Council, the February 7, 2012 Regular Meeting was adjourned at 9:12 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

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

AGENDA ITEM: 2
MEETING DATE: 2/21/2012
TO: City Council
FROM: Bill Cahill, City Manager
PRESENTER: Bill Cahill

TITLE:

An Ordinance amending Section 2.60.240 of the Loveland Municipal Code pertaining to the Senior Advisory Board

RECOMMENDED CITY COUNCIL ACTION:

Move to approve the ordinance on second reading

OPTIONS:

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

DESCRIPTION:

This is a legislative action to adopt an ordinance on second reading amending Section 2.60.040 relating to the Senior Advisory Board membership. On February 7, 2012 City Council unanimously approved the ordinance on first reading.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

At its January 4, 2012 meeting, the Senior Advisory Board approved a motion to accept the resignation of the Volunteers of America from the Senior Advisory Board. A separate motion was then unanimously approved to recommend that a position for the Loveland Housing Authority be created and this recommendation be forwarded to City Council for consideration.

The redline copy of the proposed code amendment to Section 2.60.010 is:

2.60.240 Senior advisory board.

A. There is established a senior advisory board consisting of fifteen members. Nine members shall be appointed by the city council to serve terms of three years. Six members shall be nominated by the senior advisory board, and approved by the city council, to serve terms of two years. These six members shall consist of one at large member, and one member from each of the following organizations: Chilson Senior Advisory Committee, ~~Volunteers of America~~ Housing Authority of the City of Loveland, Colorado, McKee Senior Services, the Poudre Valley Hospital Aspen Club, and the McKee Medical Center Seasons Club.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

An Ordinance amending Section 2.60.240 of the Loveland Municipal Code pertaining to the Senior Advisory Board

FIRST READING: February 7, 2012

SECOND READING: February 21, 2012

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.60.240 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO THE SENIOR ADVISORY BOARD

WHEREAS, Section 2.60.240 of the Loveland Municipal Code currently sets forth the membership of the City's Senior Advisory Board; and

WHEREAS, the Volunteers of American (VOA) has notified the Senior Advisory Board that it desires to relinquish the designated slot for a VOA representative; and

WHEREAS, the Senior Advisory Board unanimously recommends that the City Council amend Loveland Municipal Code Section 2.60.250 to provide for a designated slot for a representative of the Housing Authority of the City of Loveland in lieu of the VOA.

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

Section 1. That Section Subsection A. of Section 2.60.240 of the Loveland Municipal Code is hereby amended to read as follows:

2.60.240 Senior advisory board.

A. There is established a senior advisory board consisting of fifteen members. Nine members shall be appointed by the city council to serve terms of three years. Six members shall be nominated by the senior advisory board, and approved by the city council, to serve terms of two years. These six members shall consist of one at large member, and one member from each of the following organizations: Chilson Senior Advisory Committee, Housing Authority of the City of Loveland, Colorado, McKee Senior Services, the Poudre Valley Hospital Aspen Club, and the McKee Medical Center Seasons Club.

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).

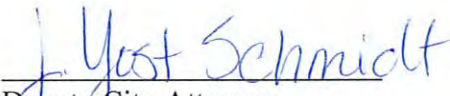
ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

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

AGENDA ITEM: 3
MEETING DATE: 2/21/2012
TO: City Council
FROM: Steve Kibler, Public Works
PRESENTER: Keith Reester

TITLE:

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the fleet replacement of a roadway mowing tractor

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

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

DESCRIPTION:

This is an administrative action. The ordinance appropriates reserve for the replacement of the Street Division's 1998 Massey flail mower, originally scheduled for replacement in 2013. City Council unanimously approved the ordinance on first reading on February 7, 2012.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

Budget impact is neutral because all replacement capital is already accrued in the Fleet Fund and available for appropriation.

SUMMARY:

The fleet vehicle/equipment referred to in this request is unit #8800 (1998 Massey flail mower used for roadway mowing). It was scheduled for replacement in 2013 but we are concerned that another major component failure will likely occur during peak mowing season requiring the need to perform mowing with a higher costing rental unit. The unit is experiencing repeated major

component failures which require extensive down-time causing extensive costs-of-ownership. Staff is recommending replacing it one year early. \$78,000.00 replacement Capital is accrued in the fleet fund. The plan is to purchase a replacement tractor from the National Purchasing Partners Coalition (NPP) which meets all Finance/Purchasing guidelines and policies.

REVIEWED BY CITY MANAGER: *William D. Cahill*

LIST OF ATTACHMENTS:

1. Ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the fleet replacement of a roadway mowing tractor
2. NPP's Purchasing Agreement and Colorado Machinery's (John Deere) quote with trade-in compensation

FIRST READING February 7, 2012

SECOND READING February 21, 2012

ORDINANCE NO. _____

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND
APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR
THE FLEET REPLACEMENT OF A ROADWAY MOWING TRACTOR**

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

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

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

Section 1. That reserves in the amount of \$78,000 from fund balance in the Fleet fund 500 are available for appropriation. Revenues in the total amount of \$78,000 are hereby appropriated for the purchase of a roadway mowing tractor to replace an existing unit and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Fleet Fund 500 - Mowing Equipment**

Revenues

Fund Balance	78,000
--------------	--------

Total Revenue	78,000
----------------------	---------------

Appropriations

500-23-260-0000-48240 Machinery and Equipment	78,000
---	--------

Total Appropriations	78,000
-----------------------------	---------------

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

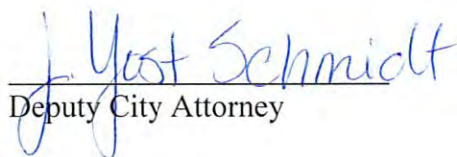
ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney



JOHN DEERE

Quote Id :5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company

2000 John Deere Run

Cary, NC 27513

Ph: 888-222-7239, Fax: 309-749-2313

FED ID: 36-2382580; DUNS#: 60-7690989

Prepared for:
CITY OF LOVELND

Proposal for:
CITY OF LOVELND

Delivering Dealer:

RANDY PFEIFER

COLORADO EQUIPMENT, LLC

125 JOHN DEERE DRIVE

FORT COLLINS, CO 80524

rpfeifer@coloradoequipment.net

Quote Prepared By:

RANDY PFEIFER

rpfeifer@coloradoequipment.net

Date :September 20, 2011**Offer Expires :January 12, 2012**



125 JOHN DEERE DRIVE
FORT COLLINS, CO 80524
Phone: 970-482-0400
Fax: 970-482-6160

P . 22

Quote Id : 5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
Ph: 888-222-7239, Fax: 309-749-2313
FED ID: 36-2382580; DUNS#: 60-7690989

Quote Summary

CITY OF LOVELAND (NNP MEMBER # 209180)

Prepared For :
CITY OF LOVELAND
CO
Home : 970-9622532

Delivering Dealer :
COLORADO EQUIPMENT, LLC
RANDY PFEIFER
125 JOHN DEERE DRIVE
FORT COLLINS, CO 80524
Phone: 970-482-0400
rpfeifer@coloradoequipment.net

Quote ID : 5887312
Created On : September 20, 2011
Last Modified On: January 4, 2012
Expiration Date: January 12, 2012

Equipment Summary	Selling Price		Qty		Extended
JOHN DEERE 6430 Cab Tractor	\$ 58,461.32	X	1	=	\$ 58,461.32
Contract: National Purchasing Partners (NPP)_NPP					
Price Effective Date: January 27, 2012					

ALAMO VERSA	\$ 36,250.00	X	1	=	\$ 36,250.00
Contract:					
Price Effective Date:					

Equipment Total **\$ 94,711.32**

Trade In Summary	Qty	Each	Extended
1998 MASSEY FERGUSON 6150	1	\$ 20,957.32	\$ 20,957.32
PayOff			\$ 0.00
Total Trade Allowance			\$ 20,957.32

Trade In Total **\$ 20,957.32**

* Includes Fees and Non-contract items

Quote Summary	
Equipment Total	\$ 94,711.32
Trade In	\$ (20,957.32)
SubTotal	\$ 73,754.00
Total	\$ 73,754.00
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 73,754.00

Salesperson : X _____

Accepted By : X _____

CONFIDENTIAL



Selling Equipment

Quote Id : 5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
Ph: 888-222-7239, Fax: 309-749-2313
FED ID: 36-2382580; DUNS#: 60-7690989

JOHN DEERE 6430 Cab Tractor

Contract: National Purchasing Partners (NPP)_NPP

Price Effective Date: January 27, 2012

Selling Price *
\$ 58,461.32

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount %	Discount Amount	Contract Price	Extended Contract Price
3132R	6430 Cab Tractor	1	\$ 73,878.00	27.00	\$ 19,947.06	\$ 53,930.94	\$ 53,930.94
Standard Options - Per Unit							
0600	No Package	1	\$ 0.00	27.00	\$ 0.00	\$ 0.00	\$ 0.00
0150	Standard Cab	1	\$ 0.00	27.00	\$ 0.00	\$ 0.00	\$ 0.00
0250	MFWD Front Axle with Limited Slip Differential	1	\$ 0.00	27.00	\$ 0.00	\$ 0.00	\$ 0.00
1288	18.4R34 In. 144A8 R1W Radial (460/85R34 In. 147A8 R1W Radial)	1	\$ 0.00	27.00	\$ 0.00	\$ 0.00	\$ 0.00
4149	12.4R24 In. 119A8 R1W Radial (320/85R24 In. 122A8 R1W Radial)	1	\$ -704.00	27.00	\$ -190.08	\$ -513.92	\$ -513.92
7010	SyncroPlus 16F/16R Transmission with Left Hand Power Reverser (19 mph/30 kmh)	1	\$ 1,953.00	27.00	\$ 527.31	\$ 1,425.69	\$ 1,425.69
7152	Flanged Axle, 8 Position Steel Wheels	1	\$ 0.00	27.00	\$ 0.00	\$ 0.00	\$ 0.00
7453	Deluxe Cab Corner Post Exhaust with Underhood Muffler	1	\$ 872.00	27.00	\$ 235.44	\$ 636.56	\$ 636.56
7662	Super Comfort Seat (MSG 95) with Air Suspension, 3-In. Seat Cushion	1	\$ 896.00	27.00	\$ 241.92	\$ 654.08	\$ 654.08
9207	Telescopic Rear View Mirrors (2) - Manually Adjustable	1	\$ 294.00	27.00	\$ 79.38	\$ 214.62	\$ 214.62
9102	Rear Windshield Wiper with Front & Rear Washer	1	\$ 493.00	27.00	\$ 133.11	\$ 359.89	\$ 359.89
9115	Back-Up Alarm	1	\$ 487.00	27.00	\$ 131.49	\$ 355.51	\$ 355.51



JOHN DEERE

Selling Equipment

Quote Id : 5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company

2000 John Deere Run

Cary, NC 27513

Ph: 888-222-7239, Fax: 309-749-2313

FED ID: 36-2382580; DUNS#: 60-7690989

Code	Description	Qty	List Price	Discount %	Discount Amount	Contract Price	Extended Contract Price
9303	Third SCV Standard (2 Detents - 201 Series) with Standard Couplers	1	\$ 1,139.00	27.00	\$ 307.53	\$ 831.47	\$ 831.47
9020	Cold Weather Package I	1	\$ 306.00	27.00	\$ 82.62	\$ 223.38	\$ 223.38
9085	License Plate Bracket with Light	1	\$ 36.00	27.00	\$ 9.72	\$ 26.28	\$ 26.28
Standard Options Total			\$ 5,772.00		\$ 1,558.44	\$ 4,213.56	\$ 4,213.56
Dealer Attachments/Non-Contract/Open Market							
RE289848	Radio, Deere/Delco AM/FM Stereo with Clock, Front Audio Input Jackfor MP3 Players, and Weatherband	1	\$ 434.00	27.00	\$ 117.18	\$ 316.82	\$ 316.82
Dealer Attachments Total			\$ 434.00		\$ 117.18	\$ 316.82	\$ 316.82
Suggested Price							\$ 58,461.32
Total Selling Price			\$ 80,084.00		\$ 21,622.68	\$ 58,461.32	\$ 58,461.32

ALAMO VERSA

Hours: 0

Selling Price *

\$ 36,250.00

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount %	Discount Amount	Contract Price	Extended Contract Price
VERSA MOWER	1-SIDE MOUNTED 74" FLAIL MOWER & 96" 3-PT REAR MOUNTED FLAIL MOWER	1	\$ 32,000.00	0.00	\$ 0.00	\$ 32,000.00	\$ 32,000.00
Other Charges							
	Freight	1	\$ 2,000.00			\$ 2,000.00	\$ 2,000.00
	Customer Setup	1	\$ 2,250.00			\$ 2,250.00	\$ 2,250.00
	Other Charges Total		\$ 4,250.00			\$ 4,250.00	\$ 4,250.00
Suggested Price							\$ 36,250.00



Selling Equipment

Quote Id : 5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
 2000 John Deere Run
 Cary, NC 27513
 Ph: 888-222-7239, Fax: 309-749-2313
 FED ID: 36-2382580; DUNS#: 60-7690989

Code	Description	Qty	List Price	Discount %	Discount Amount	Contract Price	Extended Contract Price
Total Selling Price			\$ 36,250.00		\$ 0.00	\$ 36,250.00	\$ 36,250.00



JOHN DEERE

E

P . 26

Trade-in

Quote Id : 5887312

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company

2000 John Deere Run

Cary, NC 27513

Ph: 888-222-7239, Fax: 309-749-2313

FED ID: 36-2382580; DUNS#: 60-7690989

1998 MASSEY FERGUSON 6150			
SN#			
Machine Details			
Description		Net Trade Value	
1998 MASSEY FERGUSON 6150		\$ 20,957.32	
SN#			
Your Trade-In Description			
Additional Options			
Hour Meter Reading	5826	3 Point Hitch	Standard
Additional Options or Attachments	this tractor has 1 side mounted flail mower and 1-3pt flail mower	Axle Front	Front Wheel Drive
Duals	No	Front Axle or Drive System	MFWD
Front Tire Size	14.9/-	Loader	No
Operator's Station	Cab w/Air Cond	Operator's Station	Cab
PTO	540	Radials	N/A
Rear Tire Size	480/85-34	SCVs	1
Speeds Forward	32	Speeds Reverse	32
Transmission	Partial Powershift	Transmission	Trans Dynashift 8x4 PS
Total		\$ 20,957.32	

NATIONAL PURCHASING PARTNERS (NPP)
Landscape, Turf & Athletic, Lawn and Garden Equipment, And Utility
Vehicles

Contract Number: NPP

Contract Period: 01 May 2007 – 30 April 2013

Eligibility: Any registered National Purchasing Partners (NPP) member is eligible to access the contract. Local regulations may require participating agencies to execute an Intergovernmental Cooperative Purchasing Agreement (IGA) with the lead government agency. For those participating agencies required to execute an IGA, a copy is available. Please email Molly Deter to request a copy of the IGA or any other legal documents (Request for Proposal (RFP), Master Price Agreement (MPA) etc.) at Molly.Deter@mynpp.com or contact her at 800- 810-3909.

- To become a NPP member click [here](#) and Join Now is a link on the page.
- Click here to access the [NPP Member List \(includes Non-Profit Members also\)](#)
- Click here to access the [NPP Contract Synopsis](#)
- NPP Membership # must be listed on the agency purchase order.

For questions about NPP and Webinars please contact Molly Deter at Molly.Deter@mynpp.com or contact her at 800- 810-3909.

All orders must show John Deere Company as the vendor and reference the contract and item number.

Purchase orders should be submitted to:

John Deere Company
2000 John Deere Run
Cary, NC 27513



CONTRACT INFORMATION

Tax Requirements	Yes – See Below
Allied (non-Deere)	Yes – List as “Non-Contract” on PO
Credit Cards	No
Fees	No
Leasing	Yes – Municipal Leases Allowed
Financing	Yes
Multiple Unit Discount	No
Non-contract (Deere)	Yes - List as “Non-Contract” on PO
Rental	No
Trade-Ins	Yes
Miscellaneous	No

Tax Requirements

Please click on the following link to complete the required form.

https://secured.deere.com/en_US/govsales/httpscontent/taxcient_index.html



Price Structure

Effective 4 March 2011 – Discounts Apply to Current Pricing

NOTE: Discounts shown below are for ALL NPP Members (including Non-Profit Members).

- NPP Membership # must be listed on the agency purchase order.
-

All Purchase Orders submitted for the State of **California** to John Deere should now include a separate line stating “Tire Fee” and list it as a Non-Contract item on the Purchase Order. Dealers should remit all fees (\$1.75 for each new farm tire purchased) to the State that they collect. Please refer to the State of California’s website for details on the tire fee. For your reference the link is included. <http://www.boe.ca.gov/pdf/pub91.pdf>

New tires (including the spare) included with the purchase of: a new or used motor vehicle, including a trailer drawn upon a highway or road; new or used **farm** equipment; or new or used construction equipment. *A “pneumatic tire” is a tire inflated, or capable of inflation, with compressed air. A “new tire” does not include retreaded, reused, or recycled tires.

JOHN DEERE PRICE PAGE TAB	CATEGORY	JOHN DEERE EQUIPMENT, ACCESSORIES AND ATTACHMENTS	DISCNT OFF LIST
L15	2	WALK-BEHIND EQUIPMENT & ACCESSORIES	9%
L25	4	LAWN TRACTORS & ACCESSORIES (EXCEPT 100 SERIES TRACTORS)	19%
L25	4	LAWN TRACTORS & ACCESSORIES (100 SERIES TRACTORS)	0%
L30	4	LAWN & GARDEN TRACTORS & ACCESSORIES	24%
L35	4	LAWN & GARDEN TRACTORS EQUIPMENT	24%
L40	12	COMPACT UTILITY VEHICLES & ACCESSORIES	17%
C10	6	COMMERCIAL WALK-BEHIND MOWERS & ACCESSORIES	24%
C13	7	ZERO-TURN RADIUS MOWERS & ACCESSORIES	24%
C15	8	COMMERCIAL FRONT MOWERS & ACCESSORIES	24%
C18	9	WIDE AREA MOWERS & ACCESSORIES	24%
C19	10	ADVANTAGE TRACTORS	4%
C20	10	COMPACT UTILITY TRACTORS & ACCESSORIES	19%
C25	10	EQUIPMENT FOR COMPACT UTILITY TRACTORS WORKSITE PRO ATTACHMENTS	19%
C27	10	TRACTOR, LOADER, BACKHOE TLB WORKSITE POR ATTACHMENTS	24%
A2	11	AGRICULTURAL TRACTORS & ACCESSORIES	27%
A3	13	AGRICULTURAL EQUIPMENT – COMBINES	27%
A4	13	AGRICULTURAL EQUIPMENT – COTTON	27%
A5	13	AGRICULTURAL EQUIPMENT – HAY & FORAGE	27%
A6	13	AGRICULTURAL EQUIPMENT – TILLAGE	27%
A7	13	AGRICULTURAL EQUIPMENT – AIR SEEDING DRILLS PLANTERS	27%
A8	13	AGRICULTURAL EQUIPMENT – SPRAYERS	27%
A9	13	AGRICULTURAL EQUIPMENT – MATERIAL HANDLING – ROTARY CUTTERS MATERIAL HANDLING – LESS CUTTERS	27%
F R O	13	CUTTING & MOWING HAY & FORAGE LANDSCAPING	20%

N T I E R		LIVESTOCK MATERIAL HANDLING PLANTING & SEEDING SNOWBLOWERS TILLAGE TRANSPORTS	
G10	14	GOLF & TURF EQUIPMENT – REEL MOWERS	20%
G15	14	GOLF & TURF EQUIPMENT - SPECIAL APPLICATION MOWER	20%
G20	14	GOLF & TURF EQUIPMENT - SPECIAL APPLICATION VEHICLES	20%
G25	14	GOLF & TURF EQUIPMENT - AERATION	20%
G30	14	GOLF & TURF EQUIPMENT - DEBRIS MAINTENANCE	20%

Payment Remittance Information –

John Deere Government and National Sales remittance address is different from the vendor address listed above of Cary, NC. Please remember to advise customers of this as they may internally require this information to be on their purchase orders when they are issued.

Correct remit to address is:

**John Deere Gov't and Nat'l Sales
21748 Network Place
Chicago, IL 60673-1217**

Please contact Government Sales for assistance on quoting at 1-800-358-5010 Option 2. LL

Last Update: Dec 2, 2011 – updated NPP member list

Update: Nov 1, 2011 – Removed UV's and added to new NPP contract

Update: Aug 23, 2011 – Added Information on CA Tire Fee

Update: April 21, 2011 – Contract Extension

Update: March 4, 2011 – Contract updated to Current Pricing

Update: Feb 3, 2011 – NPP Membership #

Update: Nov 17, 2010 – Non-Contract & Allied items allowed on contract

Update: Sep 2, 2010 – Price Pgs for all sections & Leasing allowed

Update: Aug 12, 2010 - NPP Non Profit Members now eligible



CITY OF LOVELAND
CULTURAL SERVICES DEPARTMENT/RIALTO THEATER
228 East Fourth Street • Loveland, Colorado 80537
(970) 962-2120 • FAX (970) 962-2422 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 2/21/2012
TO: City Council
FROM: Susan Ison, Cultural Services Department
PRESENTER: Jan Sawyer

TITLE:

An ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for equipment at the Rialto Theater Center

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance on second reading

OPTIONS:

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

DESCRIPTION:

This is an administrative action to appropriate funds of \$127,500 secured by the Rialto Theater Guild for needed furniture and equipment for the Rialto Theater Center. At the time City Council approved the construction of the Rialto Theater Center, a commitment was made by staff and the Rialto Theater Guild to secure funding for needed furniture and equipment. With generous support from the community the funding goal has been met. At the February 7, 2012 meeting City Council unanimously approved the ordinance on first reading.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible
-

SUMMARY:

For the past year the Rialto Theater Guild has been working diligently to secure direct donations and pledges for unfunded furniture and equipment to support the operation of the expanded

building. The amount secured to date is \$127,500. Additional donations are possible in the future.

The list of items needed, which was provided to the Guild, include: a Yamaha grand piano; tables and chairs for the community rooms; conference room table and chairs; audio-visual equipment for the community room; two lecterns; a stage platform for the community room; lobby benches; dressing room furniture; and, if the budget allows, refurbishment of the old dressing room.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING February 7, 2012

SECOND READING February 21, 2012

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR EQUIPMENT AT THE RIALTO THEATER CENTER

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

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

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

Section 1. That revenues and/or reserves in the amount of \$127,500 from the Rialto Theater Guild Fund Raising Campaign in the General Fund 100 are available for appropriation. Revenues in the total amount of \$127,500 are hereby appropriated for the purchase of furniture and equipment in the Rialto Theater Center and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100 - Rialto Theater Guild Donation**

Revenues

100-52-730-0000-35305-SP1003	Gifts/Donations	127,500
------------------------------	-----------------	---------

Total Revenue	127,500
----------------------	----------------

Appropriations

100-52-730-0000-48240-SP1003	Equipment	127,500
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Total Appropriations	127,500
-----------------------------	----------------

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

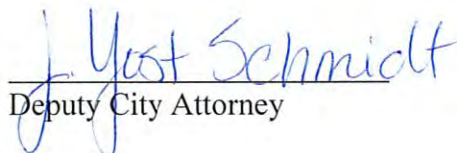
ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney



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

AGENDA ITEM: 5
MEETING DATE: 2/21/2012
TO: City Council
FROM: Jim Lees, Utility Accounting Manager, Water and Power Department
Steve Adams, Director, Water and Power Department
PRESENTER: Jim Lees

TITLE:

A resolution adopting Rate Schedule TS, Transmission Voltage Service, and superseding all prior resolutions establishing former Rate Schedule IP, Interruptible 115 kV Transmission Voltage Service

RECOMMENDED CITY COUNCIL ACTION:

Move to approve the resolution on second reading amending Resolution #R-64-2011 and amending the 2012 Schedule of Rates, Charges and Fees for services provided by the Water and Power Department of the City of Loveland.

OPTIONS:

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

DESCRIPTION:

This is an administrative action to amend Rate Schedule IP of the 2012 Water and Power Schedule of Rates, Charges and Fees.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY: It has come to our attention that Rate Schedule IP is not consistent with the current version of Platte River Power Authority's (PRPA) Tariff Schedule 9; therefore we are proposing to update it and make it consistent with the Tariff Schedule 9.

Schedule IP in the City's Schedule of Rates, Charges and Fees is for power customers who are served at transmission level voltage (115 kV) and have an interruptible load. Customers who are served at transmission level voltage are not part of the City's electric distribution system, but instead are served directly off of PRPA's transmission system. An interruptible load means that when PRPA needs to meet certain reserve requirements or has an operational emergency and needs to prevent damage to the transmission system, they can take a customer offline by interrupting their load. By agreeing to be interrupted, the customer in turn gets their power at a lower price than a customer with a firm or non-interruptible load.

Schedule IP is based upon PRPA's Tariff – Schedule 9: Large User Service, which is designed specifically for municipal retail customers with unique load characteristics. These characteristics include that the customer cannot be readily served from the municipality's distribution system, and covers customers with both firm and interruptible loads.

The proposed changes to Schedule IP and the reasons for them can be summarized as follows:

- 1) Streamline Schedule IP and make it more flexible. At this time, there is one customer on Schedule IP. The content of Schedule IP has a lot of specific parameters in it that apply only to the current customer. We are proposing to have something in place that is more general and could be applied to potential future customers and would also work for the current customer.
- 2) To achieve consistency with PRPA's Tariff Schedule 9, PRPA made significant changes to their Tariff Schedule 9 that were approved by the PRPA board late in October and became effective in 2012. We want to update Schedule IP to make it consistent with PRPA Tariff Schedule 9.
- 3) To have Schedule IP apply to firm as well as interruptible customers. Tariff Schedule 9 addresses both firm and interruptible customers, where Schedule IP can only be used for interruptible customers. Changing Schedule IP to include firm customers will give us the versatility of having a rate class available that will accommodate potential customers who might want to be served off of the transmission line, but do not want to be interrupted. Because of this proposed change, we would like to change the lettering designation from Schedule IP to Schedule TS for Transmission Service.

Our normal practice is to take any revisions to the Schedule of Rates, Charges and Fees to City Council in October for adoption in the following year. In this instance, we would rather not wait until 2013. With the Rocky Mountain Center for Innovation and Technology development now in full swing, Loveland will hopefully be attracting more new businesses or redeveloping existing businesses, and we want to be positioned to accommodate a potential customer that would be interested in being served directly off of the transmission grid.

Attached for Council consideration is the proposed version of Schedule TS, a strike-out version showing proposed changes for 2012, and PRPA's Tariff Schedule 9.

At their January 18, 2012, meeting, the Loveland Utilities Commission voted unanimously that City Council approve revisions to Schedule IP as presented by staff.

At their February 7, 2012, meeting, the City Council unanimously to approved the ordinance on first reading.

REVIEWED BY CITY MANAGER: *William D. Cahill*

LIST OF ATTACHMENTS:

1. A resolution amending Resolution #R-64-2011 and amending the 2012 Schedule of Rates, Charges and Fees for services provided by the Water and Power Department of the City of Loveland on First Reading
2. Proposed Rate Schedule TS (formerly Rate Schedule IP)
3. A redline version of Schedule IP showing proposed changes
4. Platte River Power Authority's Tariff Schedule 9

FIRST READING February 7, 2012

SECOND READING February 21, 2012

RESOLUTION #R-9-2012

A RESOLUTION ADOPTING RATE SCHEDULE TS, TRANSMISSION VOLTAGE SERVICE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING FORMER RATE SCHEDULE IP, INTERRUPTIBLE 115 kV TRANSMISSION VOLTAGE SERVICE

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set such rates, charges, and fees for the City's Water and Power Department in Resolution #R-64-2011; and

WHEREAS, City staff has presented to the City Council a revised "Schedule IP, Interruptible 115 kV Transmission Voltage Service" ("Rate Schedule IP"), now renamed "Schedule TS, Transmission Voltage Service," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Rate Schedule TS").

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

Section 1. That Rate Schedule TS, attached hereto as Exhibit A, is hereby adopted.

Section 2. That this Resolution, as of the effective date of this Resolution and as provided in Section 3 below, shall supersede in all respects all previous resolutions of the City Council which established former Rate Schedule IP.

Section 3. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

Transmission Voltage Service Schedule TS

Eligibility Requirements

Transmission Voltage Service is available to any customer: (i) whose load is of sufficient magnitude or of an unusual nature such that it cannot be served from the distribution system; (ii) whose premises are adjacent to transmission lines that are, or by contract can become, lines that supply wholesale power to the city's system; and (iii) who meets the criteria for large user service as set forth in Platte River Power Authority's Tariff 9, or applicable successor tariff.

Character of Service

The power furnished under Schedule TS shall be three phase alternating current and approximately 60 hertz, and delivered at approximately 115kV, or at other voltages subject to conditions as agreed upon, metered at each delivery point.

Charges for Service

The charges for service under Schedule TS shall be determined based on the unique load characteristics and service requirements of the customer. The rate for service delivered under Schedule TS shall at a minimum be sufficient to recover the city's cost of service, including, without limitation, wholesale rates and the city's projected operating and maintenance costs. In addition, the customer shall be responsible for all wholesale charges and fees incurred by the city in providing service under Schedule TS to the customer, including, without limitation, power factor charges.

Conditions of Service

In order to receive service under Schedule TS, the customer must meet the eligibility requirements set forth above and enter into an electric service agreement with the city. All such agreements must meet the requirements of this Schedule TS, protect the integrity of the City's electric system, protect against interference with other city electric customers, and shall address, at a minimum, the following material terms:

- term of the agreement, including initial date of service;
- charges for service, including rate adjustments;
- metering, including configuration, ownership, and maintenance;
- infrastructure, including ownership and maintenance;
- load factor, including any penalties for failure to comply;
- nature and frequency of interruptions (if service is provided on an interruptible basis), including any penalties for failure to comply; and
- any other terms and conditions required to be addressed pursuant to Platte River Power Authority's Tariff 9, or applicable successor tariff.

In addition, the agreement must include a waiver of all liability for the city and Platte River Power Authority for actual and consequential damages resulting from interruptions in accordance with the agreement.

The city manager shall be authorized to negotiate all such agreements, in consultation with Platte River Power Authority, and to execute such agreements on behalf of the city.

Interruptible 115 kV Transmission Voltage Service
Schedule IP

Availability

Eligibility Requirements

Transmission Voltage Service is available to any customer ~~whose premises are adjacent to 115 kV transmission lines which are, or by contract can become, lines which supply wholesale power to the City's system, and: (i) whose load is of sufficient magnitude or of an unusual nature such that it cannot be served from the distribution system. The power furnished under Schedule IP will be approximately 115 kV, three phase alternating current and approximately 60 hertz.; (ii) whose premises are adjacent to transmission lines that are, or by contract can become, lines that supply wholesale power to the city's system; and (iii) who meets the criteria for large user service as set forth in Platte River Power Authority's Tariff 9, or applicable successor tariff.~~

Monthly Rate

The rate for Interruptible 115 kV Transmission Voltage Service shall consist of the sum of the energy charge, demand charge, power factor charge and other fees or charges in accordance with the following:

- ~~Energy charge per kWh: one hundred percent of the wholesale kWh charge incurred by City on account of and attributable to service to the customer.~~
- ~~Demand charge per kilowatt: one hundred percent of the wholesale kilowatt charge incurred by City on account of and attributable to service to the customer.~~
- ~~Power factor charge: one hundred percent of the power factor charge incurred by City because of and attributable to service to the customer.~~
- ~~Any fees or charges set forth in the service agreement with the customer or identified in the conditions for eligibility.~~

Conditions

- A. ~~To qualify for the Interruptible 115 kV Transmission Voltage Service, a customer shall have and maintain a monthly 60 minute integrated demand of 5,000 kilowatts or greater.~~
- B. ~~To remain eligible for the Interruptible 115 kV Service, a customer must maintain a minimum monthly load factor equal to or greater than 65 percent in six months out of a consecutive 12 month period, which is to include the current month. Failure to maintain the proper load factor will result in all service furnished in such period to be billed at the rates set forth in Schedule LG, PT or HP as is applicable. The customer will not be allowed to resume service on the IP rate schedule until the above load factor criteria are met for two consecutive months.~~
- C. ~~Service provided under the Interruptible 115 kV Transmission Voltage shall be subject to interruption automatically, with or without notice, when the system frequency is 59.5 hertz or lower for periods not to exceed 140 hours or 15 such interruptions in any period of six consecutive months ending on March 31 or September 30 of any year.~~
- D. ~~An interruptible customer shall be required to pay a penalty of one hundred percent of any penalty incurred by the City from the power supplier for each month in which said customer either (1) fails to shut down their interruptible load within 10 minutes following notice by the City and/or the power supplier or (2) resumes operation of said interruptible load prior to receiving notice from the City and/or the power supplier that said operation may be resumed.~~

~~If such interruptible customer is penalized under this clause two times in any consecutive 12-month period, the customer shall not be eligible for this interruptible rate for a period of 12 months from the date of the second penalty.~~

- ~~E. Each customer on the IP rate shall contract to reimburse the City and its power supplier for the installed costs of interrupting switches, breakers and remote control equipment required to provide service on this schedule. The City, the power supplier and the interruptible customer shall coordinate facility construction and maintenance to minimize the impact on the electric power system.~~
- ~~F. The energy charge set forth in Schedule IP shall be increased by an amount equal to any surcharge assessed against the City by its wholesale supplier during the billing period relative to this service.~~
- ~~G. Where metering for this service is at the low voltage side of the transformer and transformer loss compensators are not used, all metered quantities shall be increased by two percent to compensate for transformation losses.~~
- ~~H. Service under this category shall be provided pursuant to the rate structure for Schedule IP and as set forth in the customer's approved service agreement with the City and shall be subject to such additional terms, fees and conditions as set forth in such agreement. No service shall be provided under Schedule IP absent a service agreement signed on or after the effective date of this resolution, between the customer and the City. Schedule IP is not available for temporary, standby, supplemental or resale purposes.~~
- ~~I. The city manager is authorized to enter into service agreements for 115 kV service on behalf of the City provided that such agreements protect the integrity of the electric system, do not impair service to other customers and are designed to recover all costs of the City in providing such service.~~
- ~~J. For billing purposes, the billing period starts on the first day of the month and ends on the last day of the month. The first day starts at 00:00 hours and ends at 24:00 hours on the last day.~~

~~K.....Each customer on Schedule IP shall sign~~

Character of Service

The power furnished under Schedule TS shall be three phase alternating current and approximately 60 hertz, and delivered at approximately 115kV, or at other voltages subject to conditions as agreed upon, metered at each delivery point.

Charges for Service

The charges for service under Schedule TS shall be determined based on the unique load characteristics and service requirements of the customer. The rate for service delivered under Schedule TS shall at a minimum be sufficient to recover the city's cost of service, including, without limitation, wholesale rates and the city's projected operating and maintenance costs. In addition, the customer shall be responsible for all wholesale charges and fees incurred by the city in providing service under Schedule TS to the customer, including, without limitation, power factor charges.

Conditions of Service

In order to receive service under Schedule TS, the customer must meet the eligibility requirements set forth above and enter into an electric service agreement with the city. All such agreements must meet the requirements of this Schedule TS, protect the integrity of the City's

electric system, protect against interference with other city electric customers, and shall address, at a minimum, the following material terms:

- term of the agreement, including initial date of service;
- charges for service, including rate adjustments;
- metering, including configuration, ownership, and maintenance;
- infrastructure, including ownership and maintenance;
- load factor, including any penalties for failure to comply;
- nature and frequency of interruptions (if service is provided on an interruptible basis), including any penalties for failure to comply; and
- any other terms and conditions required to be addressed pursuant to Platte River Power Authority's Tariff 9, or applicable successor tariff.

In addition, the agreement must include a waiver of all liability for the City and the power supplier Platte River Power Authority for actual and consequential and/or actual damages resulting from interruptions in accordance with this schedule and/or the service agreement.

Power Factor

~~For each billing period, the City and/or the power supplier will determine the customer's ratio between the measured demand (kW) and reactive kilovolt-ampere (kvar) demand. The calculation will be done at the time of the power supplier's monthly peak. If the 60-minute kvar demand is found to be in excess of 33 percent of the maximum kW demand occurring at the same time, and additional monthly charge will be made for each kvar of such excess at one hundred percent of the power factor charge incurred by the City for the amount of and attributable to service to the customer. If facilities are installed by the City and/or the power supplier to achieve power factor correction at the delivery point for the customer, the customer may avoid or reduce this kvar charge by reimbursing the City and/or the power supplier for the cost of such installation.~~

Load Factor

~~The monthly load factor will be calculated by taking the total measured kilowatt-hours consumed by the customer in the billing period and dividing that amount by the total hours in the billing period times the greater of (1) the customer's maximum 60-minute integrated kW demand during the billing period or (2) 5,000 kilowatts. The city manager shall be authorized to negotiate all such agreements, in consultation with Platte River Power Authority, and to execute such agreements on behalf of the city.~~

TARIFF – SCHEDULE 9: LARGE USER SERVICE

Applicability:

This TARIFF-SCHEDULE 9: LARGE USER SERVICE (TARFF – SCHEDULE 9) is available for firm and interruptible energy furnished by Platte River Power Authority (Platte River) to Municipalities for resale to Large Users. Large Users are customers meeting any of the following criteria:

- Customer requests new service entrance capacity of 10,000 kilowatts or greater.
- Customer has a new load that cannot be readily served from the Municipality's distribution system under TARIFF-SCHEDULE 1: FIRM RESALE POWER SERVICE due to the unusual nature of the load.
- Customer metered demand is anticipated to reach 1,000 kW at a single site within twelve (12) months of requesting such service as demonstrated to the Municipality's and Platte River's satisfaction; provided, however, that if the metered demand does not reach 1,000 kW within a 12-month time frame, the customer must receive service under another tariff until the metered demand reaches 1,000 kW for a continuous twelve (12) month period.
- Customer with load at a single site with a single meter measuring a minimum metered demand of 1,000 kilowatts (kW) or greater.
- Customer with load at a single site with multiple meters, where the sum of the coincident metered demand for such meters is 1,000 kW or greater.
- Total load for a customer with multiple, non-contiguous sites aggregated under a single Service Agreement provided that the customer has at least one site where the minimum metered demand is 1,000 kW or greater and all loads are located within the Municipality's service territory.

Prior to receiving service pursuant to this TARIFF-SCHEDULE 9, the Large User must enter into an agreement for electric service (Service Agreement) with the Municipality. The Service Agreement shall identify Platte River as a third-party beneficiary of the Service Agreement. The Service Agreement shall address, at a minimum, the following material terms:

- Charge(s) for service, including responsibility for infrastructure costs
- Term of Service Agreement
- Initial date of service under this tariff
- Rate adjustments
- Amount and timing of curtailments or interruptions (if any)
- Standby provision

Each of these terms and conditions shall be established in consultation with Platte River and shall be confirmed in a letter from the Platte River General Manager to the Municipality. The Municipality will negotiate the specific form of the Service Agreement with the Large User.

Charges for Service:

The charges to a Municipality for service by Platte River under this TARIFF-SCHEDULE 9 shall be determined based on the unique load characteristics and service requirements to the Large User.

In determining the charges for service, consideration will be given to the following cost of service issues posed by service to the Large User:

- Investments for transmission system facilities and other infrastructure located at or near the Large User site;
- Investments for unique transmission system facilities and other infrastructure necessary to provide service to the Large User;
- The effect of the Large User load on the cost for adding new generation resources; and
- The effect of the Large User load on fuel use and fuel mix for power generation.

In order to adequately address the costs of service imposed by the Large User, unique rate structures and cost recovery mechanisms will be examined, including, but not limited to the following:

- Initial fixed costs
- Monthly fixed cost charges
- Seasonal pricing
- Time of use pricing
- Marginal cost pricing
- Fuel adjustment charges

All charges shall at a minimum be sufficient to recover Platte River's related cost of service, including expected operating and maintenance costs, related purchased power costs and related principal and interest on Platte River indebtedness over the term of the Service Agreement. All charges and material terms of service are subject to approval by the Platte River Board of Directors.

Adjustment of Charges:

Unless otherwise agreed, adjustments to the charges will be made on an annual basis at a minimum and will reflect actual changes in Platte River's cost of service including, but not limited to, financing costs, fuel (including delivery), operation and maintenance, environmental management and purchased power.

Character of Service:

Alternating current at approximately 60 hertz; three-phase; delivery at 115 kilovolts or at other voltages subject to conditions as agreed upon; metering at each delivery point.

Metering, Invoicing and Losses:

The Municipality shall provide to Platte River the monthly demand, energy, power factor and other usage characteristics as may be required for billing the Municipality on a calendar month basis, for the Large User within five (5) business days of obtaining such data. Following its receipt of the monthly billing data for the Large User, Platte River shall prepare and send to the

Municipality an invoice for the electric power service provided to the Municipality for the Large User, with the appropriate charges.

The Municipality, at its discretion, may opt to include in the Large User's monthly energy usage the distribution losses that occur between the Platte River point of delivery to the Municipality and the point of delivery to the Large User. In such case, the Municipality shall provide to Platte River the total energy usage including losses of the Large User and an appropriate charge will be invoiced.



CITY OF LOVELAND

WATER & POWER DEPARTMENT

200 North Wilson • Loveland, Colorado 80537

(970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 2/21/2012
TO: City Council
FROM: W&P Department
PRESENTER: Andy Tenbraak and John McGee

TITLE: A public hearing to consider an ordinance amending Title 13 of the Loveland Municipal Code by the addition of a new Chapter 13.06 regarding Cross-Connection Control

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and move to approve the ordinance on first reading

OPTIONS:

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

DESCRIPTION:

This is a legislative action. This Ordinance amends Title 13 of the Loveland Municipal Code by creating a new Chapter 13.06 regarding cross connection control. At the January 31, 2012 Council Study Session, City staff received direction to bring forward, at a subsequent regular meeting, the Cross Connection Control Program (CCCP) ordinance for formal City Council consideration.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The 2012 O&M budget for this program is \$70,000. The budget will be reviewed each year to assess the financial impacts of the City operating and managing the program and will be updated as necessary.

SUMMARY:

The Colorado Department of Public Health and Environment (CDPHE) mandates that the City of Loveland adopt a Cross Connection Control Program in accordance with Article 12 of the Primary Drinking Water Regulations. City Staff is recommending the CCCP ordinance, as shown in Attachment A, for City Council consideration and adoption. This ordinance provides a framework for how the City of Loveland will take the next step in protecting its drinking water system from backflow. A backflow

means the flow of water or other liquids, gasses or solids from any source back into the public water system in the opposite direction of its intended flow. There have been documented cases in Colorado when a backflow induced contaminant entered the drinking water system and caused sickness and months of maintenance work to restore the water system to a safe level again. There have been no documented cases of backflow entering the City of Loveland's water supply. The Colorado Department of Public Health and Environment (CDPHE) requires that a containment assembly device be installed on all service connections that pose a health risk to the public water supply.

To date, staff has presented the CCCP ordinance to the LUC during the November and December 2011 meetings and to the Construction Advisory Board (CAB) in December 2011. Both the LUC and CAB have supported the implementation of the CCCP and LUC approved a motion for City Council to approve the CCCP ordinance. On January 31, 2012, staff presented the CCCP ordinance to City Council to inform and educate the council on the purpose and recommended implementation of the program.

During the January 31, 2012 study session the City Council had specific questions on the impact of the CCCP to customers served by the City's domestic water supply. Staff mentioned that the main objective of the CCCP is to protect the City domestic water supply from any customer that poses a potential hazard to the system. During the study session a number of questions surfaced which are discussed below:

Who will be impacted by the adoption of this program?

The proposed ordinance clarifies that all City of Loveland customers that pose a potential hazard to the City's water system are subject to this ordinance. Staff has proposed that a prioritized approach be taken to implement this ordinance. High hazard non-residential and Homeowners Associations (HOA's) with dedicated irrigation taps will first receive a written survey to learn what types of uses are found at each service connection to the City's water system. The survey results will be analyzed and then staff will conduct on-site visits to compare information and determine if a containment assembly is required at that location. If a containment assembly is required, staff will discuss location, type of backflow device and schedule for installation with the customer. At this time and near future, containment assemblies will not be required for residential customers. However, if the residential user has an irrigation system it is required that the user install a proper backflow (isolation) device on their irrigation system in accordance with municipal code Title 13.04.220 and proposed Title 13.06.

When this program is adopted what are the costs to the customers?

The material and installation costs for a typical non-residential and HOA containment assembly may range in between \$700 to \$3000, depending on size. The material and installation costs for a typical residential customer with an irrigation system or other hazardous use are estimated at \$150 to \$200, if a correct device is not already installed and operational. Annual containment assembly testing cost will range in between \$35 to \$60. This testing must be done by a properly licensed backflow assembly tester who must be registered with the State of Colorado. At this time, the City is not requiring annual or periodic testing of residential backflow devices for irrigation.

Will thermal expansion be an issue for customers when this ordinance is adopted?

For customers that pose a potential hazard to the City's water system will need to work with qualified plumbers to make sure that the containment assembly will not create expansion/contraction of the building water system primarily caused by hot water heaters.

Staff has begun the process of implementing the CCCP in-house and has made significant steps, including:

- Preparation of CCCP draft handbook that will be available to the customer, vendors, contractors, etc. in the near future.
- Purchasing of backflow prevention software that will be used to track impacted customers regarding containment assembly installation, testing and operation.
- Surveyed surrounding northern Colorado communities on the use of 'Best Management Practices' for the implementation of a CCCP.
- Development of a public outreach program that provides information to all customer classes about the program requirements, acceptable equipment, installation techniques and documentation. Some outreach activities that have been implemented to date include presentations at the annual City Public Works Day and Water Festivals. Staff has also posted backflow prevention information on the internet and outreach to local vendors, suppliers, contractors, and backflow testers regarding the program.
- Internal City meetings with Building, Fire, Parks, Water and Power, City Attorney's Office and Information Technology to coordinate the flow and exchange of information regarding the CCCP and inspection history.

The CCCP will have a small financial impact on the City for implementation, tracking and surveys to identify potential cross connection hazards. The City has recently purchased special software for assisting in implementation, tracking, surveys and on-going operations of the CCCP. The 2012 O&M budget for this program is \$70,000. The budget will be reviewed each year to assess the financial impacts of the City operating and managing the program and will be updated as necessary.

Attachment B includes the staff report that was referenced during the January 31, 2012 City Council Study Session.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Attachment A: Cross Connection Control Program Ordinance

Attachment B: Staff Report Memorandum "Cross Connection Control Program (CCCP)", dated January 19, 2012

FIRST READING February 21, 2012

SECOND READING _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 13 OF THE LOVELAND
MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 13.06
REGARDING CROSS-CONNECTION CONTROL**

WHEREAS, pursuant to Article 12 of the Colorado Primary Drinking Water Regulations, it is the responsibility of the City of Loveland to protect its drinking water from the backflow of any substance into the public water supply system by instituting and enforcing a cross-connection control program; and

WHEREAS, to meet the City's responsibilities under Article 12, City staff recommends that the Loveland Municipal Code be amended by addition of a new Chapter 13.06 implementing a cross-connection control program; and

WHEREAS, on December 14, 2011, the Loveland Utilities Commission adopted a motion recommending that the City Council adopt an ordinance to amend the Loveland Municipal Code by addition of Chapter 13.06; and

WHEREAS, the City Council finds that the addition of Chapter 13.06 to the Loveland Municipal Code implementing a cross-connection control program is in the best interests of the rate payers of the City of Loveland and necessary for the public's health, safety, and welfare.

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

Section 1. That the Loveland Municipal Code is hereby amended by the addition of a new Chapter 13.06 to read as follows:

Chapter 13.06

CROSS-CONNECTION CONTROL

Sections:

- | | |
|------------------|---|
| 13.06.010 | Definitions. |
| 13.06.020 | Purpose. |
| 13.06.030 | Cross-connections regulated. |
| 13.06.040 | Application and responsibilities. |
| 13.06.050 | Backflow prevention assembly requirements. |
| 13.06.060 | Containment protection. |

13.06.070	Irrigation systems.
13.06.080	Fire systems.
13.06.090	Temporary meters.
13.06.100	Wholesale customers.
13.06.110	Mobile units.
13.06.120	Right-of-way encroachment.
13.06.130	Plumbing code.
13.06.140	Access to premises and records.
13.06.150	Testing and repairs.
13.06.160	Responsibilities of cross-connection control technicians.
13.06.170	Maintenance of assemblies.
13.06.180	Installation requirements and specifications.
13.06.190	Thermal expansion.
13.06.200	Pressure loss.
13.06.210	Parallel installation.
13.06.220	New construction.
13.06.230	Residential service connections.
13.06.240	Rental properties.
13.06.250	Retrofitting.
13.06.260	Costs of compliance.
13.06.270	Emergency suspension of service.
13.06.280	Non-emergency suspension of service.
13.06.290	Termination of service.
13.06.300	Recovery of costs.
13.06.310	Violations.
13.06.320	Falsifying information; tampering.

13.06.010 Definitions.

Except where specifically designated in this section, all words used in this Chapter 13.06 shall carry their customary meanings. Any word, term, or phrase not found in this section shall be determined as set forth in the Colorado Primary Drinking Water Regulations or in the Colorado Cross-Connection Control Manual, if not found in such regulations.

- A. "Air gap" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressure-receiving vessel. To be an "approved air gap," the separation must be at least twice the diameter of the inlet piping (supply pipe) measured vertically, and never be less than one inch.
- B. "Approved backflow prevention assembly," "backflow assembly," or "assembly" means an assembly to counteract backpressures or prevent backsiphonage. This assembly must be approved by the American Society of Sanitary Engineers ("ASSE") or the University of Southern California ("USC") and must be purchased and installed as a complete unit including shut-off valves and test cocks.
- C. "Auxiliary supply" means any water source or system other than the city's water.
- D. "Backflow" means the flow of water or other liquids, gases, or solids from any source back into the public water system in the opposite direction of its intended flow.
- E. "Certified Cross-Connection Control Technician" or "CCCCT" means a person holding a valid CCCCT certification issued in accordance with the Colorado Department of Public

Health and Environment Water Quality Control Division.

- F. “Closed system” means any water system or portion of a water system in which water is closed to atmosphere.
- G. “Colorado Cross-Connection Control Manual” means the latest version of the manual published by the Backflow Prevention Education Council of Colorado and is endorsed by the State addressing cross-connection control practices, which shall be used as a guidance document for the water supplier in implementing a Cross-Connection Control Program.
- H. “Colorado Primary Drinking Water Regulations” or “CPDWR” means the most recent edition of the regulations adopted by the Colorado Department of Public Health and Environment Water Quality Control Division.
- I. “Containment” means a method of protecting the public water system by the installation of an approved air gap or approved backflow prevention assembly at the point of service (end of the city’s service pipe) to separate the customer’s plumbing system from the city’s distribution system.
- J. “Contamination” means the entry into or presence in a public water system of any substance which may be harmful to health and/or quality of the water.
- K. “Cross-connection” means any physical arrangement where the public water system is connected, directly or indirectly, actual or potential, with any other non-potable water system or auxiliary system, well, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or any other device which contains, or may contain, contaminated or polluted water, sewage, used water, or other liquid of unknown or unsafe quality which may be capable of imparting contamination or pollution to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.
- L. “Degree of hazard” means the low or high hazard classification that shall be attached to all actual or potential cross-connections.
- M. “Director” means the director of the water and power department or his designee.
- N. “Double check valve backflow prevention assembly,” “double check assembly,” “double check,” “DCVA,” or “DC” means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. This assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks.
- O. “High hazard” means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the public water system.
- P. “In-premises protection” means a method of protecting the health of consumers served by the customer’s plumbing system (*i.e.* located within the property lines of the customer’s premises) by the installation of an approved air gap or backflow prevention assembly at the point of hazard.
- Q. “Low hazard” means the classification assigned to an actual or potential cross-connection that could allow a substance that may be objectionable, but not hazardous to one’s health, to backflow into the public water system.
- R. “Mobile unit” means a unit connecting to the public water system through a hydrant, hose bibb, or other appurtenance of a permanent nature that is part of the public water system. Examples include, but are not limited to, the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler trucks or units, sewer

cleaning equipment, carpet or steam cleaning equipment, rock quarry or asphalt/concrete batch plants, or any other mobile equipment or vessel. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with city ordinances pertaining to recreational vehicles, and homeowner devices that are used by the property owner in accordance with city ordinances pertaining to the provision of water service to a premises.

- S. "Plumbing code" means the most current plumbing code adopted by the city.
- T. "Plumbing hazard" means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines, and lawn sprinkling systems. Plumbing-type cross-connections can be located in all types of structures including, but not limited to, homes, manufactured homes, apartment houses, hotels, and commercial or industrial establishments.
- U. "Pollutional hazard" means an actual or potential threat to the physical properties of the public water system or the potability of the public's or the consumer's potable water system but which would not constitute a health or system hazard. The maximum degree of intensity of pollution to which the public water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the public water system or its appurtenances.
- V. "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use that meets all requirements established by the Safe Drinking Water Act and the CPDWR.
- W. "Premises" means any piece of property to which water is provided including, but not limited to, all improvements, mobile structures, and structures located on it.
- X. "Public water system" means that part of the water system that is owned and maintained by the city including all pipes, valves, and appurtenances up to the outlet side of the curb stop or meter connection.
- Y. "Reduced pressure principle backflow prevention assembly" or "reduced pressure backflow assembly" or "RP assembly" means an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.
- Z. "Specialist" means an employee or contractor of the city who meets the requirements of this Chapter 13.06 and the city's Standard Operating Procedures Manual to carry out inspections and surveys for cross-connections.
- AA. "Standard Operating Procedures Manual" or "SOP Manual" means the most recent edition of the city's Standard Operating Procedures Manual related to cross-connection control.
- AB. "Technician" means a Cross-connection Control Technician certified to test backflow assemblies.
- AC. "Thermal expansion" means the pressure created by the expansion of heated water.
- AD. "Unapproved substance" means any substance, gas, or liquid other than the city's drinking water or the city's used drinking water.
- AE. "Used water" means any water supplied by the city to a customer's property after it has passed through the service connection and is no longer under the control of the city.

13.06.020 Purpose.

The purpose of this Chapter 13.06 is to protect the public water system from contamination or pollution due to any existing or potential cross-connections as defined in CPDWR Article 12, or as amended, and this Chapter 13.06 which is necessary for the public's health, safety, and welfare.

13.06.030 Cross-connections regulated.

- A. No cross-connections shall be created, installed, used, or maintained within the territory served by the city, except in accordance with this Chapter 13.06.
- B. The specialist shall carry out or cause inspections and surveys to be carried out to determine if any actual or potential cross-connections exist. If found necessary by the specialist, an assembly commensurate with the degree of hazard will be required to be installed at the service connection or at the point of hazard. The location will be determined by the specialist.
- C. The owner, occupant, or person in control of the property shall be responsible for all cross-connection control within the premises.
- D. Notwithstanding anything in this section to the contrary, the Director of Water and Power shall be authorized to require such additional information or documentation he deems reasonably necessary, in his sole discretion, to ensure the safety of the city's water supply.

13.06.040 Application and responsibilities.

This Chapter 13.06 applies throughout the city and to every premises and property served by the public water system. It applies to any premises, public or private, regardless of date of connection to the public water system. Every owner, occupant, and person in control of any concerned premises is responsible for compliance with the terms and provisions contained herein.

13.06.050 Backflow prevention assembly requirements.

The specialist shall approve the type of backflow assembly to be installed within the area served by the city. All users shall install an approved backflow assembly commensurate with the degree of hazard determined by the specialist on each service line that is directly connected to the city's water supply system. All assemblies shall be installed within the user's potable water system between the service connection and the first branch line leading off the service line, unless it is determined by the specialist to install the assembly at an alternate location for containment protection or in-premises protection. The cross-connection shall be eliminated or an assembly shall be required by the specialist to be installed in each of the following circumstances, but the specialist is in no way limited to the following circumstances:

- A. The nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.
- B. Premises having any one or more cross-connections or potential cross-connections.
- C. When a cross-connection survey report form is required by the city to be filled out and returned and it has not been received by the city.
- D. Internal cross-connections are present that are not correctable.
- E. Intricate plumbing arrangements exist or plumbing subject to frequent changes is present that make it impractical to ascertain whether or not cross-connections exist.
- F. There is a repeated history of cross-connections being established or re-established.
- G. There is unduly restricted entry so that inspections and surveys for cross-connections cannot

be made with sufficient frequency to assure that cross-connections do not exist.

- H. Materials, chemicals, or other substances or apparatus are being used and if backflow occurred, contamination or pollution could result.
- I. Installation of an approved backflow prevention assembly is deemed to be necessary in the judgment of the specialist to comply with any provision of CPDWR Article 12 or this Chapter 13.06.
- J. Any premises having an auxiliary water supply.
- K. In the event an in-premises assembly that protects the distribution system has not been tested or repaired as required by CPDWR Article 12 and this Chapter 13.06, a containment assembly will be required or water service will be terminated in accordance with this Chapter 13.06.
- L. If it is determined that additions or rearrangements have been made to the plumbing system without obtaining proper permits as required by City Code.
- M. When a garden hose attachment is connected to the premises' plumbing, including, but not limited to, fertilizer applicators, pesticide applicators, and radiator flush kits.
- N. If the required building or sprinkler permits are not obtained.

13.06.060 Containment protection.

- A. Service connections to premises posing a high health cross-connection hazard shall have an approved air gap or reduced pressure backflow assembly installed for containment protection.
- B. If the specialist determines that no hazard exists for a connection serving such a premises, the requirements of subsection 13.06.060A. shall not apply.

13.06.070 Irrigation systems.

- A. All irrigation systems which are plumbed off of the main service line to the premises shall be protected in accordance with the plumbing code.
- B. All designated laterals which serve only irrigation systems shall install a reduced pressure backflow assembly or a pressure vacuum breaker assembly. These assemblies must be installed at a location established by the specialist and tested in accordance with this Chapter 13.06 and the SOP Manual.

13.06.080 Fire systems.

- A. An approved double check backflow prevention assembly shall be the minimum protection on all fire sprinkler systems using piping material that is not approved for potable water use or that does not provide for periodic flow-through. A reduced pressure backflow assembly must be installed if any solution other than the potable water can be introduced into the sprinkler system.
- B. All fire system assembly testing shall be in accordance with the Colorado Cross-Connection Control Manual, this Chapter 13.06, and the SOP Manual. Any conflict between the requirements set forth therein shall be resolved in favor of the more stringent requirement.

13.06.090 Temporary meters.

Backflow protection shall be required on temporary meters. The type of assembly shall be commensurate with the degree of hazard and shall be determined on a case-by-case basis by the specialist.

13.06.100 Wholesale customers.

Any customer or special water district that has a wholesale contract for water services with the city must have an active, ongoing cross-connection program. The cross-connection program must be in compliance with CPWDR Article 12 requirements pertaining to public water systems. The city reserves the right at all times to require a reduced pressure backflow assembly at the interconnect.

13.06.110 Mobile units.

Unless a city's designated fill station is being used, any mobile unit that uses the city's water from any premises or piping shall have an air gap or RP assembly installed. Mobile units not using the designated fill station may be subject to inspection or survey by the city to ensure compliance with this section.

13.06.120 Right-of-way encroachment.

- A. No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this Section 13.06.120.
- B. The city reserves the right to require that a backflow prevention assembly be installed in the right-of-way.
- C. A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly and that installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
- D. All permits required by the Loveland Municipal Code to perform work in the right-of-way shall be obtained.
- E. A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs.
- F. All city ordinances relevant to right-of-way encroachment shall be abided by.

13.06.130 Plumbing code.

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the plumbing code.

13.06.140 Access to premises and records.

The specialist, authorized city employees, and persons contracted by the city to perform cross-connection inspections and surveys shall, at all reasonable times, have clear access, as defined in Section 13.02.135, to any premises within or outside the city served by the city's water utility for the purpose of inspecting, surveying, or testing any connection or potential connection to the public water system or for any other purpose whatsoever in connection with the necessary discharge of their duties and the enforcement provisions of this chapter. Said specialist, employees, and contractors shall also have access to all relevant records. If clear access to the premises or access to records is denied, a reduced pressure backflow assembly shall be required to be installed at the service connection to that premises, or service may be suspended in accordance with Section 13.06.280.

13.06.150 Testing and repairs.

Containment backflow prevention assemblies, or assemblies which have been identified and accepted by the city as protection for the public water system, shall be tested, and retested following repair, by a CCCCT in accordance with the requirements set forth in CPDWR Article 12, this Chapter 13.06, and the SOP Manual. Any conflict between the requirements set forth therein shall be resolved in favor of the more stringent requirement.

13.06.160 Responsibilities of cross-connection control technicians.

All cross-connection control technicians operating within the city shall be certified in accordance with all applicable regulations and shall comply with all requirements in this Chapter 13.06 and the SOP Manual.

13.06.170 Maintenance of assemblies.

Backflow prevention assemblies shall be maintained in accordance with the requirements set forth in the Colorado Cross-Connection Control Manual and the SOP Manual.

13.06.180 Installation requirements and specifications.

- A. Backflow prevention assemblies shall be installed in accordance with the requirements set forth in the Colorado Cross-Connection Control Manual and the SOP Manual.
- B. In the event the specialist allows a containment assembly to be installed at an alternate location, there shall be no connection between the meter and the backflow assembly.

13.06.190 Thermal expansion.

If a closed system has been created by the installation of a backflow prevention assembly, it shall be the responsibility of the property owner to eliminate the possibility of thermal expansion.

13.06.200 Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

13.06.210 Parallel installation.

Premises where non-interruption of water supply is critical shall have two assemblies of the same type installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum water requirements.

13.06.220 New construction.

In all new non-residential buildings, an approved reduced pressure backflow assembly shall be installed on each potable water service line directly connected to the city's water system. All assemblies shall be installed within the user's potable water system between the service connection and the first branch line leading off the service line.

13.06.230 Residential service connections.

Any residential property that has been determined to have an actual or potential cross-connection or has violated the plumbing code or this Chapter 13.06 in any way shall be required to install an approved backflow prevention assembly in accordance with this Chapter 13.06.

13.06.240 Rental properties.

The property owner shall be responsible for the installation, testing, and repair of all backflow assemblies on owner's property or approved right-of-way locations. When tenants change, or if the plumbing is altered in any way, it shall be the owner's responsibility to notify the City.

13.06.250 Retrofitting.

Retrofitting shall be required on all service connections where an actual or potential cross-connection exists, and wherever else the specialist deems retrofitting necessary.

13.06.260 Costs of compliance.

All costs and expenses associated with the purchase, installation, inspection, survey, testing, replacement, maintenance, parts, and repair of the backflow assembly are the financial responsibility of the property owner.

13.06.270 Emergency suspension of service.

The director or his designee may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the imminent threat of any actual or potential cross-connection as defined in this Chapter 13.06 and the SOP Manual.

13.06.280 Non-emergency suspension of service.

The director or his designee may suspend, with twenty-four hours notice, the water service to any premises where the conditions of this Chapter 13.06 or the SOP Manual have been violated.

13.06.290 Termination of service.

Failure on the part of any property owner to discontinue the use of all cross-connections, to physically separate cross-connections, or to abide by all the conditions of this Chapter 13.06 is sufficient cause for the immediate termination of water service by the city to the premises.

13.06.300 Recovery of costs.

Any property owner who violates any provision of this Chapter 13.06 shall be liable to the city for all costs and expenses incurred by the city as a result of such violation, including, without limitation, all costs and expenses related to suspending or terminating service and costs of labor, materials, and specified fees. Refusal to pay the assessed costs and expenses shall constitute a violation of this Chapter 13.06 and may result in termination of water service. All said costs and expenses shall constitute a lien upon the property where the water is used from the time of use and shall be a perpetual charge against said property until paid, and in the event the charges are not paid when due, the city clerk may certify such delinquent charges to the treasurer of Larimer County and the charges may be collected in the same manner as though they were part of the taxes.

13.06.310 Violations.

Any person who violates any provision of this Chapter 13.06 shall be guilty of a misdemeanor subject to the general penalty clause of the Loveland Municipal Code.

13.06.320 Falsifying information; tampering.

Any person who knowingly makes any false statement, representation, record, report or other

document filed or required to be maintained pursuant to this Chapter 13.06, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly or method required under this Chapter 13.06 shall, in addition to civil and criminal penalties provided by state law, be guilty of a misdemeanor subject to the general penalty clause of the Loveland Municipal Code.

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).

ADOPTED this _____ day of March, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

ATTACHMENT B



Department of Water and Power
Service Center • 200 N. Wilson Avenue • Loveland, CO 80537
(970) 962-3000 • (970) 962-3400 Fax • (970) 962-2620 TDD
www.cityofloveland.org

MEMORANDUM

To: City Council
Through: Bill Cahill, City Manger
From: Steve Adams, Water and Power Director
Subject: Cross Connection Control Program (CCCP)
Date: January 19, 2012
Cc: Chris Matkins, Andy Tenbraak, John McGee
Enclosure A: *Figure 1: Containment vs. Isolation*
Enclosure B: *Draft CCCP Ordinance*

At the January 31, 2012 City Council Study Session, Water & Power staff will be presenting information regarding the CCCP for the City of Loveland. The primary purpose of the study session is to educate city council on the CCCP and offer recommendations on the implementation of the program.

To date, staff has presented the CCCP to the LUC during the November and December 2011 meetings and to the Construction Advisory Board (CAB) in December 2011. Both the LUC and CAB have supported the implementation of the CCCP and LUC approved a motion for City Council to approve the CCCP ordinance.

The City of Loveland is dedicated to supplying clean, safe water to its customers. When water is used improperly, creating a cross connection and the possibility of backflow, the health and safety of all the customers connected to the water system is threatened. Backflow due to improper use of water within a customer's premises could result in the contamination of the City's water supply mains. This could cause disease carrying organisms, toxic materials, or other hazardous substances to adversely affect large numbers of people. The City is taking every reasonable precaution to prevent cross connections from contaminating the water being distributed to its customers. The best protection against such occurrences is the implementation and maintenance of an effective cross connection control program (CCCP).

The City's Municipal Code Sections 13.10.302, 13.04.220, 15.08.020 and the Water and Wastewater Development standards Section 4.4.9 specifically mentions backflow prevention or cross connection control prevention. However, the City does not have an enforcement mechanism for regulating cross connection control within the City's domestic water service area. The purpose of the draft CCCP ordinance is to have an enforcement mechanism that cross connection control is implemented to the degree necessary to protect contamination of the domestic water supply within the City's service areas.

In May 2003 the Colorado Department of Public Health and Environment (CDPHE) adopted Article 12 of the Colorado Primary Drinking Water Regulations which specifically addressed Hazardous Cross Connections. This regulation requires that the City enforce cross connection control within the area of potable water service operated and maintained by the City. As part of this enforcement the City is

required to implement a program that will identify any potential hazards that exist, categorize and prioritize the degrees of hazards, require systems to install and maintain **containment devices** and enforce that proper devices are installed to eliminate the hazards. The City is also required to implement a tracking system that will notify customers with backflow devices that annual testing of the device be conducted by a Colorado Certified Technician. The City must maintain records of all inspections and maintenance performed on containment devices for a three year period. Further, a public water system is required to notify CDPHE of any cross connections within 10 calendar days following its discovery. Violations of the above requirements are subject to penalties as prescribed in sections 25.1.114 and 25.1.114.1 Colorado Revised Statutes.

In May 2007 the Loveland Utilities Commission received a presentation by staff on a draft cross-connection control ordinance. However, following the presentation staff learned from other Front Range communities that they were experiencing difficulties in operating and enforcing their cross-connection control ordinances. Staff then conducted a survey of best management practices and procedures to be used in redrafting the ordinance. In September 2010, the consulting firm Backflow Management Inc. was hired to update the redrafted ordinance and assist with the development of the CCCP. City staff has been working with them since that time to develop the CCCP ordinance that is shown as Attachment B.

City staff has continued on with creating a draft cross-connection control handbook that will include guidance on how to implement the CCCP. The handbook will outline procedures for installation, testing, and maintenance of approved backflow devices. Upon approval of the regulatory driven ordinance by city council, staff will begin an extensive stakeholder information process involving plumbers, irrigation companies, customers, vendors, suppliers, consultants and contractors. Feedback from these stakeholders will help finalize the handbook, educate them on the elements of the CCCP program and assist with implementation of the program.

An important element to a cross-connection control program is what approach used to control backflow from occurring. The enclosed Figure 1 shows location and use for containment and isolation backflow prevention devices. Definitions for containment and isolation are as follows:

Containment – Protection by containment shall mean the installation of an approved backflow prevention assembly, or method, **on the service line(s) serving any premise**, location, facility or area. Protection by containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

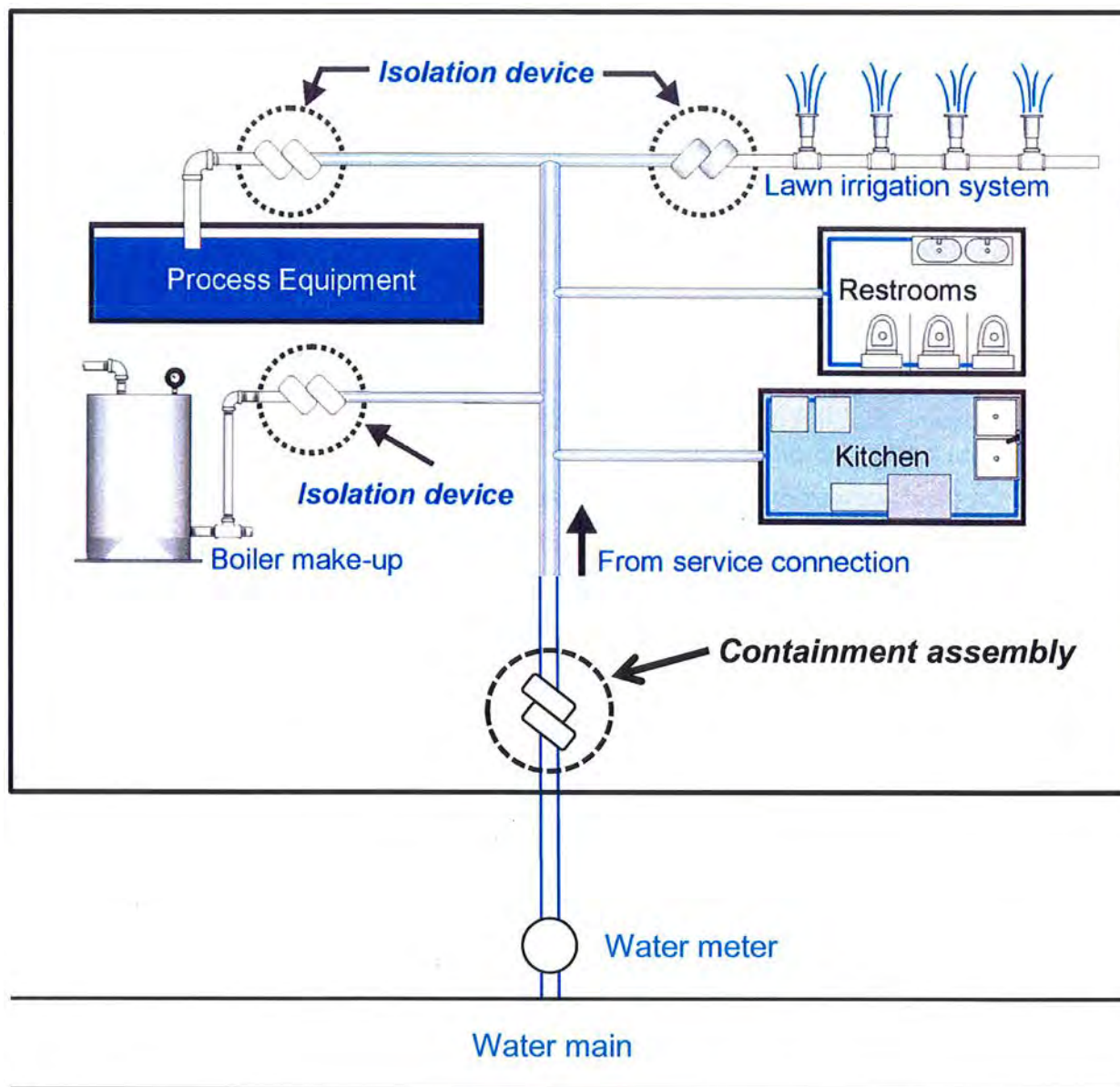
Isolation – The control of cross connections **within a buildings plumbing system** by the installation of an approved backflow prevention assembly or method at or near the potential sources of pollution or contamination. Plumbing codes usually specify when and where these devices are used.

The State of Colorado requires that a **containment assembly** be installed on all service connections that pose a potential health risk to the public water supply.

The CCC program will have a small financial impact on the City for implementation, tracking and surveys to identify potential cross connection hazards. The City has recently purchased special software for assisting in implementation, tracking, surveys and on-going operations of the CCC program. The 2012 O&M budget for this program is \$70,000. The budget will be reviewed each year to assess the financial impacts of the City operating and managing the program and will be updated as necessary.

ENCLOSURE A

FIGURE 1: CONTAINMENT ASSEMBLY VS ISOLATION DEVICES



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

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

AGENDA ITEM: 7
MEETING DATE: 2/21/2012
TO: City Council
FROM: Cindy Scymanski, Finance/Purchasing
PRESENTER: Keith Reester, Public Works Director &
Bonnie Steele, Acting Finance Director

TITLE:

Award Fuel Contract for 2012

RECOMMENDED CITY COUNCIL ACTION:

Make a motion awarding a contract for fuel and fuel delivery services to Gray Oil Company, Inc. in the amount of \$1,500,000, and authorizing the City Manager to sign the contract on behalf of the City

OPTIONS:

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

DESCRIPTION:

This is an administrative action to approve a contract with Gray Oil Company, Inc. for \$1,500,000 for diesel and unleaded fuel purchases for various City locations including the vehicle maintenance fueling center, golf courses, treatment plants, and airport for 2012.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

Budget dollars are available in various departments with the bulk, \$1,122,750, in the Vehicle Maintenance Fleet Operations Fund (501-23-261-1902-42030).

SUMMARY:

The City contracts annually for fuel purchases using a cooperative bid with the City & County of Denver. The City began using the Denver bid in October 2006. At that time, the freight and discount charges were more favorable than what the City could obtain by issuing its own

invitation to bid. Denver bids fuel every four years (2007, 2011, 2015), and requires bidders to make their pricing available to other governmental entities on the same terms and conditions stated in Denver's bid.

In late December 2011, Denver awarded fuel contracts to both Gray Oil and Hill Petroleum. Copies of those contracts were not made available to the City until January 5, 2012, which is the reason City staff could not bring this item to the City Council for award in a more timely fashion. Gray Oil allows pricing locking. Hill Petroleum does not allow price locking without a guaranteed purchase of a minimum number of gallons that is higher than what the City currently uses.

The City, through the Public Works and Finance departments, has historically taken advantage of the opportunity to lock fuel prices. Over the course of any contract term, some billings have been higher than market, while others have been lower. Since Public Works began fuel locking in 2006, the City has realized an annual savings over weekly rack prices by an average of 15% per year. Staff monitors pricing fluctuations weekly throughout the year and tracks trends locally, regionally, and nationally; predictive efforts are made to lock at key times in the year and to establish firm baselines for budget forecasting.

The Public Works Department locked prices with Gray Oil under the 2011 contract for deliveries to the vehicle maintenance fueling area at \$2.7634/ gallon for unleaded (\$2.7292 for fuel + \$0.0229/gallon for delivery + \$0.0113 for environmental fees) and \$3.0243/ gallon for #2 dyed diesel (\$2.9893/ gallon for fuel + \$0.0258/gallon for delivery + 0.0092/gallon environmental fees). These prices will remain in effect under the 2012 contract through October 31, 2012. The only variable is environmental fees charged by the state and federal governments. The same prices will be in effect for the other City departments with the delivery charge being \$0.18/gallon.

City staff believes that the ability to lock fuel prices will allow the City to save money, and therefore requests that the City Council award the fuel contract to Gray Oil.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Gray Oil Master Purchase Order

Master Purchase Order

DO NOT INVOICE TO THIS ADDRESS	 DENVER <small>THE MILE HIGH CITY</small>	Master Purchase Order No.	0568A0312
City & County of Denver		Date:	December 21, 2011
Purchasing Division		Revision No.	
201 West Colfax Avenue, Dept. 304		Payment Terms	Net 30, attempt net 10
Denver, CO 80202		Freight Terms	See Delivery Pricing Below
United States		Ship Via	Company Trucks
Phone: 720-913-8100 Fax: 720-913-8101		Buyer:	Kenton Janzen
		Phone:	303-342-2183

Vendor: Gray Oil Company Phone: 303-857-2288

Fax: 303-857-0758

Gray Oil Company
 804 Denver Ave
 Ft Lupton, CO 80621
 Attn: Tina

Ship To: Various City Agencies and Locations

E Mail: FOR DIA

Bill To: AccountsPayable@flydenver.com

For the rest of the City
AccountsPayable.Help@denvergov.org

1. Goods/Services:

Gray Oil Company, a Corporation, ("Vendor") shall provide the goods, and any services related thereto, identified and described on attached **Exhibit A**, to the City and County of Denver, a Colorado municipal corporation (the "City"), all in accordance with the terms and conditions of this Master Purchase Order.

2. Ordering:

The City shall purchase one or more of the goods/services by issuing a written purchase order(s) or similar appropriate written document ("Order"), each of which will be deemed incorporated into this Agreement for purposes of such Order only.

3. Pricing:

The pricing/rates for the goods/services is contained on **Exhibit A** and shall be held firm for the term of this Master Purchase Order unless otherwise stated.

4. Extension or Renewal:

The effective period of this Master Purchase Order shall be from January 1, 2012 to and including December 31, 2013. It is also a specific provision of this Master Purchase Order that the City and the vendor may mutually agree to renew and continue the contract or agreement consummated under this Master Purchase Order for additional periods of one year at the same prices, terms and conditions. However, no more than three (3) yearly extensions shall be made to the original Master Purchase Order.

5. Non-Exclusive:

This Master Purchase Order is non-exclusive. City does not guarantee any minimum purchase other than as provided herein.

6. Inspection and Acceptance:

City may inspect all goods/services prior to acceptance. Payment does not constitute acceptance. Vendor shall bear the cost of any inspection/testing that reveal goods/services that are defective or do not meet specifications. City's failure to accept or reject goods/services shall not relieve Vendor from its responsibility for such goods/services that are defective or do not meet specifications nor impose liability on City for such goods/services. If any part of the goods/services are not acceptable to City, City may, in addition to any other rights it may have at law or in equity: (1) make a warranty claim; (2) repair and/or replace the goods or substitute other services at Vendor's expense; or (3) reject and return the goods at Vendor's cost and/or reject the services at Vendor's expense for full credit. Any rejected goods/services are not to be replaced without written authorization from City, and any such replacement shall be on the same terms and conditions contained in this Master Purchase Order. Vendor shall perform all services in accordance with the standard of care exercised by highly competent vendors who perform like or similar services.

7. Shipping, Taxes and Other Credits and Charges:

All pricing is F.O.B. destination unless otherwise specified. Shipments must be marked with Vendor's name, the Master Purchase Order number, and contain a delivery or packing slip. Vendor shall not impose any charges for boxing, crating, parcel post, insurance, handling, freight, express or other similar charges or fees. Vendor shall notify City in writing of any price decreases immediately, and City shall receive the benefit thereof on all unshipped items. Vendor shall comply with any additional delivery terms specified herein. Vendor shall be responsible for the cleanup and reporting of any contamination (environmental or otherwise) or spillage resulting from the delivery and/or unloading of goods within twenty-four (24) hours of the contamination or spillage or sooner if required by law. Vendor shall procure all permits and licenses; pay all charges, taxes and fees; and give all notices necessary and incidental to the fulfillment of this Master Purchase Order and all cost thereof have been included in the prices contained herein. City shall not be liable for the payment of taxes, late charges or penalties of any nature, except as required by D.R.M.C. § 20-107, et seq. The price of all goods/services shall reflect all applicable tax exemptions. City's Federal Registration No. is 84-6000580 and its State Registration No. is 98-02890. Vendor shall pay all sales and use taxes levied by City on any tangible personal property built into the goods/services. Vendor shall obtain a Certificate of Exemption from the State of Colorado Department of Revenue prior to the purchase of any materials to be built into the goods/services and provide a copy of the Certificate to City prior to final payment.

8. **Risk of Loss:**
Vendor shall bear the risk of loss, injury or destruction of goods prior to delivery to City. Loss, injury or destruction shall not release Vendor from any obligation hereunder.
9. **Invoice:**
Each invoice shall include: (i) the Master Purchase Order number; (ii) individual itemization of the goods/services; (iii) per unit price, extended and totaled; (iv) quantity ordered, back ordered and shipped; (v) an invoice number and date; (vi) ordering department's name and "ship to" address; and (vii) agreed upon payment terms set forth herein.
10. **Payment:**
Payment shall be subject to City's Prompt Payment Ordinance D.R.M.C. § 20-107, et-seq. after City accepts the goods/services. Any other provision of this Agreement notwithstanding, in no event shall the City be liable for aggregate payments under this Master Purchase Order in excess of **Fifty Million and no/100 Dollars (\$50,000,000.00)**. The Vendor acknowledges that any goods/services provided beyond those specifically described in **Exhibit A** are performed at Contractor's risk and without authorization from the City. City's payment obligations hereunder, whether direct or contingent, shall extend only to funds appropriated by the Denver City Council for the purpose of this Master Purchase Order, encumbered by the City after receipt of Vendor's invoice and paid into the Treasury of City. Vendor acknowledges that: (i) City does not by this Master Purchase Order, irrevocably pledge present cash reserves for payments in future fiscal years; and (ii) this Master Purchase Order is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of City. City may setoff against any payments due to Vendor any claims and/or credits it may have against Vendor under this Master Purchase Order.
11. **Amendments/Changes:**
Only the Manager of General Services or his delegate is authorized to change or amend this Master Purchase Order by a formal written change order. Any change or amendment that would cause the aggregate payable under this Master Purchase Order to exceed the amount appropriated and encumbered for this Master Purchase Order is expressly prohibited and of no effect. Vendor shall verify that the amount appropriated and encumbered is sufficient to cover any increase in cost due to changes or amendments. Goods/services provided without such verification are provided at Vendor's risk. The Vendor has no authority to bind City on any contractual matters.
12. **Warranty:**
Vendor warrants and guarantees to City that all goods furnished under this Master Purchase Order are free from defects in workmanship and materials, are merchantable, and fit for the purposes for which they are to be used. For any goods furnished under this Master Purchase Order which become defective within twelve (12) months (unless otherwise specified) after date of receipt by City, Vendor shall either, at City's election and to City's satisfaction, remedy any and all defects or replace the defective goods at no expense to City within seven (7) days of receipt of the defective goods or accept the defective goods for full credit and payment of any return shipping charges. Vendor shall be fully responsible for any and all warranty work, regardless of third party warranty coverage. Vendor shall furnish additional or replacement parts at the same prices, conditions and specifications delineated herein.
13. **Indemnification/Limitation of Liability:**
Vendor shall indemnify and hold harmless City (including but not limited to its employees, elected and appointed officials, agents and representatives) against any and all losses (including without limitation, loss of use and costs of cover), liability, damage, claims, demands, actions and/or proceedings and all costs and expenses connected therewith (including without limitation attorneys' fees) that arise out of or relate to any claim of infringement of patent, trademark, copyright, trade secret or other intellectual property right related to this Master Purchase Order or that are caused by or the result of any act or omission of Vendor, its agents, suppliers, employees, or representatives. Vendor's obligation shall not apply to any liability or damages which result solely from the negligence of City. City shall not be liable for any consequential, incidental, indirect, special, reliance, or punitive damages or for any lost profits or revenues, regardless of the legal theory under which such liability is asserted. In no event shall City's aggregate liability exceed the agreed upon cost for those goods/services that have been accepted by City under this Master Purchase Order. Notwithstanding anything contained in this Master Purchase Order to the contrary, City in no way limits or waives the rights, immunities and protections provided by C.R.S. § 24-10-101, et seq.
14. **Termination:**
City may terminate this Master Purchase Order, in whole or in part, at any time and for any reason immediately upon written notice to Vendor. In the event of such a termination, City's sole liability shall be limited to payment of the amount due for the goods/services accepted by City. Vendor acknowledges the risks inherent in this termination for convenience and expressly accepts them. Termination by City shall not constitute a waiver of any claims City may have against Vendor.
15. **Interference:**
Vendor shall notify the Director of Purchasing immediately of any condition that may interfere with the performance of Vendor's obligations under this Master Purchase Order and confirm such notification in writing within twenty-four (24) hours. City's failure to respond to any such notice shall in no way act as a waiver of any rights or remedies City may possess.

16. Venue, Choice of Law and Disputes:

Venue for all legal actions shall lie in the District Court in and for City and County of Denver, State of Colorado, and shall be governed by the laws of the State of Colorado as well as the Charter and Revised Municipal Code, rules, regulations, Executive Orders, and fiscal rules of City. All disputes shall be resolved by administrative hearing, pursuant to the procedure established by D.R.M.C. § 56-106. Director of Purchasing shall render the final determination.

17. Assignment/No Third Party Beneficiary:

Vendor shall not assign or subcontract any of its rights or obligations under this Master Purchase Order without the written consent of City. In the event City permits an assignment or subcontract, Vendor shall continue to be liable under this Master Purchase Order and any permitted assignee or subcontractor shall be bound by the terms and conditions contained herein. This Master Purchase Order is intended solely for the benefit of City and Vendor with no third party beneficiaries

18. Notice:

Notices shall be made by Vendor to the Director of Purchasing and by City to Vendor at the addresses provided herein, in writing sent registered, return receipt requested.

19. Compliance With Laws:

Vendor shall observe and comply with all federal, state, county, city and other laws, codes, ordinances, rules, regulations and executive orders related to its performance under this Master Purchase Order. City may immediately terminate this Master Purchase Order, in whole or in part, if Vendor or an employee is convicted, plead nolo contendere, or admits culpability to a criminal offense of bribery, kickbacks, collusive bidding, bid-rigging, antitrust, fraud, undue influence, theft, racketeering, extortion or any offense of a similar nature.

20. Insurance:

Vendor shall secure, before delivery of any goods/services, the following insurance covering all operations, goods and services provided to City. Vendor shall keep the required insurance coverage in force at all times during the term of the Purchase Order, or any extension thereof, during any warranty period, and for three (3) years after termination of this Purchase Order. The required insurance shall be underwritten by an insurer licensed to do business in Colorado and rated by A.M. Best Company as "A-"VIII or better. Each policy shall contain a valid provision stating "Should any of the above-described policies be canceled or non-renewed before the expiration date thereof, the issuing company shall send written notice to the Denver Risk Management, 201 West Colfax Avenue, Dept. 1105, Denver, Colorado 80202. Such written notice shall be sent thirty (30) days prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior." Additionally, Vendor shall provide written notice of cancellation, non-renewal and any reduction in coverage to the address above by certified mail, return receipt requested. If any policy is in excess of a deductible or self-insured retention, City must be notified by Vendor. Vendor shall be responsible for the payment of any deductible or self-insured retention. The insurance coverages specified in this Purchase Order are the minimum requirements, and these requirements do not lessen or limit the liability of Vendor. Vendor shall provide a copy of this Purchase Order to its insurance agent or broker. Vendor may not commence services or work relating to the Purchase Order prior to placement of coverage. Contractor certifies that the attached certificate of insurance attached to the Purchase Order documents, preferably an ACORD certificate, complies with all insurance requirements of this Purchase Order. The City's acceptance of a certificate of insurance or other proof of insurance that does not comply with all insurance requirements set forth in this Purchase Order shall not act as a waiver of Vendor's breach of this Purchase Order or any of the City's rights or remedies under this Agreement. The City's Risk Management Office may require additional proof of insurance, including but not limited to policies and endorsements. Vendor's insurer shall name as Additional Insured to its Commercial General Liability and Business Auto Liability policies the City and County of Denver, its elected and appointed officials, employees and volunteers. Vendor's insurer shall waive subrogation rights against the City. All sub-contractors and sub-consultants (including independent contractors, suppliers or other entities providing goods/services required by this Purchase Order) shall be subject to all of the requirements herein and shall procure and maintain the same coverages required of Vendor. Vendor shall include all such entities as insureds under its policies or shall ensure that they all maintain the required coverages. Vendor shall provide proof of insurance for all such entities upon request by City. For Worker's Compensation Insurance, Vendor shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of \$100,000 for each bodily injury occurrence claim, \$100,000 for each bodily injury caused by disease claim, and \$500,000 aggregate for all bodily injuries caused by disease claims. Vendor expressly represents to City, as a material representation upon which City is relying, that none of the Vendor's officers or employees who may be eligible under any statute or law to reject Workers' Compensation Insurance shall effect such rejection during any part of the term of this Purchase Order, and that any such rejections previously effected, have been revoked. Vendor shall maintain Commercial General Liability coverage with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. Vendor shall maintain Business Auto Liability coverage with limits of \$1,000,000 combined single limit applicable to all owned, hired and non-hired vehicles used in performing services under this Purchase Order. For Commercial General Liability coverage, the policy must provide the following: (i) That this Purchase Order is an Insured Contract under the policy; (ii) Defense costs in excess of policy limits; (iii) A severability of interests, separation of insureds or cross liability provision; and (iv) A provision that coverage is non-contributory with other coverage or self-insurance provided by City. For claims-made coverage, the retroactive date must be on or before the first date when any goods or services were provided to City. Vendor must advise the City in the event any general aggregate or

other aggregate limits are reduced below the required per occurrence limits. At their own expense, and where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the Contractor will procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

21. Severability:

If any provision of this Master Purchase Order, except for the provisions requiring appropriation and encumbering of funds and limiting the total amount payable by City, is held to be invalid, illegal or unenforceable by a court of competent jurisdiction, the validity of the remaining portions or provisions shall not be affected if the intent of City and Vendor can be fulfilled.

22. Survival:

All terms and conditions of this Master Purchase Order which by their nature must survive termination/expiration shall so survive. Without limiting the foregoing, Vendor's insurance, warranty and indemnity obligations shall survive for the relevant warranty or statutes of limitation period plus the time necessary to fully resolve any claims, matters or actions begun within that period. Bonds shall survive as long as any warranty period.

23. No Construction Against Drafting Party:

No provision of this Master Purchase Order shall be construed against the drafter.

24. Status of Vendor/Ownership of Work Product:

Vendor is an independent contractor retained on a contractual basis to perform services for a limited period of time as described in Section 9.1.1E(x) of the Charter of City. Vendor and its employees are not employees or officers of City under Chapter 18 of the D.R.M.C. for any purpose whatsoever. All goods, deliverables, hardware, software, plans, drawings, reports, submittals and all other documents or things furnished to City by Vendor shall become and are the property of City, without restriction.

25. Records and Audits:

Vendor shall maintain for three (3) years after final payment hereunder, all pertinent books, documents, papers and records of Vendor involving transactions related to this Master Purchase Order, and City shall have the right to inspect and copy the same.

26. Remedies/Waiver:

No remedy specified herein shall limit any other rights and remedies of City at law or in equity. No waiver of any breach shall be construed as a waiver of any other breach.

27. No Discrimination in Employment:

Vendor shall not refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability; and Vendor shall insert the foregoing provision in any subcontracts hereunder.

28. Use, Possession or Sale of Alcohol or Drugs:

Vendor shall cooperate and comply with the provisions of Executive Order 94. Violation may result in City terminating this Master Purchase Order or barring Vendor from City facilities or from participating in City operations.

29. Conflict of Interest:

No employee of City shall have any personal or beneficial interest in the goods/services described in this Master Purchase Order; and Vendor shall not hire or contract for services any employee or officer of City which would be in violation of City's Code of Ethics, D.R.M.C. §2-51, et seq. or the Charter §§ 1.2.8, 1.2.9, and 1.2.12.

30. No Employment of Illegal Aliens to Perform Work Under The Agreement:

a. This Agreement is subject to Division 5 of Article IV of Chapter 20 of the Denver Revised Municipal Code, and any amendments (the "Certification Ordinance").

b. The Contractor certifies that:

- (1) At the time of its execution of this Agreement, it does not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
- (2) It will participate in the E-Verify Program, as defined in § 8-17.5-101(3.7), C.R.S., to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.

c. The Contractor also agrees and represents that:

- (1) It shall not knowingly employ or contract with an illegal alien to perform work under the Agreement.
- (2) It shall not enter into a contract with a subconsultant or subcontractor that fails to certify to the Contractor that it shall not knowingly employ or contract with an illegal alien to perform work under the Agreement.
- (3) It has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement, through participation in the E-Verify Program.
- (4) It is prohibited from using the E-Verify Program procedures to undertake pre-employment screening of job applicants while performing its obligations under the Agreement, and that otherwise requires the Contractor to comply with any and all federal requirements related to use of the E-Verify Program including, by way of example, all program requirements related to employee notification and preservation of employee rights.
- (5) If it obtains actual knowledge that a subconsultant or subcontractor performing work under the Agreement knowingly employs or contracts with an illegal alien, it will notify such subconsultant or

subcontractor and the City within three (3) days. The Contractor will also then terminate such subconsultant or subcontractor if within three (3) days after such notice the subconsultant or subcontractor does not stop employing or contracting with the illegal alien, unless during such three-day period the subconsultant or subcontractor provides information to establish that the subconsultant or subcontractor has not knowingly employed or contracted with an illegal alien.

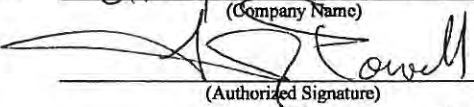
(6)

It will comply with any reasonable request made in the course of an investigation by the Colorado Department of Labor and Employment under authority of § 8-17.5-102(5), C.R.S. or the City Auditor, under authority of D.R.M.C. 20-90.3.

d. The Contractor is liable for any violations as provided in the Certification Ordinance. If Contractor violates any provision of this section or the Certification Ordinance, the City may terminate this Agreement for a breach of the Agreement. If the Agreement is so terminated, the Contractor shall be liable for actual and consequential damages to the City. Any such termination of a contract due to a violation of this section or the Certification Ordinance may also, at the discretion of the City, constitute grounds for disqualifying Contractor from submitting bids or proposals for future contracts with the City.

This Master Purchase Order is acknowledged and agreed to by:

Vendor Name: Gray Oil Co. Inc.
(Company Name)

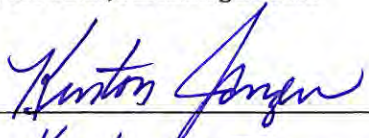
By: 
(Authorized Signature)

Print Name: Tina J. Powell

Title: President

Date: 12-21-11

City & County of Denver, Purchasing Division

By: 

Print Name: Kenton Janzen

Title: Senior Buyer

Date: 12/21/11

EXHIBIT "A"

Vendor: Gray Oil
 Title: Unleaded, Diesel and Biodiesel Fuel
 Master Purchase Order No.: 0568A0312

It is recommended that you use your Master Purchase Order No. – 0568A0312, in all future correspondence, billing, invoicing or other communications.

Description of the goods, and services related thereto, being purchased and pricing:

THE OPIS AVERAGE PRICING REFERENCED BELOW WILL ONLY BE IN EFFECT WHEN THE CITY HAS LOCKED FUEL WITH YOUR COMPANY AND HAS USED THE ENTIRE ALLOTMENT FOR THAT GIVEN MONTH. THE OPIS PRICING SHALL REMAIN IN EFFECT TO THE END OF THAT MONTH ONLY AND LOCKED PRICING WILL RESUME ON THE 1ST OF THE FOLLOWING MONTH.

The OPIS average computed on the Thursday prior to Monday's publish date each week, shall be the basis for OPIS +/- pricing anytime that the City is not purchasing "locked" fuel.

In the event the "Oil Price Information Service" (OPIS) ceases publication or a viable listing of reference prices relating to Denver, Colorado, is no longer available through this publication, the parties to this agreement will mutually establish a successor index.

Supply

- A. The #2 Diesel product shall comply with performance levels classified by the most current ASTM D975 standards, and shall be red, ultra low sulfur #2 Diesel, with a minimum cetane number of 45 when tested to ASTM D613. The red dye cost must be included in the quoted price.
- B. Vendor must have supplies of #1 Diesel and cold winter additives from October through March and be able to deliver these products to our primary fuel locations in advance of extreme cold weather conditions and on an emergency basis
- C. The #1 Diesel product quoted and provided must meet or exceed the most current ASTM D975 standards and shall be red, ultra low sulfur #1 Diesel with a minimum cetane number of 50 when tested to ASTM D613. The red dye must be included in the price.
- D. All diesel fuel provided, including any biodiesel blend, must meet a cold filter plug point of < -30°F October through March.
- E. All regular Unleaded Fuel provided shall meet all applicable and current ASTM standards, be minimum 85 octane, and contain no MTBE.
- F. Vendor must supply premium unleaded fuel (91 Octane) year-round.
- G. Vendor must have year-round availability of E85. The E85 fuel provided for flexible-fuel automotive spark-ignition engines shall meet or exceed ASTM D5798. The E85 fuel blend shall be seasonally adjusted based on geographic location and anticipated temperatures to enhance starting and driving performance.
- H. The City requires that the vendor have a local in-state presence including the ability to source fuel locally (defined as within a 100 mile radius of central Denver).
- I. Vendor must be able to provide biocide upon request.

B100 Blend Stock Specifications

- A. Vendor's biodiesel product must meet or exceed D6751 specifications (national bio-diesel standards). Base stock will be made of virgin rapeseed, soy or other equivalent virgin bio-mass.
- B. Upon request, vendors will submit their protocols and quality assurance policy for B100 testing, storage and handling.

B5-20 Specifications

- A. Biodiesel blends provided must meet cold filter plug point of $< -30^{\circ}\text{F}$ for October through March.
- B. Upon request vendor must supply a current Certificate of Analysis showing results of winterized B5-20 including cloud point, pour point, cold filter plug point, moisture content and concentration of # 1 diesel present in the blend.

Delivery

- A. Orders for fuel placed by the City by 10:30 a.m. on any given day shall be delivered by the vendor same day.
- B. Upon delivery of fuel to any City fueling site, the vendor shall be required to 1) measure the tank to be filled by either "sticking" or reading Veeder root figure before and after filling tank and 2) record the readings onto EACH and EVERY invoice.
- C. Should the vendor be unable to unload the entire amount that was ordered, an additional drop charge of no more than \$30 will be allowed if the remaining fuel must be taken to another City location and off loaded. This charge will not apply if the fuel can be off loaded at a different tank at the same location.
- D. Should the City order less than full transport load to a single primary tank, the vendor may charge the City for delivery of a full load (i.e. If the delivery cost of a 7,500 gallon load is \$.02/gallon, the total cost for delivery of a less than full load will be \$150.00).
- E. When the City requests fuel deliveries to secondary fuel locations with tanks that hold 1,000 gallons of fuel or less (mainly golf courses and mountain parks), the vendor will not be allowed to charge any additional delivery fees or fuel surcharges. The delivery cost per gallon for these locations is listed below.
- F. All freight charges shall be locked for the duration of the contract and shall include all freight surcharges. No additional freight surcharges may be added.

Testing

- A. The Vendor supplying fuel on October 1st of each year will be required to check each of the City's diesel tanks for cold filter plugging, cloud point and water content. The vendor will begin testing on October 1 and test all diesel tanks a second time after the cold weather additives are in place and shall complete the 2nd round of testing by December 7. Tests must be performed by an approved independent agency with results provided to Fleet Management Personnel immediately. The City reserves the right to ask for additional testing, as needed.

LOCKING**Futures fuel purchases**

- A. All fuel provided on futures contracts must meet the same specifications above.
- B. City personnel will request locked pricing quotes from all of the vendors that were issued a master purchase order as a result of this Proposal. The City agrees to provide at least 24-hours notification, or on a previously-agreed upon set schedule. Pricing should be provided for the next month, 3 months, 6 months, 9 months and one year and should include all applicable costs (i.e. be "delivered" cost) and fees unless otherwise notified by the City.

Procedures for Locking

- A. The City initiates (by email or phone) a request for locking price (24 hour lead time) for unleaded and/or diesel from the Qualified Vendors.
- B. The email quotes will be due at a predetermined time. They will be supplied by all Qualified Vendors, evaluated and discussed with Fleet Management, DIA Fleet Maintenance, the Purchasing Department and senior officials in Public Works.
- C. When it is determined that the City wishes to lock, Fleet Management contacts the successful vendor on the phone and informs them that we intend to accept the offer and emails the "Locking Worksheet" defining monthly quantities. A separate worksheet will be submitted for Public Works (which shall include the quantity numbers for Golf) and Denver International Airport.
- D. The spreadsheet contains the fuel contract number, bid price, the length of time included in the purchase agreement, whether we are purchasing "downside protection," the fees that we recognize we have to pay that were previously agreed upon in the fuel bid contract, for environmental issues and delivery. On this spreadsheet the City must also specify the exact amount of fuel we are purchasing each month, listed by the month.
- E. The email with the above commitment will also contain a statement about notifying the City when the purchase has been executed and at what price it was executed, which must be the quoted price or lower (it can sometimes be less than the quoted amount if the market falls in the 24 hours it takes to put all the data together).
- F. Once the City has confirmation from the vendor that a request to "lock" was executed, the City has a contract that becomes effective for the period specified in the spreadsheet and the OPIS vendor will be replaced by the "locked" vendor for fuel deliveries until such time that the "lock" expires. Then the City will go back to purchasing fuel from the OPIS vendor.

Miscellaneous

- A. Vendor must be able to provide emergency fuel service.
- B. Any fuel product delivered that fails to meet ASTM or other standards listed above, or is determined to be defective, will be removed from the tank at the vendor's sole cost.
- C. Vendor agrees in principle that the City is a preferred customer and should be afforded all the privileges and services possible. As a preferred customer, the City should be given preferential supply treatment to ensure the continuation of city operations.
- D. The vendor shall be required to meet all local, state and federal regulations regarding the supply and delivery of all fuel products.
- E. The vendor shall abide by the City's ozone reduction initiative, which requires that June 1 through September 15 from 6:00 a.m. to 2:00 p.m. all reasonable efforts be made to control VOC's.
- F. Billing shall be by GROSS gallons, NOT NET gallons.

OPIS Pricing, Items 1-6, TO BE USED ONLY WHEN MONTHLY ALLOTMENT HAS BEEN RECIEVED

Item No.	Description	Discount/Markup in Cents
1	Discount/Markup from weekly average rack (Denver) for OPIS Unleaded (i.e. -.015/gallon)	-\$0.0380
2	Discount/Markup from weekly average rack (Denver) for OPIS Unleaded 91 OCTANE (i.e. -.015/gallon)	-\$0.0380
3	Discount/Markup from weekly average rack (Denver) for OPIS Diesel #2 (i.e. -.015/gallon)	-\$0.0380
4	Discount/Markup from weekly average rack (Denver) for OPIS Diesel #1 (i.e. -.015/gallon)	-\$0.0380
5	Discount/Markup from weekly average rack (Denver) for OPIS E-85 (i.e. -.015/gallon)	\$0.0000
6	Discount/Markup from weekly average rack (Denver) for OPIS B100 (i.e. -.015/gallon)	\$0.0000
7	Up-Charge for emergency delivery service with 4 hours of notice.	\$0.0000
Item No.	Description	Per Gallon Delivery in Cents
	Delivery Charge Per Gallon to the following Primary Locations:	
8A	5440 Roslyn	\$0.0180
8B	1271 Bayaud	\$0.0180
8C	2000 W 3rd Ave	\$0.0180
8D	2013 S Osage	\$0.0180
8E	7501 E Jewell	\$0.0180
8F	4800 Himalaya, Fire Station #29	\$0.0180
8G	Denver International Airport	\$0.0210
	Delivery Charge Per Gallon to the following Secondary Locations:	
	Golf Courses	

9A	City Park Maintenance, 2955 E 23rd Ave	\$0.12
9B	Harvard Gulch, 660 E Iliff	\$0.12
9C	JFK Pro Shop, 10500 E Hampden	\$0.12
9D	JFK Maintenance, 10500 E Hampden	\$0.12
9E	Overland Maintenance, 1801 S Huron	\$0.12
9F	Overland Maintenance, 1801 S Huron	\$0.12
9G	Wellshire Pro Shop, 3333 S Colorado Blvd	\$0.12
9H	Wellshire Maintenance, 3801 E Hampden	\$0.12
9K	Willis Case Maintenance, 5199 Tennyson St	\$0.12
Mountain Parks		
10A	Morrison, 300 Union Ave, Morrison CO 80465	\$0.12
10B	Gennessee, 26771 Gennessee Lane, Golden, CO 80401	\$0.12
10C	Daniels Park, 8615 N Daniels Park Rd, Sedila, CO 80135	\$0.12
	*Should additional locations be required, delivery charges shall be similar to any above location for like mileage.	
Item No.	Description	Charge Per Month
	Emergency Procedures that will need to remain in place for the first few months of the contract. The weighting of this item will be for 4 months.	
11A	A 9500 gallon tanker at Central Platte location for #1 fuel storage	\$0.00
11B	70,000 gallons of offsite storage including at least 3 different tanks capable of holding a minimum of 10,000 gallons so the #1 diesel, #2 diesel and unleaded can be stored	\$0.00
11C	Proper Training for operators (must be provided regarding the transfer of fuel from the on-site tanker to Fleets tanker)	\$0.00
11D	Proper personnel to load Fleets tanker when retrieving fuel from your supplied storage (11B)	\$0.00

Master Purchase Order No. 0568A0312

12	Additional Testing of Tanks when requested. List per Tank.	\$0.00
	This charge will only apply to additional requests for testing by City Personnel, NOT specifically outlined in the required above section for "Testing" of this proposal.	

**This Master Purchase Order is only valid for payment amounts up to \$499,999.99 until City Council has approved it as required by 3.2.6(e).

**CITY OF LOVELAND****PARKS & RECREATION DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2903 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 2/21/2012
TO: City Council
FROM: Gary Havener, Parks and Recreation Department
PRESENTER: Janet Meisel-Burns

TITLE: A resolution supporting the grant application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and completion of Mehaffey Park

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution in support of the GOCO grant request for Mehaffey Park

OPTIONS:

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

DESCRIPTION:

This is an administrative action. This Resolution authorizes the City Manager to execute a grant agreement with the State of Colorado, specifically for a Great Outdoors Colorado (GOCO) grant, if awarded to the City of Loveland. The grant requested is for \$350,000 and will provide approximately 35% of the funding necessary to construct the skate park, disc golf course, and tennis and pickle ball courts at Mehaffey Park. The resolution is in the form requested by GOCO.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The City's matching funds are appropriated in the 2012 budget for the project. If the grant is awarded the grants funds will need to be appropriated for expenditure.

SUMMARY:

Mehaffey Park was purchased in 1997 for a community park and was identified as a community park in the 2001 Parks and Recreation Master. The 60 acre site is located north of 22nd Street and ½ mile west of Wilson Avenue. In 2011, Council appropriated funds to start the design and engineering of the project. The project kicked-off in October and the design consultant, AECOM, has completed the preliminary planning process and prepared a Master Plan and preliminary budget for the park.

Staff completed the initial public process with a design workshop in December and an Open House in January. The public also had an opportunity to comment on the design through the Mehaffey Park webpage and interactive comment form that was available for 30 days in December. Staff received over 150 comment forms and email messages during the preliminary planning process. The Master Plan was presented to the public at the January open house. Over 120 people attended and were generally supportive of the project and overall design concepts. The park will include a new skate park, dog park, multi-purpose athletic fields, a disc golf course, tennis and pickle ball courts, restrooms, group picnic shelters and the trail. The park will also include a regional detention and irrigation pond and many areas for passive recreation. One of the main features of the park will be an “adventure” play area and an arboretum that will wrap throughout the park.

Staff is seeking the GOCO, Local Parks and Outdoor Recreation grant to supplement the capital construction budget. The GOCO grant request, for \$350,000, will help fund the skate park, disc golf course and 4 multi-purpose tennis/ pickle ball courts within the park. The GOCO grant will be matched by City funds at a ratio of 65% City funding and 35% Grant funding for a total request of \$1,000,000 for these park components.

REVIEWED BY CITY MANAGER:


LIST OF ATTACHMENTS:

1. Resolution
2. Mehaffey Park Master Plan

RESOLUTION #R-12-2012**A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND COMPLETION OF MEHAFFEY PARK**

WHEREAS, the City of Loveland owns approximately 60 acres of real property located north of 22nd Street, south of 29th Street and west of Wilson Avenue in the City of Loveland designated for development as a Community Park in accordance with the Mehaffey Park Master Plan (the “Project”) and to be known as “Mehaffey Park”; and

WHEREAS, the City Parks and Recreation Division has applied for a \$350,000.00 grant (the “Grant”) from Great Outdoors Colorado to construct the skate park, tennis and pickle ball courts and disc golf course at Mehaffey Park as a part of the Project (the “Grant Application”); and

WHEREAS, the Loveland City Council supports the Grant Application, and if the Grant is awarded, the City of Loveland supports the completion of the skate park, tennis and pickle ball courts and disc golf course as a part of the Project.

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

Section 1. That the Loveland City Council strongly supports the Grant Application and has appropriated approximately \$6.55M for construction of Mehaffey Park, which includes sufficient matching funds for the Grant with Great Outdoors Colorado.

Section 2. That if the Grant is awarded, the Loveland City Council supports the completion of the skate park, tennis and pickle ball courts and disc golf course as a part of the Project.

Section 3. That the Loveland City Council has appropriated \$6.55M for construction of the Project, which it anticipates to be sufficient to meet the terms and obligations of the Grant if awarded.

Section 4. That the real property designated for construction of Mehaffey Park is owned by City of Loveland and will be owned by the City of Loveland for the next 25 years.

Section 5. That the Loveland City Council anticipates that the City will continue to maintain Mehaffey Park in a high quality condition and will duly consider appropriation of funds for maintenance in its annual budget.

Section 6. If the Grant is awarded, the City Council hereby authorizes the City Manager to sign the Grant agreement with Great Outdoors Colorado.

Section 7. That this Resolution shall be effective as of the date of its adoption.

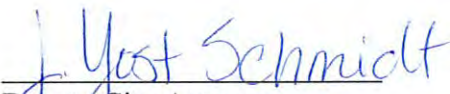
ADOPTED this 21st day of February, 2012

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

MEHAFFEY PARK
- MASTER PLAN



**CITY OF LOVELAND****PARKS & RECREATION DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2903 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 2/21/2012
TO: City Council
FROM: Gary Havener, Parks and Recreation Department
PRESENTER: Brian Hayes

TITLE: A resolution supporting the grant application for a River Corridors Initiative grant from the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for the acquisition of open lands and trail corridors and development of the HP/Agilent Open Space site and trail connections

RECOMMENDED CITY COUNCIL ACTION: Adopt the resolution in support of the GOCO grant request for the River Corridors Initiative

OPTIONS:

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

DESCRIPTION:

This is an administrative action. This Resolution authorizes the City Manager to execute a grant agreement with the State of Colorado, specifically for a GOCO grant, if awarded to the City of Loveland. The grant request is for approximately \$3.5M and could be awarded at up to 75% of the total funding necessary to acquire land and trail corridors along the Big Thompson River and to develop the HP/Agilent Open Space site and trail connections to complete the project. The resolution is in the form requested by GOCO.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

The City's matching funds are appropriated in the 2012 budget for the Project. If the grant is awarded, the grant funds will need to be appropriated for expenditure.

SUMMARY:

Acquisition of open lands along the Big Thompson River corridor has long been a priority of the Open Lands program. In 2011, the Open Lands Division submitted a “concept paper” for initial consideration of a special one-time “River Corridors Initiative” grant through GOCO and subsequently was invited to submit a full application. For the River Corridors Initiative grant, the City of Loveland is requesting funding for acquisition of open lands and trail corridors along the Big Thompson River corridor, as well as funding for the development of the HP/Agilent Open Space and trail connections. Open lands and trail corridor acquisitions can only be completed with “willing sellers.”

HP/Agilent Open Space was purchased in 2011 for a publicly-accessible open space and was identified as a “Priority Area” in the 2003 Open Lands Plan. The 121-acre site is located south of 1st Street and east of Taft Avenue. In 2012, Council appropriated funds to begin the design and engineering for development of the site for public use. The project kicked off in January and the design consultant, AECOM, is in the preliminary stages of preparing a Master Plan and preliminary budget for the site.

Staff is seeking grant funding from the GOCO River Corridors Initiative to supplement the acquisition and capital construction budget for HP/Agilent Open Space and trail connections, and to help fund acquisition of open lands and trail corridors along the Big Thompson River with willing sellers.

REVIEWED BY CITY MANAGER:


LIST OF ATTACHMENTS:

1. Resolution
2. Map of Priority Areas from 2003 Open Lands Plan

RESOLUTION #R-13-2012

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A RIVER CORRIDORS INITIATIVE GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO (GOCO) TRUST FUND FOR THE ACQUISITION AND DEVELOPMENT OF OPEN LANDS AND TRAIL CORRIDORS AND DEVELOPMENT OF THE HP/AGILENT OPEN SPACE SITE AND TRAIL CONNECTIONS

WHEREAS, the City of Loveland has prioritized the acquisition of open lands and trail corridors along the Big Thompson River Corridor in and surrounding the City of Loveland in accordance with the 2003 Open Lands Plan; and

WHEREAS, the City of Loveland owns approximately 121 acres of real property located south of 1st Street and east of Taft Avenue in the City of Loveland designated for development as a public open space area in accordance with the HP/Agilent Open Space Master Plan under development (“HP/Agilent Open Space”); and

WHEREAS, the City of Loveland has applied for a \$3.5M grant (the “Grant”) from Great Outdoors Colorado (“GOCO”) to acquire open lands and trail corridors, and to develop a publicly accessible open space site at the HP/Agilent Open Space and trail connections in accordance as a part of the Big Thompson River Open Space and Trails Project (the “Project”); and

WHEREAS, the City of Loveland supports the GOCO Grant application and if the Grant is awarded, the City of Loveland supports the acquisition of open lands and trail corridors and the development of HP/Agilent Open Space and trail connections as a part of the Project.

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

Section 1. That the Loveland City Council strongly supports the Grant application and has appropriated approximately \$1.5M in 2012 for the acquisition and development of open lands and trails, which includes sufficient matching funds for the Grant with GOCO.

Section 2. That if the Grant is awarded, the Loveland City Council supports the acquisition of open lands and trail corridors along the Big Thompson River Corridor and completion of the HP/Agilent Open Space development and trail connections as a part of the Project.

Section 3. That if the Grant is awarded, the Loveland City Council supports the completion of the Project within three years of the date of the grant award (June 15, 2012).

Section 4. That the Loveland City Council has appropriated \$1.5M for the acquisition and development of open lands and trails, which it anticipates to be sufficient to meet the terms and obligations of the Grant if awarded.

Section 5. That the real property designated for development of the HP/Agilent Open Space is owned by the City of Loveland and will be owned by the City of Loveland for at least 25 years.

Section 6. That the real properties proposed for open lands and trail corridor acquisition as a part of the Project will be purchased only from willing sellers, and if acquired, will be under the control of the City of Loveland for at least 25 years.

Section 7. That the Loveland City Council anticipates that the City will continue to maintain the HP/Agilent Open Space site and any trail connections constructed as part of the Project in a high quality condition and will duly consider appropriation of funds for maintenance in its annual budget.

Section 8. If the Grant is awarded, the Loveland City Council hereby authorizes the City Manager to sign the Grant agreement with Great Outdoors Colorado.

Section 9. That this Resolution shall be effective as of the date of its adoption.

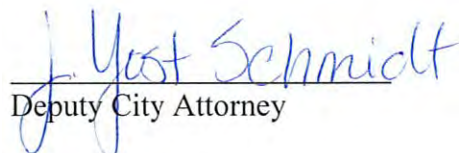
ADOPTED this 21st day of February, 2012

Cecil A. Gutierrez, Mayor

ATTEST:

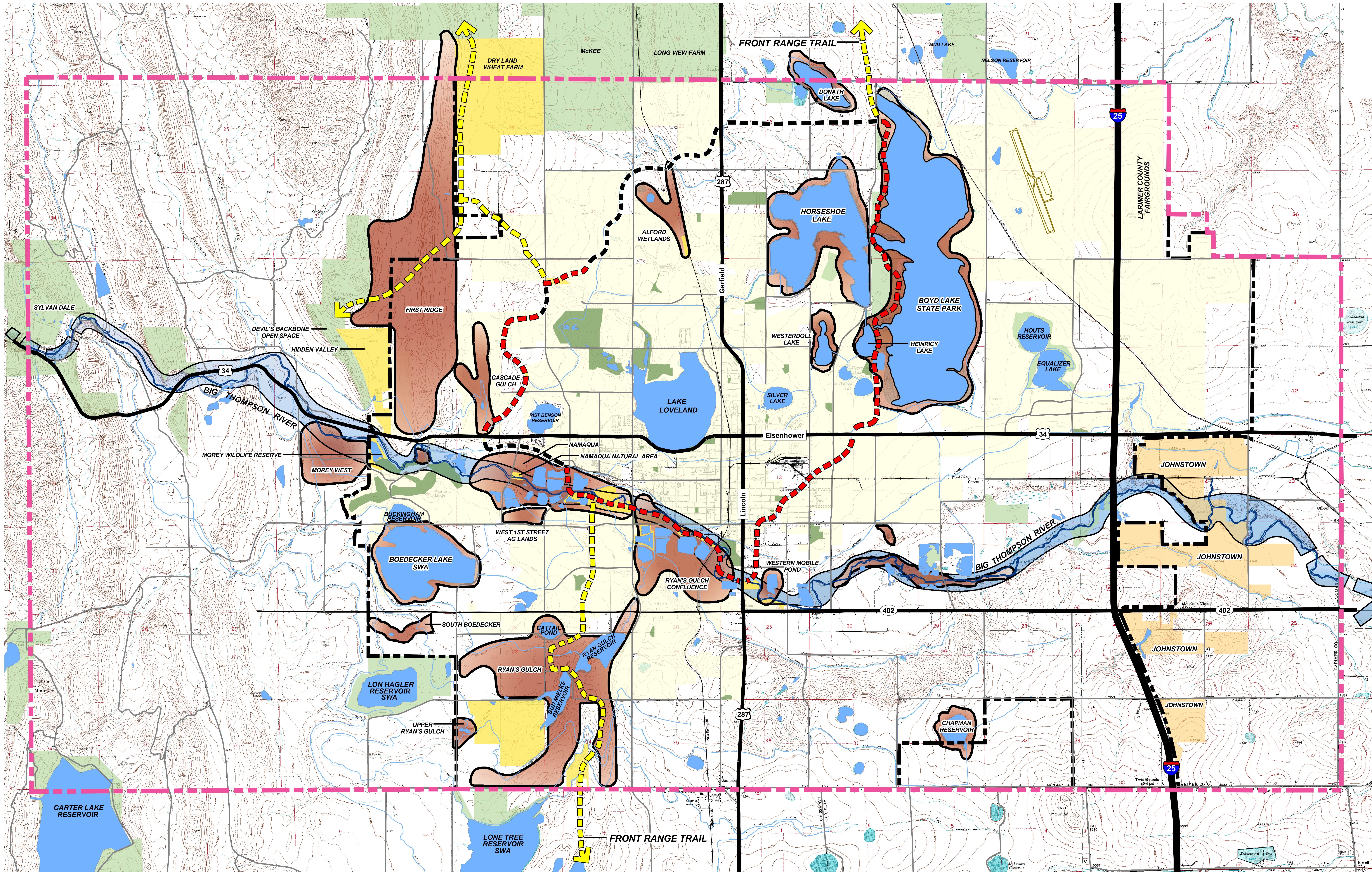
City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

OPEN LANDS PLAN
LOVELAND, COLORADO

PRIORITY AREAS

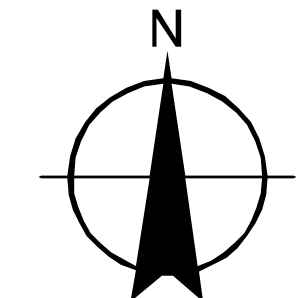
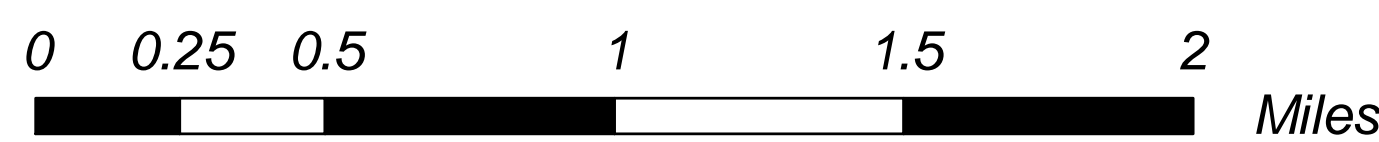


Legend

- BIG THOMPSON RIVER CORRIDOR
Work with willing sellers and donors, and other entities, to protect important natural resource and viewshed values. Boundaries of illustrated corridor are schematic...precise limits to be determined on case-by-case basis.
- PROPOSED PROTECTION AREAS
Work with willing sellers and donors, and other entities, within these general areas to protect specific parcels with important natural resource, agricultural and viewshed values. Boundaries of illustrated areas are schematic...precise limits to be determined on case-by-case basis.
- LOVELAND CITY LIMITS
- CITY OF LOVELAND OPEN LANDS
- OTHER OPEN LANDS
- CITY OF LOVELAND PARKS & GOLF COURSES
- JOHNSTOWN CITY LIMITS
- EXISTING LOVELAND LOOP TRAIL
Existing concrete trail built by Parks and Recreation Department.
- PROPOSED LOVELAND LOOP TRAIL
Proposed extension of existing trail, to be built by Parks and Recreation Department.
- PROPOSED PARTNERSHIP TRAILS
Proposed for construction by partnerships that may, depending on location, include the City of Loveland, Larimer County, Colorado State Parks, City of Fort Collins, Town of Berthoud, and developers, as part of future developments.
- COMMUNITY INFLUENCE AREA
- GROWTH MANAGEMENT AREA

NOTES:

- * This map reflects decisions made by the City of Loveland regarding areas that are important for open lands protection. These decisions were based on resource values and input from Loveland citizens.
- * The information shown on this map is schematic in nature and intended to illustrate general concepts. The boundaries of the Big Thompson River Corridor, Proposed Protection Areas, and Proposed Trails are only conceptually located. Precise locations will be determined on a case-by-case basis during negotiations with willing landowners.
- * Acquisition of property, or conservation easements, within the Proposed Protection Areas will only be accomplished with willing landowners, at fair market value, by donation, or as a result of the development review process.
- * The Proposed Protection Areas illustrate general locations within which land may be considered for protection.
- * Due to fiscal constraints and the fact that not all landowners will want to sell their land to the City, it is anticipated that only a portion of the land within most Proposed Protection Area "bubbles" will be protected as open lands.
- * This map covers a large area, includes a great deal of information, and is intended only for general planning purposes. To allow for optimum readability, the width of some lines is exaggerated and the location is general. For more precise information on City planning boundaries, City limits, proposed developments, existing public lands, roads, water features and similar information, please consult more detailed maps available from the City of Loveland.



MARCH 2003

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d h m design
corporation
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& LANDSCAPE ARCHITECTURE
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**CITY OF LOVELAND****HUMAN RESOURCES DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 2/21/2012
TO: City Council
FROM: Julia Holland, Human Resources Director
PRESENTER: Julia Holland

TITLE:

A resolution amending the City of Loveland Fire Department Money Purchase Pension Plan and Trust to increase the size of the Board of Trustees from five to seven members

RECOMMENDED CITY COUNCIL ACTION:

City Staff and the Fire Retirement Board recommend the adoption of the attached Resolution as proposed.

OPTIONS:

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

DESCRIPTION:

The Fire Retirement Board is requesting Council approve the attached resolution to increase the size of the Board of Trustees of the Fire Retirement Plan.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

The Fire Board of Trustees (the "Board") is currently composed of five members: three elected voting members, who are also Plan participants, and two non-voting members who are representatives of the City's Finance and Human Resource Departments.

In order to allow room for more expertise and depth within the Fire Board of Trustees, the Board is requesting to add voting members to their plan. The Fire Board, with subsequent approval of

sixty five percent (65%) of the Plan participants, voted in favor of the proposed Plan amendment to increase the size of the Board from five to seven members, with the addition of two voting members represented by an external financial subject matter expert and an administration level Fire Chief, Division Fire Chief, or higher ranking. The external financial subject matter expert would be appointed by the Board, and the high ranking administration level member would be assigned by the Fire Chief. These two new Board positions would have a regular term of one year.

The Board is requesting Council's approval of the amendment by adopting the attached Resolution as proposed.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

RESOLUTION # R-14-2012

A RESOLUTION AMENDING THE CITY OF LOVELAND FIRE DEPARTMENT MONEY PURCHASE PENSION PLAN AND TRUST TO INCREASE THE SIZE OF THE BOARD OF TRUSTEES FROM FIVE TO SEVEN MEMBERS

WHEREAS, the City of Loveland (the “City”) is the sponsor of that certain fire retirement plan titled “City of Loveland Fire Department Money Purchase Pension Trust,” as amended, and “City of Loveland Fire Department Money Purchase Pension Plan,” as amended, (referred to collectively as the “Plan”); and

WHEREAS, the Board of Trustees (the “Board”) of the Plan consists of five members: three voting members elected by the trust beneficiaries who are also Plan participants and two non-voting members who are representatives of the City’s finance and human resources departments, respectively; and

WHEREAS, the Board desires to amend the Plan by the addition of two voting members to the Board, one of which shall be an external financial subject matter expert, and the other shall be an administration level fire chief, division fire chief or other higher ranking chief with the City’s fire department; and

WHEREAS, the external financial subject matter expert shall be appointed by the Board, the fire department chief shall be assigned by the City’s Fire Chief, and both positions shall have a regular term of one year; and

WHEREAS, the Board has obtained approval of such amendment by at least sixty-five percent (65%) of trust beneficiaries who are also Plan participants, has voted in favor of such amendment, and now seeks approval of such amendment by City Council; and

WHEREAS, City Council finds that the proposed amendment to the Plan is reasonable and in the best interests of the City, its citizens and the Plan participants.

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

Section 1. The Plan is hereby amended to increase the membership of the Board from five to seven members. The two new Board member positions shall have voting rights, shall have a regular term of one year, and shall be held by one external financial subject matter expert, as appointed by the Board, and one administration level fire chief, division chief or other higher ranking chief from the City’s fire department, as assigned by the Fire Chief.

Section 2. The City Manager is hereby authorized and directed to execute such amendment to the Plan on behalf of the City, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this _____ day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

A RESOLUTION AMENDING THE CITY OF LOVELAND FIRE DEPARTMENT MONEY PURCHASE PENSION PLAN TO INCREASE THE SIZE OF THE BOARD OF TRUSTEES FROM FIVE TO SEVEN MEMBERS



CITY OF LOVELAND

ECONOMIC DEVELOPMENT OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 11
MEETING DATE: 2/21/2012
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale

TITLE:

A resolution adopting the City of Loveland Economic Development Strategic Plan (February 2012)

RECOMMENDED CITY COUNCIL ACTION: Move to adopt the resolution

OPTIONS:

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

DESCRIPTION: This is a legislative action to consider a resolution adopting the City of Loveland Economic Development Strategic Plan. At the January 31st, 2012 study session the City Council directed staff to bring the draft economic development strategy to a City Council meeting for formal adoption as the City's five year action plan for economic development efforts.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible: This is a planning document intended to guide economic development efforts. Future expenditures not included in the 2012 City budget, if any, must be presented to Council for consideration.

SUMMARY: Goal 13.1 of the City of Loveland comprehensive plan states, the City should, "periodically review and amend, as appropriate, and adopt the City's economic development plan." On June 15th, 2011 a team of eight business leaders began the task of developing a 5 year economic development strategy to guide the City's efforts to grow a diverse economic base which offers ample employment and business opportunities to all. The working group met six times. The first two meetings focused on what was currently being done and the remaining meetings were spent refining a strategy which was brief and actionable. The draft has been

reviewed by the working group, City Council economic development subcommittee and a study session with the full Council has been completed.

REVIEWED BY CITY MANAGER: *William D. Cahill*

LIST OF ATTACHMENTS:

Resolution

Economic Strategic Plan dated February, 2012

RESOLUTION #R-15-2012

A RESOLUTION ADOPTING THE CITY OF LOVELAND ECONOMIC DEVELOPMENT STRATEGIC PLAN (FEBRUARY 2012)

WHEREAS, Goal 13.1 of the City of Loveland Comprehensive Plan states that the City should, “periodically review and amend, as appropriate, and adopt the City’s economic development plan”; and

WHEREAS, with the assistance of a working group of business leaders and guidance from the Loveland City Council, a strategic plan has been developed to guide the City’s economic development efforts.

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

Section 1. That the City of Loveland Economic Development Strategic Plan, February 2012 attached hereto as **Exhibit A** and incorporated herein by this reference is hereby adopted.

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

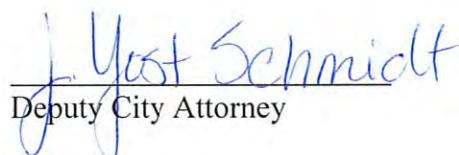
ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

City of Loveland



Economic Development Strategic Plan

February 2012

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INTRODUCTION

The Economic Development Department was created by the Loveland City Council for the purpose of supporting the ongoing economic growth and creating a climate for investment in Loveland. The Strategic Plan is intended to guide the actions of the Department over the next ten years and be used to inform decision making by the City Council. The Plan should be nimble enough to allow for new opportunities as they arise, while continuing to support growth and expansion of existing businesses and interests.

THE PLAN

The plan was drafted over the course of 12 weeks with the input and direction from a number of key stakeholders and City staff including:

Stakeholders:

Marilyn Schock, CEO, McKee Medical Center
 Terry Precht, President/CEO, Vergent Products
 Troy Stromme, Vice President, Group Publishing
 Karen Richardson, President/Owner Sculpture Depot
 Doug Rutledge, Director of Construction Services, KL&A Engineering
 Mary Bahus-Meyer, Owner, Full Circle Marketing
 Chris Lombardi, Owner & Managing Broker, Velocity Real Estate & Investments, Inc.
 Frank Roundy, Vice President, S.A. Composites

City Staff:

Bill Cahill, City Manager, City Manager's Office
 Rod Wensing, Assistant City Manager, City Manager's Office
 Betsey Hale, Director, Economic Development Department
 Alan Krcmarik, Executive Fiscal Advisor
 Mike Scholl, Economic Development Department
 Andrea Tucker, Economic Development Department
 Nikki Garshelis, Development Services Department
 Dawn Wirth, Economic Development Department
 Marcie Erion, Economic Development Department
 Tracey Hewson, Water & Power Department

The plan includes a *Vision* and *Mission Statement* along with specific *Goals* and *Actions* that are intended to be both actionable and measurable. While the Plan proposes to build off of existing opportunities including the redevelopment of the former Agilent/Hewlett Packard Campus at the corner of Taft and 14th Avenue (now known as the Rocky Mountain Center for Innovation and Technology) and the City's strength as a premier art community, it also seeks to address critical business issues including infrastructure and the speed and ease with which businesses interact with the City. Most importantly, the Plan seeks to enhance our existing local partnerships to create a long-term culture of success in Loveland.

VISION

Loveland is a community with a growing and diverse economic base that offers ample employment and business opportunities to all.

MISSION STATEMENT

Grow employment and business opportunities to sustain the economic health of Loveland and the Northern Colorado Region.

Goal #1 – Make Loveland The Heart Of Innovation And Creativity In Colorado

ACTION – Make the Agilent/Hewlett-Packard campus redevelopment a long term economic success for the community.

- Work with partner groups and developers to facilitate the start of reuse of the campus before December 31, 2012.
- Establish a committee of business leaders to assist with the recruitment of tenant companies and relationship building with company executives.
- Communicate regularly with citizens about the activities of companies at the Park and continuing community support for the project.
- Create a Site Activation Coordinator position for the purpose of facilitating development review and act as a liaison from the City to the Park and the tenants.
- Use staff in Key Accounts, Economic Development and the Office of Creative Sector Development to research and recruit potential tenants.
- Support industry cluster organizations such as the clean energy cluster.
- Provide economic incentives for companies locating at the campus.

Lead Champion – Economic Development Department

Supporting Champions – Northern Colorado Economic Development Corporation, Office of Creative Sector Development

Completion Date – 2017

ACTION - Carry out the work of the Office of Creative Sector Development Strategic Plan and accomplish the goals as stated.

Lead Champion – Office of Creative Sector Development

Supporting Champions – Community Marketing Commission, Creative Sector Development Commission, Loveland Center for Business Development

Completion Date – 2014

Goal #2 - Make Loveland A Destination Which Attracts Businesses, Visitors, And Consumers

ACTION - Establish a Destination Management position which is responsible for carrying out the work of the Destination Loveland Marketing Plan.

Lead Champion – Economic Development Department

Supporting Champions – Engaging Loveland, Hotel Association, Community Marketing Commission

Completion Date – 2012

ACTION - Build a new terminal at the Fort Collins – Loveland Municipal Airport to handle more commercial flights.

Champion – Fort Collins - Loveland Municipal Airport

Supporting Champions – Economic Development Department, Public Works Department

Completion Date – 2020

ACTION - Make improvements to the General Aviation and Fixed Based Operations facilities to encourage corporate and private aircraft use.

Lead Champion – Fort Collins - Loveland Municipal Airport

Supporting Champions – Economic Development Department, Public Works Department

Completion Date – 2020

ACTION - Establish a Science and Cultural Facilities District to fund the development of infrastructure such as the museum and gallery expansion, downtown plaza and Rocky Mountain Center for Innovation and Technology (RMCIT) related projects.

Lead Champion – Cultural Services Development

Supporting Champions – Office of Creative Sector Development, Economic Development Department

Completion Date – 2014

ACTION - Carry out the actions of the Downtown Strategic Plan Action - Develop destination events and attractions.

Lead Champion – Economic Development Department

Supporting Champions – Cultural Services Department, Office of Creative Sector Development, Community Marketing Commission, Loveland Downtown Team

Completion Date – 2015 & Ongoing

ACTION - Partner with the private sector on the recruitment and retention of retail businesses throughout the City especially downtown, West Eisenhower and US 287.

Lead Champion – Economic Development Department

Completion Date – 2012 & Ongoing

Goal #3 - Make the Right Investment Easy to Come, Stay and Grow

ACTION - Continue to streamline and improve the “speed” at which building permits and site plans are reviewed.

Lead Champion – Development Services Department

Supporting Champions – Economic Development Department

Completion Date – 2012 & Ongoing

ACTION - Continue to provide lower cost utilities and the key accounts program.

Lead Champion – Water and Power Department

Completion Date – 2012 & Ongoing

ACTION - Continue the use of the City of Loveland Incentive Policy.

Lead Champion – Economic Development Department

Completion Date – Ongoing

ACTION - Develop a business retention plan that includes:

- Mentoring programs
- City Council outreach activities
- Quarterly CEO networking events
- A business leaders blog
- Economic development newsletter from the City
- Apprenticeship programs
- Recognition program
- Annual business appreciation event

Lead Champion – Economic Development Department

Supporting Champion – Northern Colorado Economic Development Council

Completion Date – 2012 & Ongoing

ACTION - Use local companies and suppliers for City Purchases when possible.

Lead Champion – Finance Department (Purchasing)

Supporting Champion – Economic Development Department

Completion Date – 2012 & Ongoing

ACTION - Work with Loveland Business Assistance Network (LBAN) partners to communicate the services they provide to the business community and reduce duplication of effort.

Lead Champions – Economic Development Department and LBAN Members

Completion Date – 2012 & Ongoing

ACTION - Continue the ombudsman/liaison position.

Lead Champion – Economic Development Department

Completion Date – Ongoing

Goal #4: Make The Right Connections

ACTION - Coordinate all economic development efforts and strategies of the City in a single department.

Lead Champion – Economic Development Department

Completion Date – 2012

ACTION - Create a sister city with a likeminded city in another state and country.

Lead Champion – Economic Development Department

Completion Date – 2013

ACTION - Improve the economic development website and use it to market the City to businesses, visitors and consumers and to recognize local businesses

Lead Champion – Economic Development Department

Completion Date – 2012 & Ongoing

ACTION - Continue to leverage resources with the organizations in the Loveland Business Assistance Network which includes: NCEDC, LCBD, the Chamber of Commerce, Engaging Loveland, and Larimer County, the State of Colorado, the Rocky Mountain Innosphere and others.

Lead Champion – Economic Development Department

Supporting Champion – Loveland Business Assistance Network

Completion Date – Ongoing

ACTION - Create a rapid response team of business leaders who can identify, establish and maintain relationships with targeted employers for attraction and retention efforts.

Lead Champion – Northern Colorado Economic Development Council

Completion Date – 2012

ACTION - Use social media and You Tube to attract businesses, visitors and consumers to Loveland.

Lead Champion – Economic Development Department

Supporting Champions – Office of Creative Sector Development, Public Information Officer

Completion Date – 2012 & Ongoing

ACTION - Create meaningful and productive relationships with other Northern Colorado Communities, the Thompson School District, Larimer County and the State of Colorado to address economic development issues.

Lead Champion – Economic Development Department

Supporting Champions – Thompson School District, Larimer County, State of Colorado

Completion Date – 2012 & Ongoing

**CITY OF LOVELAND****ECONOMIC DEVELOPMENT OFFICE**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 2/21/2012
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale

TITLE:

A resolution adopting the City of Loveland Incentive Policy (February 2012)

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the resolution

OPTIONS:

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

DESCRIPTION: This is a legislative action to consider a resolution adopting the City of Loveland Incentive Policy. At the January 31st, 2012 study session the City Council directed staff to bring the draft City of Loveland Incentive Policy to a council meeting for formal adoption as the City's policy regarding qualifications and process for requesting business assistance.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible: This is a planning document intended to guide future economic incentive requests. Future expenditures not included in the 2012 City budget, if any, must be presented to Council for consideration.

SUMMARY: At its meeting on September 16, 2008, Council adopted Resolution #R-112-2008 approving The City of Loveland Economic Development Policy, setting forth minimum standards to be met by applicants for economic incentives, including primary employment incentive guidelines and a process for application and deliberation. In October 2009, the City Council adopted Resolution #R-103-2009 revising the City of Loveland Economic Development Policy to clarify the City's desire to take a more regional approach to economic development and not

provide incentives for relocating jobs from communities in the North Front Range Metropolitan Planning Organization.

In August 2011, the City Council approved an economic development incentive for the Wood Group. Given the small size of the incentive requested, \$13,835.00 the Council used an abbreviated review process. The customary process has been a study session consideration, followed by action at a regular Council meeting. The Wood Group incentive information was provided to Council in advance by memo, and then the item was simply scheduled as a regular agenda item at a regular City Council meeting.

The purpose of streamlining this process was to be more economical of the Council's meeting time for smaller matters, while at the same time being more accommodating of business requests.

Essential components of the streamlined process:

- It would apply to incentives of \$20,000 or less
- All information would be provided to Council at least 2 weeks in advance
- The item would be scheduled as a regular agenda item at a Council meeting (not on consent)

The three changes included in the amended and restated Incentive Policy submitted for consideration are:

1. The name of the Economic Development Policy is being changed to the "Incentive Policy".
2. A description of the Economic Development Department, which was created in August 2011, is included.
3. A simplified process for incentive requests less than \$20,000 in assistance is included, which eliminates discussion at a Study Session prior to coming to a council meeting for formal approval. The applicant must still meet all minimum standards as required in the policy. This amendment creates a more efficient process for smaller incentive requests.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Resolution
Incentive Policy

RESOLUTION #R-16-2012

A RESOLUTION ADOPTING THE CITY OF LOVELAND INCENTIVE POLICY (FEBRUARY 2012)

WHEREAS, at its meeting on September 16, 2008, the Loveland City Council adopted Resolution #R-112-2008 approving the City of Loveland Economic Development Policy, setting forth minimum standards to be met by applicants for economic incentives, including primary employment incentive guidelines and a process for application and deliberation; and

WHEREAS, the Economic Development Policy, October 2009, was subsequently amended and restated and approved by the Loveland City Council's adoption of Resolution #R-103-2009; and

WHEREAS, the City desires to further amend the Economic Development Policy, including changes to reflect the creation of the Economic Development Department of the City in August 2011, to change the name of the Economic Development Policy to the Incentive Policy, and to create a simplified process for small incentive requests.

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

Section 1. That the City of Loveland Incentive Policy February 2012 attached hereto as **Exhibit A** and incorporated herein by this reference is hereby adopted.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council approving all prior versions of City of Loveland Economic Development Policy, including Resolutions #R-112-2008 and #R-103-2009.

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


ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

City of Loveland



Incentive Policy February 2012

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Introduction

Purpose

Guiding Principle 13 of the City of Loveland Comprehensive Plan states that the City will, *“Promote the adequate provision of employment opportunities in an effort to sustain the economic health of the Loveland community and the Northern Colorado Region.”*

Vision

Loveland is a community with a growing and diverse economic base that offers ample employment and business opportunities to all.

Mission Statement

Grow employment and business opportunities to sustain the economic health of Loveland and the Northern Colorado region.

Process

The City utilizes a multifaceted approach to job creation, business retention, and attraction. This effort leverages the City's financial resources with those of our economic development partners in Loveland, Larimer County and the State of Colorado. The City supports assistance programs for small business development, creative entrepreneurship and technology incubation and acceleration.

Conditions

Any economic incentive or other commitment of City funds must be set forth in a written agreement approved by City Council, funding must be budgeted, appropriated and otherwise made available, and must not constitute a multi-year fiscal obligation. Further, any economic incentive or other commitment under this Policy must serve a public purpose, as determined by City Council in its discretion, including but not limited to providing significant cultural, social, and/or economic benefits to the citizens of Loveland.



Economic Development Department

The City of Loveland has a full service Economic Development Department. The Department has 5 full-time staff engaged in primary employer attraction, expansion and retention, downtown redevelopment, retail recruitment and retention, visitor attraction, destination marketing, and creative sector development. A part-time employee offers market research assistance to business owners seeking demographic and consumer trend information.

The City maintains strategic partnerships with local, regional and state business assistance providers. The Loveland Business Assistance Network (LBAN) meets quarterly and is a forum for members to report status of projects and seek partners to leverage financial and staff resources. The LBAN partners include but are not limited to:

Primary Employment Attraction, Retention and Expansion:

Colorado Office of Economic Development and International Trade (OEDIT)
Northern Colorado Economic Development Corporation (NCEDC)
Larimer County Workforce Development Center

Small Business Development and Entrepreneurship/Incubation:

Office for Creative Sector Development (OCSD)
Loveland Center for Business Development (LCBD)
Rocky Mountain Innosphere and Innovation Initiative (RMII)
Loveland Chamber of Commerce

Destination Marketing:

Engaging Loveland
Loveland Hospitality Association
Larimer County

Economic Incentive Fund

The Loveland City Council has created an Economic Incentive Fund which is budgeted annually at \$250,000. The Council considers requests on a case-by-case basis in accordance with the guidelines which follow. Companies interested in applying for possible incentives should contact:

For Primary Employers

Betsey Hale
Economic Development Director
haleb@ci.loveland.co.us

*For Downtown Redevelopment and / or
Retail Projects*

Mike Scholl
Economic Development Administrator
scholm@ci.loveland.co.us

For the Creative Sector

Marcie Erion
Business Development Specialist
erionm@ci.loveland.co.us

For all other requests

Dawn Wirth
Business Services Coordinator
wirthd@ci.loveland.co.us
or 970-962-2316

Primary Employment Incentive Guidelines

In an effort to encourage high quality, primary job creation and private sector investment, the City of Loveland has established the following incentive guidelines.

Eligibility Requirements:

The incentives described will be available on a case-by-case basis to new or existing “primary” employers engaged in manufacturing, distribution, research, and development or other business activity which export more than 50% of their goods/services outside of Larimer County. In addition, to be eligible for incentive consideration the business should meet the following minimum standards:

1. Meet with the City of Loveland Economic Development Director to discuss the project and determine if the company meets the definition of a primary employer.
2. Review the City of Loveland Primary Employer Checklist of Requirements with the Economic Development Director. A copy is attached to this policy.
3. Provide company information to the City of Loveland, for staff review and analysis in an economic impact model provided by Colorado State University. This model estimates the potential economic benefits, including direct revenues, costs and induced/indirect impact to the community over the proposed incentive performance period or payback period. (Other universities or organizations may be used to complete this analysis.) To be eligible for incentives a payback period will be no longer than 5 years unless otherwise agreed upon.
4. The results of the Economic Impact Analysis must show a positive net new revenue impact to the City of Loveland.
5. The applicant must submit a Letter of Intent to request incentives from the City of Loveland.
6. It is required that the Company makes a minimum investment of \$500,000 in plant and/or equipment during the first year following approval of the incentive. This requirement may be evaluated by the City Council if the project does not require construction of a new building or significant purchases of new equipment. This requirement may be waived for companies that are clients of the Rocky Mountain Innovation Initiative or Loveland Center for Business Development or the Office for Creative Sector Development.



7. The business must offer an employee health plan where the employer pays at least 80% of the employee only premium.
8. The business must offer group health insurance to the employee dependents at the employee cost.
9. The company must provide the City a copy of the project budget for relocation and/or expansion.
10. The business must provide ongoing company information for monitoring purposes at least twice a year. Upon incentive approval by the Loveland City Council, the company will be required to enter into an agreement with the City, guaranteeing that mutually agreed upon investment/jobs will be created within a specific period of time. If the company is unable to achieve guaranteed results as outlined by the performance agreement, the City of Loveland reserves the right to recover incentive payments on either a full or prorated basis as established in a performance agreement. Personal Guarantee of repayment obligations may be required.

Possible Incentives For Primary Employment

Development Fees and Use Taxes: The following fees and/or taxes may be waived or deferred upon approval of the Loveland City Council. These include:

- City (not County) Construction Materials Use Taxes
- Building Permit and Inspection Fees
- Street Capital Expansion Fees
- Law Enforcement Capital Expansion Fees
- General Government Capital Expansion Fees
- Fire Protection Capital Expansion Fees

This incentive will not exceed the fees or taxes due with respect to a particular project. System Impact Fees and Fees related to the City's Utility Enterprises are not eligible.

Cash Incentives for New Primary Jobs: The City of Loveland will consider cash incentives on a case-by case basis. This is a performance based incentive payment to qualifying companies that have created **net** new full-time permanent positions paying above average wages. The program is designed to support and encourage new business development, business expansions and relocations that generate new jobs in the City of Loveland. The cash paid per job is based on the percentage of Larimer County Average Annual Wage at the time of application for the incentive.

Cash incentives are only available for jobs which pay 120% or more of Larimer County Average Annual Wage. As of December 2011, the minimum would be \$46,800.

Average Annual Wage Company Wide	Possible Cash Incentive Per Job
120%	\$500
130%	\$1,000
140%	\$1,500
150% or >	\$2,000
(This incentive is subject to availability of funding)	

Net New Job: A net new job is a full time position which did not exist at a Loveland location in the 12 months prior to application for assistance. The position must exist for a minimum period of 12 months and the compensation must include the employer payment of 80% of the employee only health insurance premium and the availability of coverage for dependents.

Regional Relocation: The City of Loveland **will not** generally provide incentives for **existing** jobs which are relocated from communities within the North Front Range Metropolitan Planning Organization (NFRMPO) area. A map of the NFRMPO area is attached to this policy. The City will consider the provision of incentives to companies located in the NFRMPO area if **net new jobs** will be created as a result of relocation or expansion into Loveland.

Job Verification: Recipients of an Economic Incentive from the City of Loveland will be asked to submit employment verification twice a year unless otherwise agreed to in the Performance Agreement. The Loveland City Manager or his designee reserves the right to verify employment levels with the Colorado Department of Labor.

Public Infrastructure Requirements: The City of Loveland will review on a case-by-case basis the possible relief of the costs of public infrastructure requirements and may also make application for Federal and State Grant funds which may be available if deemed appropriate.

Enterprise Zone Tax Benefits: This program is intended to assist with the revitalization of economically distressed areas in Colorado. Companies located in the City of Loveland Enterprise Zone are eligible for various state income tax credits. These incentives are dependent on the approval of the local enterprise zone administrator and the State of Colorado Department of Revenue. For a complete list of State of Colorado Enterprise Zone Benefits and the Loveland Enterprise Zone Map see the Larimer County Workforce webpage at www.larimerworkforce.org/business/enterprise-zone/.

Aviation Development Zone Benefits: The Fort Collins-Loveland Municipal Airport received Aviation Development Zone designation in 2007. This designation provides a State of Colorado income tax credit of \$1,200 per aircraft manufacturing job created within the zone. For more information see the Colorado Department of Revenue website at: www.revenue.state.co.us.

City of Loveland Job Training Dollars: On a case by case basis the City of Loveland may consider up to a dollar for dollar match to the State of Colorado Job Training Fund if the Colorado Economic Development Commission approves such incentive for a new or expanding employer in Loveland. This request should come from the employer with a copy of the approved incentive from the State of Colorado.

Expedited Review: The City of Loveland will offer a “Rapid Response Team” and an expedited review process to facilitate the efficient review of the proposed project for qualified businesses.

Sponsorship of Private Activity Bonds: If a project meets the requirements of Section 141 of the Internal Revenue Code and the State of Colorado Tax Reform Act of 1987, the City of Loveland will consider sponsorship of Private Activity Bonds for Economic Development.

Downtown Loveland: Primary Employers considering locating in Historic Downtown Loveland may benefit from assistance in addition to the incentives listed above. Those additional incentives may include:

- Façade Improvement Grants
- Urban Renewal Area Programs
- Historic Preservation Tax Credit Programs
- Market Research Assistance
- Fee Waivers: Exemption From Approximately 20 City Fees
- Parking Requirements for General Improvement District #1
- Others As Approved By Loveland City Council

For more information see the Economic Development webpage at www.cityofloveland.org

Additional Incentives

The Loveland City Council will consider additional types of requests from Primary Employers on a case-by-case basis. The City Council may alter this policy at any time. Applicants are encouraged to contact the Economic Development Director for more information and a copy of the current policy at the time of application.



Commercial and Retail Development Incentive Guidelines

In an effort to encourage high quality, development of retail and commercial properties and assist with the redevelopment of dated vacant retail and commercial properties, the City of Loveland has established the following incentive guidelines.

Eligibility Requirements

The incentives described will be available on a case-by-case basis to new or existing retailers and redevelopers which seek to build new buildings or reuse vacant buildings which were at one time occupied for retail or office purposes and have been vacant a minimum of 24 months.

To be eligible for an incentive the project must meet the following criterion.

1. The company must meet with the Economic Development Director or their designee.
2. The company or its representatives must provide company information to the City of Loveland, for staff review and analysis in an economic impact model provided by Colorado State University and/or the Loveland Market Research Specialist. This model estimates the economic benefits including direct revenues, costs and induced/indirect impact to the community over the proposed incentive performance period or payback period. To be eligible for incentives, a payback period will be no longer than 5 years unless otherwise agreed upon.
3. The results of the Economic Impact Analysis must show a positive net new revenue impact to the City of Loveland.
4. The Applicant must submit a letter of Intent to Request economic assistance from the City of Loveland.
5. There must be a minimum investment of \$500,000 in building and/or equipment during the first year after which application is made for incentives and awarded.
6. Upon incentive approval by the Loveland City Council, the company will be required to enter into an agreement with the City guaranteeing that mutually agreed upon investment/sales tax or other outcomes will be created within a specific period of time. The company will provide information requested by the City for monitoring of the performance agreement twice a year during the term of the agreement. If the company is unable to achieve guaranteed results, the City of Loveland reserves the right to recover incentive payments on either a full or prorated basis as outlined in a performance agreement. A personal guarantee maybe required for repayment of incentives.



Possible Incentives for Commercial and Retail Development

Development Fees, Sales and Use taxes on construction materials: The following fees and/or taxes may be waived, or deferred upon approval of the Loveland City Council. These include:

- Construction materials use taxes
- All Building Permit and Inspection Fees
- Street Capital Expansion Fees
- Law Enforcement Capital Expansion Fees
- General Government Capital Expansion Fees
- Fire Protection Capital Expansion Fees

This incentive will not exceed the fees or taxes due with respect to a particular project. System Impact Fees and Fees related to the City's Utility Enterprises are not eligible.

Public Infrastructure Requirements: The City of Loveland will review on a case-by-case basis the possible relief of the costs of public infrastructure requirements and may also apply for Federal and State Grant funds which may be available if deemed appropriate.

Sales Tax Rebate: The City Council will consider on a case by case basis a rebate of a portion of sales tax collected by the retailer over a specific period of time not to exceed 5 years or 5% of the overall redevelopment project budget.

Downtown Loveland: Projects considering a location in Historic Downtown Loveland may benefit from additional assistance such as:

- Façade Improvement Grants
- Urban Renewal Area Programs
- Historic Preservation Tax Credit Programs
- Market Research Assistance
- Fee Waivers: Exemption From Approximately 20 City Fees
- General Improvement District
- Others As Approved By The Loveland City Council

For more information on Downtown Business Assistance see the Community and Strategic Planning Webpage at www.cityofloveland.org

The Loveland City Council may consider, upon staff recommendation, additional types of requests on a case-by-case basis. Contact the Economic Development Director for more information.

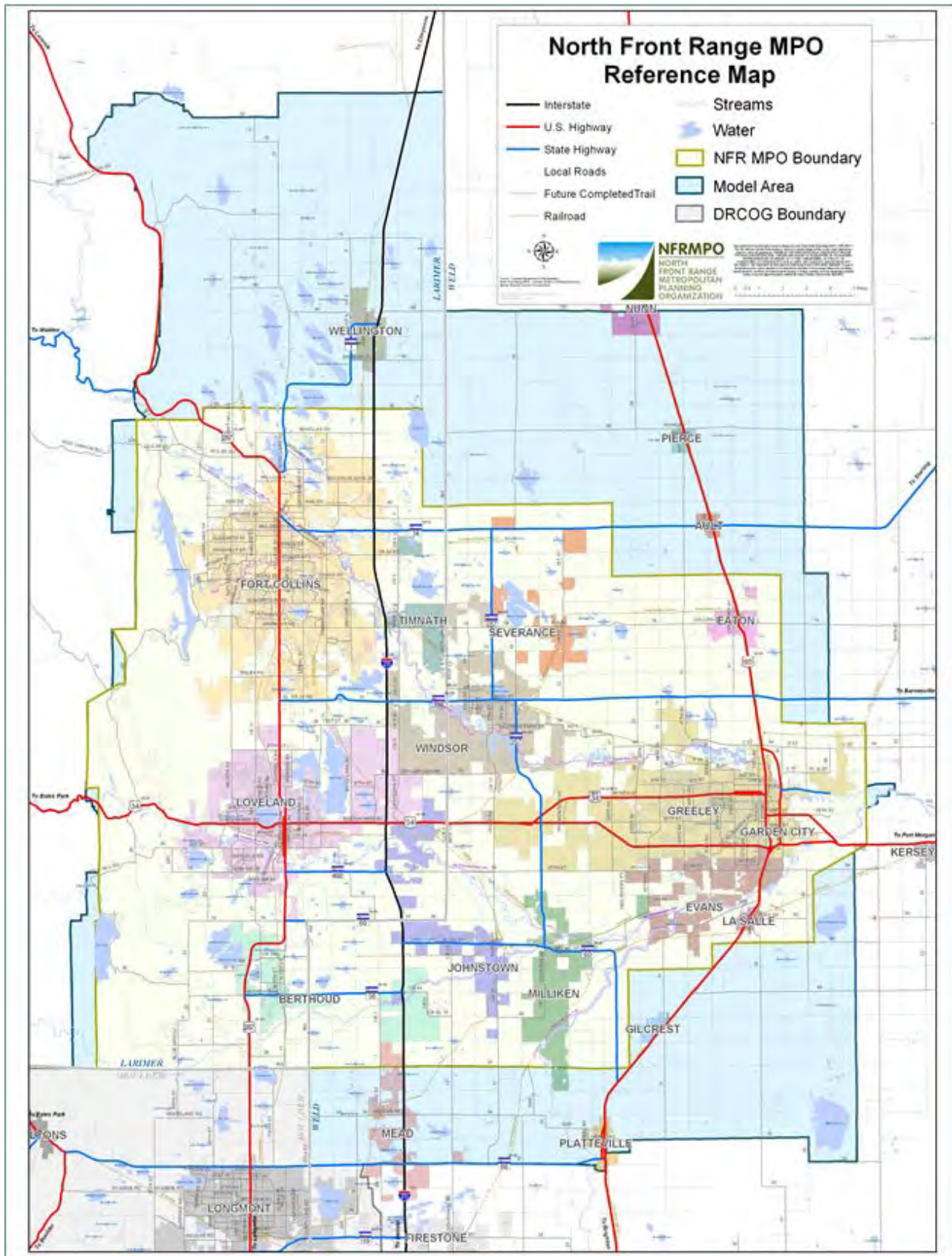
Economic Incentive Review Process and Restrictions

1. Applicant will meet with Economic Development Director or their designee.
2. Applicant must meet minimum criterion as set forth in policy unless otherwise agreed to. The City of Loveland Incentive Policy is subject to change or discontinuance at any time.
3. The Economic Impact Analysis Intake Form must be completed and submitted for an economic impact analysis. City of Loveland Economic Development and Finance Department staff will review the information submitted. The analysis may be completed by an outside organization such as CSU.
4. Applicant must submit a Letter of Intent to Request Incentives.
5. Applicant must submit a Project Budget.
6. Once the Economic Impact Analysis is complete if it is determined that there will be a positive “net new revenue” impact as a result of the businesses activities in Loveland, City Staff will review the overall project to determine what a “potential” economic incentive package may include.
7. This staff recommendation will be submitted to the City Manager for consideration.
8. If the Loveland City Manager determines the proposal is consistent with the City's policies and that a positive economic benefit will occur, the project may be presented to the City Council for consideration at a study session and possible approval at a City Council meeting. For small incentives of less than \$20,000.00, initial consideration at a study session may not be required.
9. Presentation of an incentive request to a City Council does not guarantee award of an economic incentive.
10. No economic incentive award is final or legally binding until full execution of a written agreement approved by City Council or its duly authorized delegate, as the same may be modified in accordance with any authority delegated by City Council.
11. All economic incentives or commitments included in any incentive agreement by City Council are subject to funding being budgeted, appropriated, and otherwise made available and do not constitute a multi-year fiscal obligation.
12. Any economic incentive or other commitment of City funds to an applicant in furtherance of this Incentive Policy must serve a public purpose, as determined by the City Council in its discretion, including but not limited to providing significant cultural, social, and/or economic benefits to the Citizens of Loveland in the form of jobs, economic development, increased tax revenues and cultural and social opportunities.

Project Checklist

City of Loveland Incentive Policy Project Checklist					
Primary Employer Guidelines					
Company Name :					
Requirement	Completed	Date	Details		
Meeting with the Economic Development Director or designee					
Letter of Intent/Request					
Economic Impact Analysis Data Submitted					
Impact Analysis shows Positive Net New Revenue					
Pays 80% of Employee Health Ins. Premium					
Offers Group Health Ins. Coverage to Dependents					
Performance Agreement					
Minimum investment of \$500,000					
Net New Jobs to Loveland					
Project Budget Submitted					
Study Session					
Council Meeting and Approval					
Average Annual Wages Company wide	Meets		Details		
100% of Larimer County Ave Annual Wage					
110% of Larimer County Ave Annual Wage					
120% of Larimer County Ave Annual Wage					
130% of Larimer County Ave Annual Wage					
140% of Larimer County Ave Annual Wage					
150% or > Larimer County Ave Annual Wage					
Encouraged but not required	Meets		Details		
Located in an Enterprise Zone					
Located in Downtown Loveland					
Reuse of an existing vacant facility					
Clean Energy Company					
Health Care					
Aerospace/Aviation					
Bio-Science					
Creative Sector					
Rocky Mountain Innovation Initiative Client					

North Front Range Metropolitan Planning Reference Map





Presented by:
Economic Development Department



CITY OF LOVELAND
FIRE & RESCUE DEPARTMENT
Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 13
MEETING DATE: 2/21/2012
TO: City Council
FROM: Randy Mirowski, Fire & Rescue Department
PRESENTER: Randy Mirowski

TITLE:

This is a public hearing and consideration of an ordinance on first reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the replacement of self-contained breathing apparatus (SCBA) and automated external defibrillators (AED) from a Federal Assistance to Firefighters Grant (AFG).

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance on first reading

OPTIONS:

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

DESCRIPTION:

This is an administrative action. The ordinance appropriates \$559,430 in funds from a federal grant and the local match for the replacement of breathing apparatus and defibrillating equipment. Staff is recommending the adoption of the ordinance to allow the department to take advantage of the tremendous cost savings and the leveraging of available dollars for the purchase of critically needed safety equipment.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

The local match uses \$111,890 in City reserves to match \$447,940 in grant revenue from Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG). A reserve in the amount of \$434,690 is in the 2012 Financial Plan included as part of the 2012 Budget for the replacement of this equipment. By obtaining the grant, \$322,800 from this reserve is now available for other uses, including a match for another potential AFG award that is still under consideration by FEMA.

SUMMARY:

SCBAs are a device worn by rescue workers, firefighters, and others to provide breathable air in an IDLH (Immediate Danger to Life and Health) atmosphere. The term "self-contained" means that the breathing set is not dependent on a remote supply (e.g., through a long hose). An AED is a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia in a patient, and is able to treat them through defibrillation, the application of electrical therapy which stops the arrhythmia, allowing the heart to reestablish an effective rhythm. Both of these tools represent critical life safety devices that protect firefighters and citizens alike.

For several years, Loveland Fire and Rescue Authority (LFRA) have had numerous unfunded priorities for safety equipment and various tools. Grants, such as the AFG award, have been identified as a potential, alternate funding source to address these unfunded priorities. Both the fleet of SCBAs within the department and the AEDs, which are carried on all of our front line fire apparatus, are two of the unfunded priorities that were awarded for replacement or refurbishment in the 2011 grant from FEMA to LFRA.

Most of the fleet of the AED unit's carried by LFRA are more than twelve years old and were in need of replacement. The SCBA fleet has approximately 110 units total in the department's cache. Of these, more than 60% were at an age where they were unable to be refurbished (or rebuilt) and needed total replacement. Approximately 30% of the fleet of the SCBA units are able to be refurbished as long as the units were refurbished prior to the end of year 2012; beyond that year, they too would need total replacement.

This award from FEMA allows for the department to upgrade and replace, or refurbish, all SCBA units within the fleet to a level that meets national standards and provides enhanced firefighter and citizen safety through better, more technically advanced air packs. The award also allows for the replacement of all of the department's aging AEDs for front line fire apparatus, and a cadre of new AEDs for replacement of some existing units in city buildings.

The fire authority staff is recommending to City Council to adopt the ordinance allowing funds to be appropriated for the matching dollars needed to meet the department's obligation for the grant award. Leveraging the city dollars and saving nearly \$450,000 dollars for capital replacement are the strongest arguments and rationale for approving this ordinance.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2012 city of Loveland budget for the replacement of self-contained breathing apparatus and automated external defibrillators from a Federal Assistance to Firefighters Grant.

FIRST READING February 21, 2012

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR THE REPLACEMENT OF SELF-CONTAINED BREATHING APPARATUS AND AUTOMATED EXTERNAL DEFIBRILLATORS FROM A FEDERAL ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the City has received and has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

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

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

Section 1. That revenues and/or reserves in the amount of \$111,890 from reserves and \$447,540 from a Federal Emergency Management Agency Assistance to Firefighters Grant in the Risk and Insurance Fund 502 and General Fund 100, respectively, are available for appropriation. Revenues in the total amount of \$559,430 are hereby appropriated for the replacement of self-contained breathing apparatus (SCBA) and automated external defibrillators (AED) and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Genreal Fund 100 - Assistance to Firefighter Grant**

Revenues

Fund Balance	110,920
100-22-225-1607-32000-FRAFG12 Federal Grant	33,980
100-22-226-1644-32000-FRAFG12 Federal Grant	409,670

Total Revenue **554,570**

Appropriations

100-22-225-1607-42097-FRAFG12 Safety Supplies	36,740
100-22-225-1607-43569-FRAFG12 Repair and Maintenance	5,740
100-22-226-1644-42097-FRAFG12 Safety Supplies	141,160
100-22-226-1644-43450-FRAFG12 Professional Services	1,000
100-22-226-1644-49399-FRAFG12 Other Capital	369,930

Total Appropriations **554,570**

**Supplemental Budget
Risk & Insurance Fund 502 -Assistance to Firefighter Grant**

Revenues

Fund Balance	970
502-17-177-0112-32000-FRAFG12 Federal Grant	3,890

Total Revenue **4,860**

Appropriations

502-17-177-0112-42097-FRAFG12 Safety Supplies	3,900
502-17-177-0112-43569-FRAFG12 Repair and Maintenance	960

Total Appropriations **4,860**

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

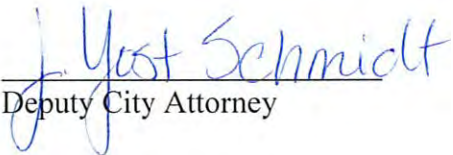
ADOPTED this ____ day of March, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



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

AGENDA ITEM: 14
MEETING DATE: 2/21/2012
TO: City Council
FROM: Steve Adams, Water & Power Department
PRESENTER: Larry Howard, Water & Power Department

TITLE:

Public Hearing and consideration of an ordinance on first reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase of units of the Colorado-Big Thompson (CBT) Project Water.

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance on first reading

OPTIONS:

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

DESCRIPTION:

This is an administrative action to consider an ordinance on first reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget in the amount of \$2,506,600 for purchase of Colorado-Big Thompson Project (CBT) water.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible

Reserves are available in the fund for the purchase that was not appropriated in the 2012 Adopted Budget. Use of the reserves may require adjustments to future water project commitments.

SUMMARY:

The City of Loveland has a long history of planning for the water supply needs of the community. Currently, two opportunities exist to purchase larger blocks of CBT at favorable market rates. Both opportunities are time-sensitive.

The first is an agreement negotiated by City staff for the purchase of 186 CBT units at \$8,100 per unit for a total of \$1,506,600. The agreement is expressly subject to this appropriation request. At the Northern Colorado Water Conservancy District ("Northern") board meeting on Friday, February 10, 2012, an application to purchase these 186 units by another party was denied. Staff had previously visited with the seller's representative, and during discussions following the denial, a purchase price was tentatively agreed to. An agreement to purchase the units for \$8,100/unit, contingent upon the appropriation of sufficient funds from reserves, is currently being drafted. The purchase must be approved by the Northern Board. The Northern Board meets next on March 9, 2012, which is the reason staff is bringing this request forward at this time.

The second opportunity is a sealed bid to be conducted by Northern for 100 CBT units, taking place March 23, 2012 at 10:00 a.m. City staff recommends that the City position itself to place a bid on the CBT units, and therefore requests that additional money be appropriated to cover this bid, or other opportunities, as well.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase of units of the Colorado-Big Thompson (CBT) Project Water.

FIRST READING February 21, 2012

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF UNITS OF THE COLORADO-BIG THOMPSON (CBT) PROJECT WATER

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2012; and

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

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

Section 1. That reserves in the amount of \$2,506,600 from undesignated fund balance in the Raw Water Fund 302 are available for appropriation. Revenues in the total amount of \$2,506,600 are hereby appropriated for purchase of units of the CBT Project Water and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Raw Water Fund 302 - Water Purchase**

Revenues

Fund Balance	2,506,600
--------------	-----------

Total Revenue	2,506,600
----------------------	------------------

Appropriations

302-46-316-0000-49352-W1014A Engineering	2,506,600
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Total Appropriations	2,506,600
-----------------------------	------------------

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

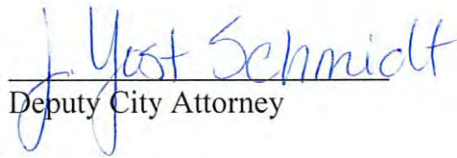
ADOPTED this ____ day of March, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

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

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

AGENDA ITEM: 15
MEETING DATE: 2/21/2012
TO: City Council
FROM: Bonnie Steele, Finance
PRESENTER: Bonnie Steele

TITLE:

December 2011 Financial Report

RECOMMENDED CITY COUNCIL ACTION:

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

DESCRIPTION:

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending December 31, 2011.

SUMMARY:

The Snapshot Report is submitted for Council review and includes the reporting of the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending December 31, 2011. Citywide Revenue (excluding internal transfers) of \$204,488,297 is 103.6% of year to date (YTD) budget or \$7,173,627 over the budget. Sales Tax collections year to date are 106% of the YTD budget or \$1,813,339 over budget. Building Material Use Tax is 53.1% of YTD budget, or \$844,881 under budget. The year to date Sales and Use Tax collections were 103.2% of YTD budget or \$1,089,028 over YTD budget. When the combined sales and use tax for the current year are compared to 2010 the same period last year, they are higher by 4% or \$1,340,513.

Citywide total expenditures of \$199,082,409 (excluding internal transfers) are 84.1% of the YTD budget or \$37,626,661 under the budget, primarily due to the construction timing of capital projects (63.8% YTD budget).

The City's health claims paid year-to-date is \$6,815,207 or 91.1% of budget. Compared to 2010 for the same period, claims paid in 2011 increased \$692,889 or 11.3%. The City's cash and reserve balance year-to-date was \$197,631,760.

REVIEWED BY CITY MANAGER: *William D. Cahill*

LIST OF ATTACHMENTS:

Snapshot report for December 2011

SnapShot

Monthly Financial Report

December 2011

Inside This Edition

Citywide Revenues & Expenditures	2
General Fund Revenues & Expenditures	4
Tax Totals & Comparison	6
Sales Tax SIC & Geo Codes	8
Health Care Claims	9
Activity Measures	10
Cash & Reserves	11
Capital Projects	12

Financial Sustainability Strategies Can Be Found At:

CITYOFLOVELAND.ORG

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



A Snapshot In Time

- Citywide Revenue, excluding transfers between funds, \$204.5 million (3.6% above budget projections)
- Sales & Use Tax Collection, \$35.2 million (3.2% above budget projections)
- Citywide Expenditures, excluding transfers between funds, \$199.1 million (15.9% below budget projections)
- Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$5.4 million.
- General Fund Revenue, excluding transfers between funds, \$64.9million (4.5% above budget projections)
- General Fund Expenditures, excluding transfers between funds, \$59.8 million, (6.1% below budget projections)
- General Fund Revenues exceed Expenditures by \$3.1 million.
- Health Claims, \$6.8 million (8.9% below budget projections)
- Cash & Reserves Year-To-Date Balance, \$197.6 million, \$142.5 million or 72.1% of these funds are restricted or reserved primarily for future capital projects.



The Sales Tax Basics



December 2011	Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined
Budget 2011	\$ 30,315,800	\$ 2,000,000	\$ 1,801,120	\$ 34,116,920
Actual 2011	\$ 32,129,139	\$ 2,120,569	\$ 956,181	\$ 35,205,889
% of Budget	106.0%	106.0%	53.1%	103.2%
Actual 2010	\$ 30,201,133	\$ 2,019,997	\$ 1,644,305	\$ 33,865,435
Change from prior year	6.4%	5.0%	-41.8%	4.0%

Financial Sustainability

The City of Loveland uses a 10-year financial planning horizon. Last year the financial plan indicated that General Fund expenditures would exceed General Fund revenues annually by an average of \$3.5 million 2012-2020. Therefore the City engaged in a process to achieve financial sustainability over that time by engaging the public and identifying a strategy for balancing future budgets. Recommendations were developed pursuant to the principles adopted by City Council, and reflecting the policy views and priorities expressed by the City Council and the public. The resulting strategy includes both expenditure reductions and revenue increases, as the Council and the public indicated was desirable. The cumulative impact from recommended actions will mount over the next decade to \$33.5 million (\$22.6 million in cost reductions, \$6.6 million in revenue). The recommended actions consist of 81% cost reductions and 19% in revenues benefiting the General Fund for 2012. The strategy is also phased in over a number of years. Savings from early actions allow phased-in reductions in cost over the time period. City Council formally approved the strategy June 7, 2011.

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



Citywide Revenues & Expenditures

Monthly Financial Report

Combined Statement of Revenues and Expenditures

December 2011

REVENUE	Current Month	YTD Actual	YTD Revised Budget **	% of Budget
General Governmental				
1 General Fund	\$ 5,902,352	\$ 64,891,610	\$ 62,077,080	104.5%
2 Special Revenue	61,003	1,038,107	1,307,020	79.4%
3 Other Entities	1,335,147	20,375,353	22,411,940	90.9%
4 Internal Service	1,501,210	16,734,124	16,390,680	102.1%
5 <i>Subtotal General Govt Operations</i>	\$ 8,799,711	\$ 103,039,195	\$ 102,186,720	100.8%
6 Capital Projects	1,476,907	12,504,452	14,931,630	83.7%
Enterprise Fund				
7 Water & Power	10,581,003	74,899,708	66,406,220	112.8%
8 Stormwater	372,416	4,259,930	4,300,020	99.1%
9 Golf	10,314	3,495,495	3,552,500	98.4%
10 Solid Waste	480,183	6,289,517	5,937,580	105.9%
11 <i>Subtotal Enterprise</i>	\$ 11,443,916	\$ 88,944,650	\$ 80,196,320	110.9%
12 Total Revenue	\$ 21,720,534	\$ 204,488,297	\$ 197,314,670	103.6%
<i>Prior Year External Revenue</i>		185,449,134		
<i>Increase (-Decrease) From Prior Year</i>		10.3%		
13 Internal Transfers	901,112	16,695,274	23,998,500	69.6%
14 Grand Total Revenues	\$ 22,621,646	\$ 221,183,571	\$ 221,313,170	99.9%

EXPENDITURES

General Governmental				
15 General Fund	\$ 5,234,166	\$ 58,272,940	\$ 61,576,360	94.6%
16 Special Revenue	83,285	706,057	1,169,130	60.4%
17 Other Entities	746,043	13,216,066	14,291,530	92.5%
18 Internal Services	1,528,285	14,212,486	16,928,360	84.0%
19 <i>Subtotal General Gov't Operations</i>	\$ 7,591,779	\$ 86,407,549	\$ 93,965,380	92.0%
20 Capital	6,631,026	49,396,582	77,383,670	63.8%
Enterprise Fund				
21 Water & Power	4,758,025	54,329,288	56,029,190	97.0%
22 Stormwater	251,476	2,152,185	2,084,260	103.3%
23 Golf	231,723	2,669,513	2,806,010	95.1%
24 Solid Waste	402,827	4,127,292	4,440,560	92.9%
25 <i>Subtotal Enterprise</i>	\$ 5,644,051	\$ 63,278,278	\$ 65,360,020	96.8%
26 Total Expenditures	\$ 19,866,856	\$ 199,082,409	\$ 236,709,070	84.1%
<i>Prior Year External Expenditures</i>		179,955,573		
<i>Increase (-Decrease) From Prior Year</i>		10.6%		
27 Internal Transfers	901,112	16,695,274	23,998,500	69.6%
28 Grand Total Expenditures	\$ 20,767,968	\$ 215,777,684	\$ 260,707,570	82.8%

** Based on seasonality of receipts and expenditures since 1995.

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

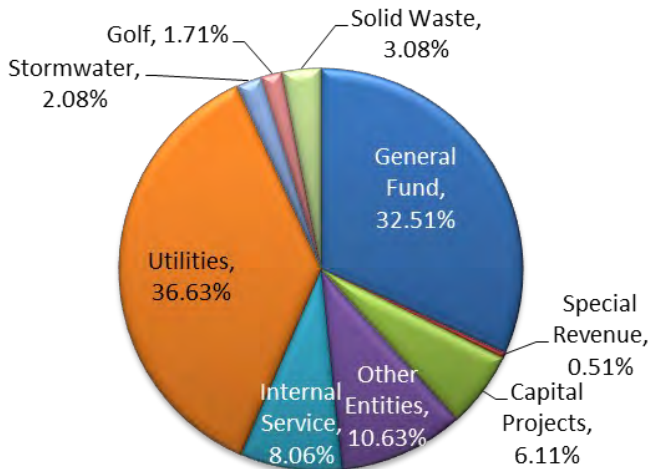
General Government Capital Projects Fund: Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

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

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

December 2011

YTD Operating Revenues of 204.5 Million



Revenues exceed expenditures YTD by \$5,405,887 (line #14 less line #28)

Special Revenues (line 2) are under budget due to lower than expected grant awards from federal Community Development Block Grants

Capital Projects (line 6) is under budget due to lower building activity, CEF fee credits given on multi-family units in the Van DeWater Subdivision, and lower grant and donation revenue in the capital projects fund

Water & Power (line 7) is over budget due to higher than anticipated sales, loan repayment to the Raw Water Fund upon the sale of the former Agilent property, and system impact fees paid on multi-family units in the Van DeWater and Lake Vista subdivisions

Solid Waste (line 10) is over budget due to proceeds on sale of assets and higher than anticipated sales of recyclable materials

Internal transfers (line 13 & 27) is under budget due to slower than anticipated progress on several projects in the capital projects fund
Transfers are made based on actual expenditures

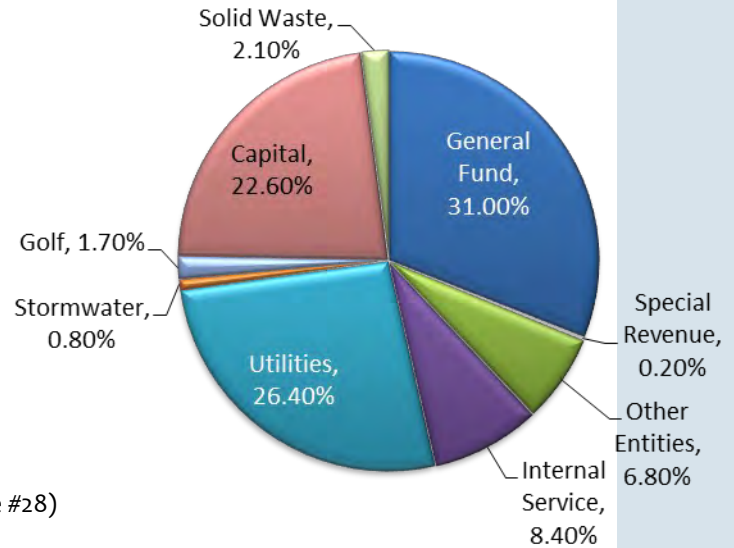
The General Fund is under budget due to personnel vacancies, remaining balances of incentive accounts for future economic development agreements, and the timing of grants for human services and historic preservation

Special Revenue (line 16) is under budget due to timing of grant activity in the Lodging Tax and Community Development Block Grant funds

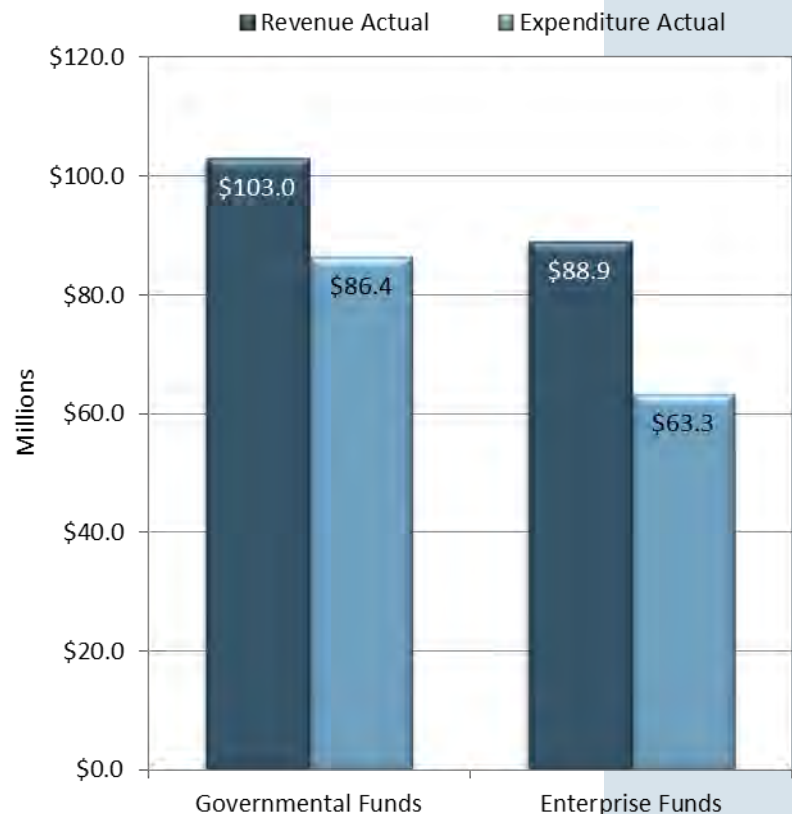
Other Entities (line 17) are under budget due to lower payments to the Centerra TIF in the Urban Renewal Authority

Internal services (line #18) is under budget due to lower than anticipated health claims and payments for workers compensation and general liability events

YTD Operating Expenditures of 199.1 Million



YTD Operating Revenue & Expenditures By Comparison, Excluding Transfers



General Fund Revenues & Expenditures

Monthly Financial Report

General Fund Revenue & Expenditures December 2011

REVENUE	December 2011	YTD Actual	YTD Revised Budget	% of Budget
1 Taxes				
2 Property Tax	99,976	7,787,891	7,713,860	101.0%
3 Sales Tax	2,647,015	32,129,139	30,315,800	106.0%
4 Building Use Tax	88,091	956,239	1,801,120	53.1%
5 Auto Use Tax	198,476	2,120,570	2,000,000	106.0%
6 Other Taxes	233,057	2,783,259	2,636,000	105.6%
7 Intergovernmental	942,163	6,713,701	6,788,110	98.9%
8 License & Permits	-	-	-	
9 Building Permits	136,798	1,167,508	781,100	149.5%
10 Other Permits	37,816	488,167	302,580	161.3%
11 Charges For Services	340,261	3,597,731	3,629,190	99.1%
12 Fines & Forfeitures	76,855	940,238	962,400	97.7%
13 Interest Income	33,096	523,574	447,790	116.9%
14 Miscellaneous	1,068,748	5,683,595	4,699,130	120.9%
15 <i>Subtotal</i>	<i>\$ 5,902,352</i>	<i>\$ 64,891,610</i>	<i>\$ 62,077,080</i>	<i>104.5%</i>
16 Internal Transfers	94,453	2,130,572	2,135,840	99.8%
17 Total Revenue	\$ 6,096,805	\$ 67,022,182	\$ 64,212,920	104.4%
EXPENDITURES				
Operating				
18 Legislative	\$ 8,600	\$ 101,073	\$ 125,880	80.3%
19 Executive & Legal	131,589	1,820,750	1,835,270	99.2%
20 Economic Development	46,731	874,901	1,689,720	51.8%
21 Cultural Services	133,061	1,221,755	1,234,910	98.9%
22 Development Services	60,393	3,115,633	3,652,620	85.3%
23 Finance	55,701	2,128,759	2,463,140	86.4%
24 Fire & Rescue	708,836	7,984,538	8,199,650	97.4%
25 Human Resources	69,063	740,667	1,027,010	72.1%
26 Information Technology	403,350	3,188,593	3,379,470	94.4%
27 Library	215,779	2,314,959	2,481,820	93.3%
28 Parks & Recreation	599,419	7,782,482	8,629,510	90.2%
29 Police	1,407,720	16,508,953	16,795,690	98.3%
30 Public Works	1,194,312	11,421,850	11,362,650	100.5%
31 Non-Departmental	150,547	574,641	818,250	70.2%
32 <i>Subtotal Operating</i>	<i>\$ 5,585,104</i>	<i>\$ 59,779,554</i>	<i>\$ 63,695,590</i>	<i>93.9%</i>
33 Internal Transfers	160,075	4,109,576	6,572,690	62.5%
34 Total Expenditures	\$ 5,745,179	\$ 63,889,130	\$ 70,268,280	90.9%

December 2011

Sales Tax (line 3) is over budget due to greater than expected retail activity

Building Use Tax (line 4) is under budget due to low building activity

Auto Use Tax (line 5) is over budget due to higher than projected auto sales

Other Taxes (line 6) is over budget due to higher revenue from sales and use tax audits

Building Permits (line 9) is over budget due to fees paid for an office building on Rocky Mtn Ave

Other permits (line #10) is over budget primarily due to police and fire special event permits, inspection fees, and street cut permits

Interest Income (line 13) is over budget due to higher than expected earnings

Miscellaneous (line 14) is over budget due to higher than anticipated collections for rental income, Library and Cultural Services donations, proceeds on sale of assets, insurance recoveries, and restitution

Legislative (line 18) is under budget for the Council Advance and travel and meetings not used

Economic Development (line 20) is under budget primarily due to retention of incentive funds for future economic development activity

Development Services (line 22) is under budget due to timing of human services and historic preservation grants

Finance (line 23) is under budget due to the timing of purchased services for revenue audits, bank charges/investment fees, and printing

Human Resources (line 25) is under budget due to a vacant position and the timing of expenses for training, travel, and advertising

Information Technology (line 26) is under budget due to timing in spending their computer supplies, capital, and purchased services budgets

Library (line 27) is under budget due to timing in spending their supplies purchased services, and capital budgets

Parks & Rec (line 28) is under budget due to timing in spending their capital budgets

Non-departmental (line 31) is under budget due to the timing of payments to the Loveland-Larimer Building Authority (LLBA) and capital projects

Internal transfers (line 33) are under budget due to timing of capital projects expenditures. Transfers are made monthly based on actual project costs

The transfer to the Recreation and Fire CEF fund for the interfund loan is lower than budgeted due to a lower interest rate than anticipated during the budget process

Revenues exceed expenditures by \$3,133,052 (line #17 less line #34)

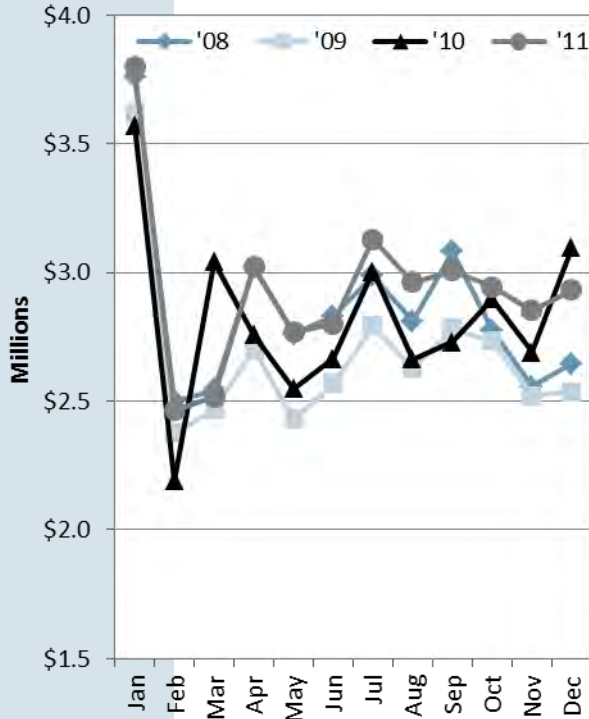
General Fund Operating Revenue & Expenditures By Comparison, Excluding Transfers



Tax Totals & Comparisons

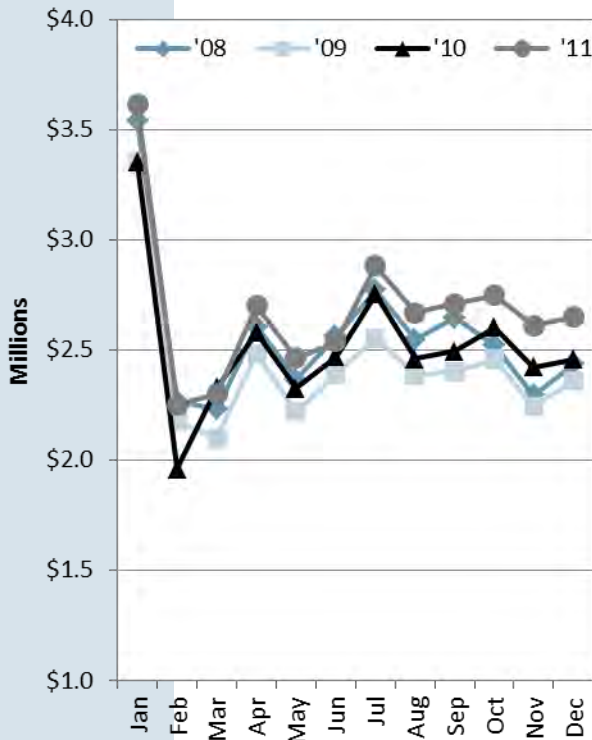
Monthly Financial Report

Sales & Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,763,212	\$ 3,622,251	\$ 3,573,972	\$ 3,799,760	\$ 3,708,140	2.5%
Feb	\$ 2,499,464	\$ 2,374,608	\$ 2,191,609	\$ 2,465,447	\$ 2,618,440	-5.8%
Mar	\$ 2,544,688	\$ 2,468,095	\$ 3,041,068	\$ 2,517,162	\$ 2,559,770	-1.7%
Apr	\$ 3,020,580	\$ 2,701,737	\$ 2,759,556	\$ 3,022,770	\$ 2,910,840	3.8%
May	\$ 2,761,197	\$ 2,428,860	\$ 2,550,227	\$ 2,769,526	\$ 2,628,350	5.4%
Jun	\$ 2,829,423	\$ 2,569,125	\$ 2,665,632	\$ 2,800,184	\$ 2,738,110	2.3%
Jul	\$ 2,987,495	\$ 2,794,222	\$ 3,004,324	\$ 3,129,254	\$ 2,968,340	5.4%
Aug	\$ 2,811,579	\$ 2,628,842	\$ 2,662,932	\$ 2,961,686	\$ 2,815,690	5.2%
Sep	\$ 3,082,644	\$ 2,782,768	\$ 2,732,087	\$ 3,008,637	\$ 2,884,640	4.3%
Oct	\$ 2,776,559	\$ 2,733,964	\$ 2,897,370	\$ 2,944,433	\$ 2,941,910	0.1%
Nov	\$ 2,557,802	\$ 2,522,092	\$ 2,690,549	\$ 2,853,507	\$ 2,659,950	7.3%
Dec	\$ 2,646,945	\$ 2,537,802	\$ 3,096,111	\$ 2,933,523	\$ 2,682,740	9.3%
	\$ 34,281,588	\$ 32,164,365	\$ 33,865,435	\$ 35,205,889	\$ 34,116,920	
YTD	\$ 34,281,588	\$ 32,164,365	\$ 33,865,435	\$ 35,205,889	\$ 34,116,920	3.2%

Retail Sales Tax

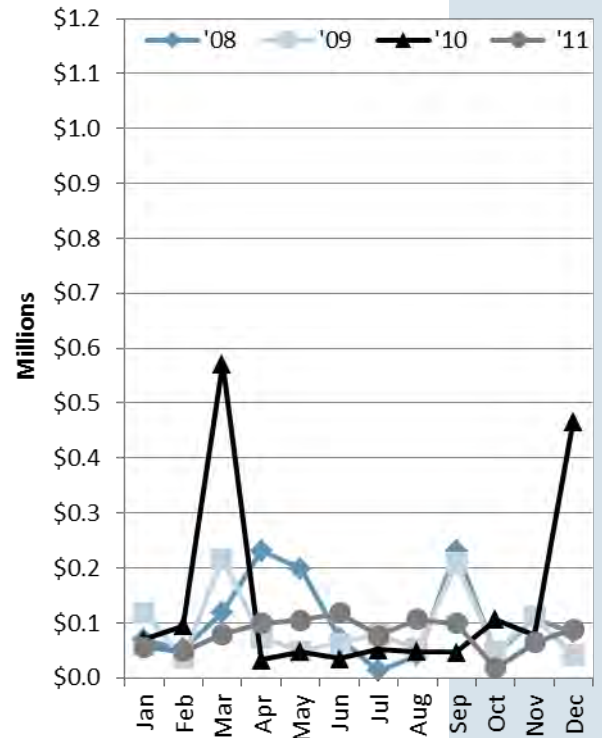


	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,538,021	\$ 3,354,704	\$ 3,352,821	\$ 3,613,881	\$ 3,419,500	5.7%
Feb	\$ 2,266,805	\$ 2,170,562	\$ 1,959,729	\$ 2,249,749	\$ 2,333,970	-3.6%
Mar	\$ 2,229,963	\$ 2,100,216	\$ 2,328,701	\$ 2,299,237	\$ 2,216,570	3.7%
Apr	\$ 2,605,919	\$ 2,482,752	\$ 2,579,918	\$ 2,702,024	\$ 2,585,290	4.5%
May	\$ 367,597	\$ 2,218,482	\$ 2,324,395	\$ 2,462,213	\$ 2,310,110	6.6%
Jun	\$ 2,560,453	\$ 2,390,535	\$ 2,468,207	\$ 2,536,541	\$ 2,489,270	1.9%
Jul	\$ 2,770,864	\$ 2,552,195	\$ 2,752,870	\$ 2,882,075	\$ 2,657,610	8.4%
Aug	\$ 2,546,052	\$ 2,383,119	\$ 2,458,382	\$ 2,667,674	\$ 2,481,550	7.5%
Sep	\$ 2,644,113	\$ 2,401,596	\$ 2,495,338	\$ 2,710,738	\$ 2,500,790	8.4%
Oct	\$ 2,521,253	\$ 2,457,158	\$ 2,602,599	\$ 2,746,866	\$ 2,558,640	7.4%
Nov	\$ 2,294,503	\$ 2,245,659	\$ 2,422,352	\$ 2,611,127	\$ 2,338,410	11.7%
Dec	\$ 2,432,635	\$ 2,358,273	\$ 2,455,821	\$ 2,647,014	\$ 2,424,090	9.2%
	\$ 30,778,179	\$ 29,115,253	\$ 30,201,133	\$ 32,129,139	\$ 30,315,800	
YTD	\$ 30,778,179	\$ 29,115,253	\$ 30,201,133	\$ 32,129,139	\$ 30,315,800	6.0%

December 2011

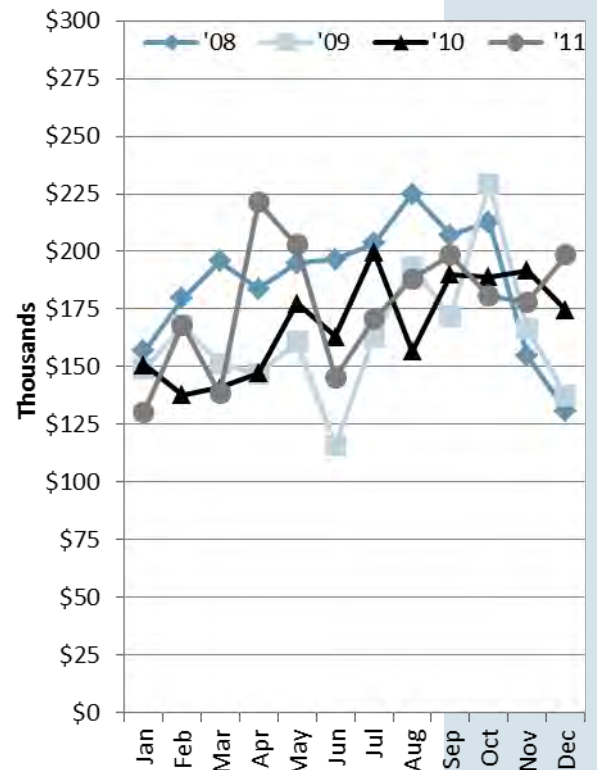
	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 68,522	\$ 118,719	\$ 70,117	\$ 55,542	\$ 136,380	-59.3%
Feb	\$ 52,986	\$ 36,254	\$ 93,928	\$ 47,621	\$ 112,810	-57.8%
Mar	\$ 119,149	\$ 216,500	\$ 571,599	\$ 79,590	\$ 188,330	-57.7%
Apr	\$ 230,954	\$ 72,251	\$ 32,260	\$ 99,569	\$ 175,440	-43.2%
May	\$ 198,765	\$ 49,434	\$ 48,145	\$ 104,373	\$ 153,590	-32.0%
Jun	\$ 72,544	\$ 62,723	\$ 34,349	\$ 118,318	\$ 130,300	-9.2%
Jul	\$ 13,276	\$ 79,061	\$ 51,657	\$ 76,488	\$ 144,010	-46.9%
Aug	\$ 40,683	\$ 52,578	\$ 47,716	\$ 105,871	\$ 136,550	-22.5%
Sep	\$ 231,321	\$ 209,338	\$ 46,646	\$ 99,544	\$ 208,060	-52.2%
Oct	\$ 42,561	\$ 47,437	\$ 105,818	\$ 17,021	\$ 148,620	-88.5%
Nov	\$ 108,737	\$ 110,207	\$ 76,444	\$ 64,211	\$ 151,490	-57.6%
Dec	\$ 83,315	\$ 41,844	\$ 465,626	\$ 88,033	\$ 115,540	-23.8%
	\$ 1,262,815	\$ 1,096,346	\$ 1,644,305	\$ 956,181	\$ 1,801,120	
YTD	\$ 1,262,815	\$ 1,096,346	\$ 1,644,305	\$ 956,181	\$ 1,801,120	-46.9

Building Material Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 156,669	\$ 148,828	\$ 151,034	\$ 130,337	\$ 152,260	-14.4%
Feb	\$ 179,673	\$ 167,793	\$ 137,951	\$ 168,077	\$ 171,660	-2.1%
Mar	\$ 195,576	\$ 151,378	\$ 140,768	\$ 138,335	\$ 154,870	-10.7%
Apr	\$ 183,707	\$ 146,734	\$ 147,378	\$ 221,177	\$ 150,110	47.3%
May	\$ 194,835	\$ 160,943	\$ 177,687	\$ 202,940	\$ 164,650	23.3%
Jun	\$ 196,426	\$ 115,867	\$ 163,076	\$ 145,325	\$ 118,540	22.6%
Jul	\$ 203,356	\$ 162,966	\$ 199,797	\$ 170,691	\$ 166,720	2.4%
Aug	\$ 224,843	\$ 193,144	\$ 156,834	\$ 188,141	\$ 197,590	-4.8%
Sep	\$ 207,209	\$ 171,833	\$ 190,102	\$ 198,355	\$ 175,790	12.8%
Oct	\$ 212,745	\$ 229,369	\$ 188,953	\$ 180,546	\$ 234,650	-23.1%
Nov	\$ 154,561	\$ 166,225	\$ 191,753	\$ 178,169	\$ 170,050	4.8%
Dec	\$ 130,995	\$ 137,685	\$ 174,664	\$ 198,476	\$ 143,110	38.7%
	\$ 2,240,595	\$ 1,952,766	\$ 2,019,997	\$ 2,120,569	\$ 2,000,000	
YTD	\$ 2,240,595	\$ 1,952,766	\$ 2,019,997	\$ 2,120,569	\$ 2,000,000	6.0%

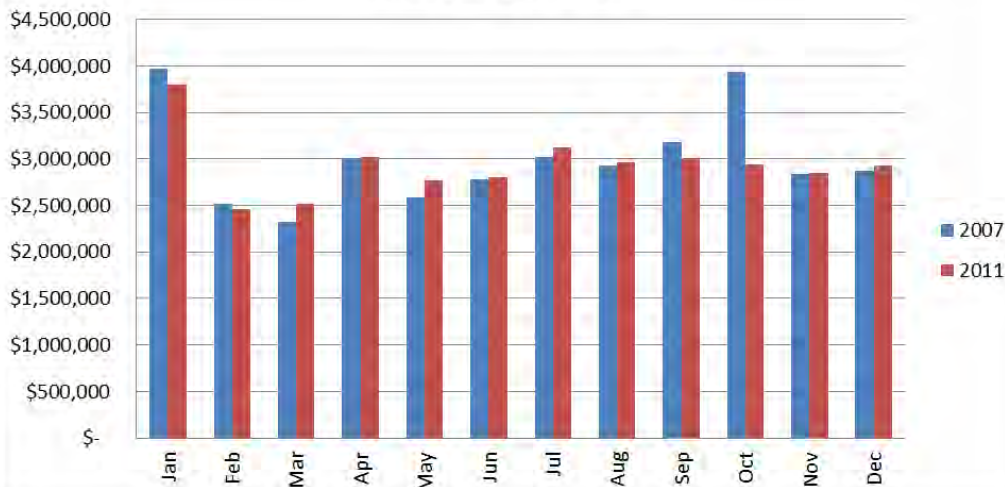
Motor Vehicle Use Tax



Tax Totals Comparison of 2007 & 2011

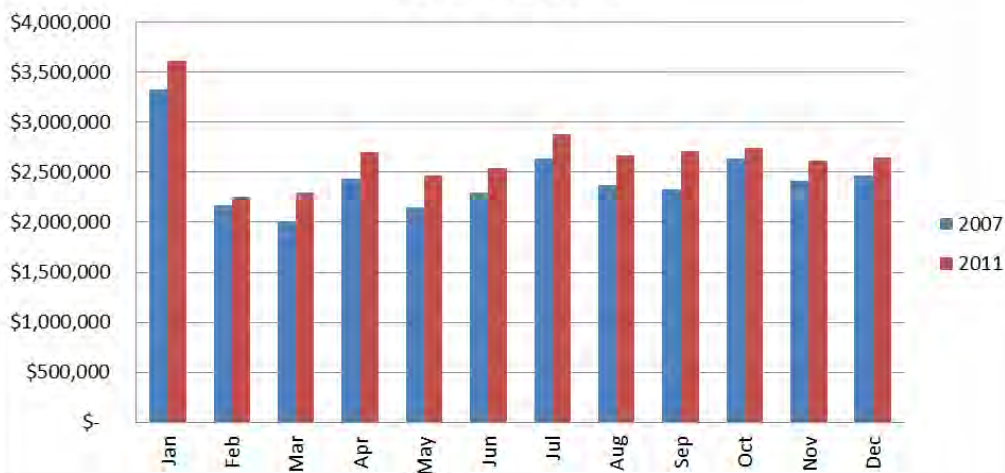
Monthly Financial Report

Sales & Use Tax



	2007	2011
Jan	\$ 3,972,513	\$ 3,799,760
Feb	\$ 2,520,486	\$ 2,465,447
Mar	\$ 2,319,579	\$ 2,517,162
Apr	\$ 3,003,780	\$ 3,022,770
May	\$ 2,581,830	\$ 2,769,526
Jun	\$ 2,781,786	\$ 2,800,184
Jul	\$ 3,022,815	\$ 3,129,254
Aug	\$ 2,931,667	\$ 2,961,686
Sep	\$ 3,176,883	\$ 3,008,637
Oct	\$ 3,936,330	\$ 2,944,433
Nov	\$ 2,835,420	\$ 2,853,361
Dec	\$ 2,869,916	\$ 2,933,523
	\$ 35,953,006	\$ 35,205,743

Retail Sales Tax

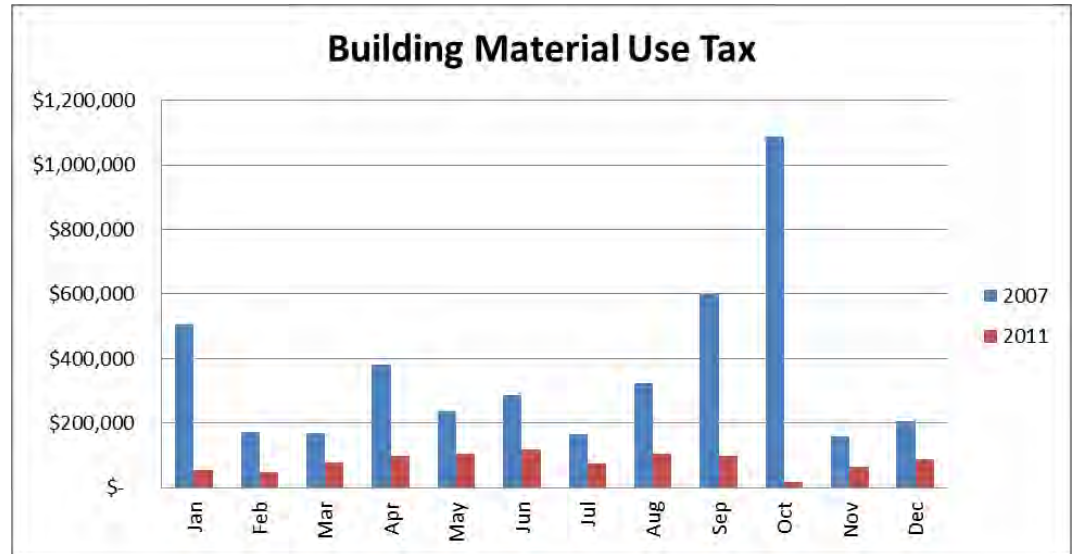


	2007	2011
Jan	\$ 3,324,067	\$ 3,613,881
Feb	\$ 2,167,873	\$ 2,249,749
Mar	\$ 1,994,635	\$ 2,299,237
Apr	\$ 2,437,958	\$ 2,702,024
May	\$ 2,146,685	\$ 2,462,213
Jun	\$ 2,300,533	\$ 2,536,541
Jul	\$ 2,640,223	\$ 2,882,075
Aug	\$ 2,376,534	\$ 2,667,674
Sep	\$ 2,332,844	\$ 2,710,738
Oct	\$ 2,632,667	\$ 2,746,866
Nov	\$ 2,419,051	\$ 2,610,981
Dec	\$ 2,464,559	\$ 2,647,014
	\$ 29,237,629	\$ 32,129,139

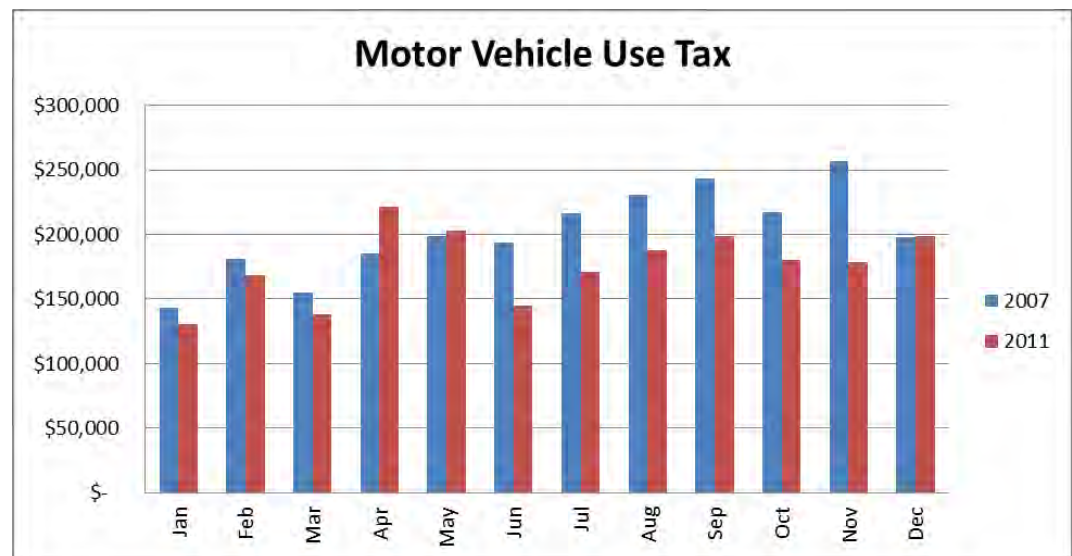
Tax Totals Comparison of 2007 & 2011

Monthly Financial Report

	2007	2011
Jan	\$ 505,441	\$ 55,542
Feb	\$ 171,835	\$ 47,621
Mar	\$ 169,579	\$ 79,590
Apr	\$ 380,285	\$ 99,569
May	\$ 236,140	\$ 104,373
Jun	\$ 287,300	\$ 118,318
Jul	\$ 166,446	\$ 76,488
Aug	\$ 324,125	\$ 105,871
Sep	\$ 600,704	\$ 99,544
Oct	\$ 1,086,325	\$ 17,021
Nov	\$ 159,382	\$ 64,211
Dec	\$ 207,723	\$ 88,033
	\$ 4,295,285	\$ 956,181



	2007	2011
Jan	\$ 143,005	\$ 130,337
Feb	\$ 180,778	\$ 168,077
Mar	\$ 155,365	\$ 138,335
Apr	\$ 185,537	\$ 221,177
May	\$ 199,005	\$ 202,940
Jun	\$ 193,953	\$ 145,325
Jul	\$ 216,146	\$ 170,691
Aug	\$ 231,008	\$ 188,141
Sep	\$ 243,336	\$ 198,355
Oct	\$ 217,338	\$ 180,546
Nov	\$ 256,987	\$ 178,169
Dec	\$ 197,634	\$ 198,476
	\$ 2,420,092	\$ 2,120,569



Sales Tax Collections

Monthly Financial Report

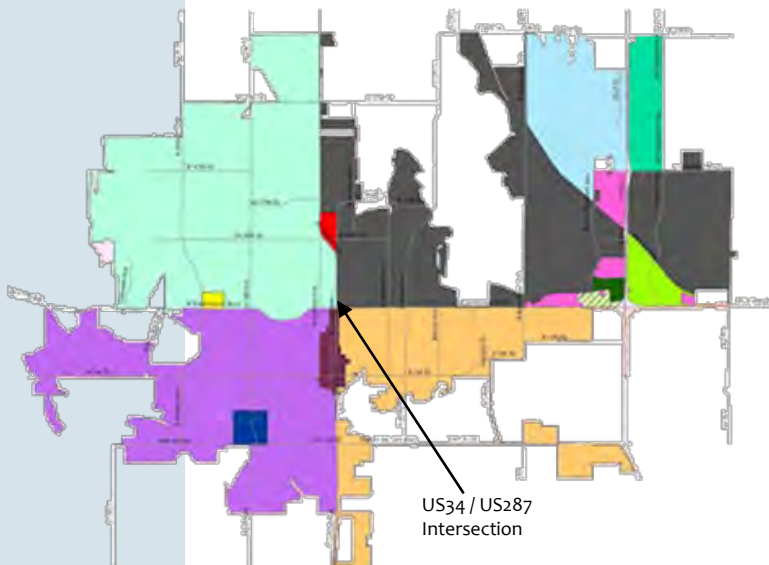
Collections By Standard Industrial Classification Code

Summary of Sales Tax Collections by Industry Code December 2011							
Description	YTD 2011	YTD 2010	\$ Change	% Change	% of Total	Cumulative %	
1 Department Stores & General Merchandise	\$ 7,442,395	\$ 7,297,250	\$ 145,145	2.0%	23.2%	23.2%	
2 Restaurants & Bars	3,918,015	3,540,619	377,397	10.7%	12.2%	35.4%	
3 Grocery Stores & Specialty Foods	3,253,291	3,087,055	166,236	5.4%	10.1%	45.5%	
4 Clothing & Clothing Accessories Stores	2,382,665	2,088,417	294,248	14.1%	7.4%	52.9%	
5 Building Material & Lawn & Garden Supplies	2,105,270	2,021,051	84,219	4.2%	6.6%	59.5%	
6 Motor Vehicle Dealers, Auto Parts & Leasing	1,968,968	1,798,761	170,207	9.5%	6.1%	65.6%	
7 Utilities	1,663,707	1,612,935	50,771	3.1%	5.2%	70.8%	
8 Sporting Goods, Hobby, Book & Music Stores	1,566,969	1,444,095	122,874	8.5%	4.9%	75.6%	
9 Broadcasting & Telecommunications	1,319,015	1,293,717	25,298	2.0%	4.1%	79.7%	
10 Used Merchandise Stores	913,438	823,307	90,131	10.9%	2.8%	82.6%	
11 Beer, Wine & Liquor Stores	730,584	686,557	44,027	6.4%	2.3%	84.9%	
12 Hotels, Motels & Other Accommodations	684,999	607,148	77,851	12.8%	2.1%	87.0%	
13 Electronics & Appliance Stores	620,022	640,671	(20,650)	-3.2%	1.9%	88.9%	
14 Health & Personal Care Stores	538,332	486,344	51,988	10.7%	1.7%	90.6%	
Consumer Goods & Commercial Equipment							
15 Rental	513,604	449,736	63,868	14.2%	1.6%	92.2%	
16 Electronic Shopping & Mail-Order Houses	459,702	387,949	71,753	18.5%	1.4%	93.6%	
17 Furniture & Home Furnishing Stores	440,874	387,717	53,157	13.7%	1.4%	95.0%	
18 Office Supplies, Stationery & Gift Stores	324,861	323,069	1,792	0.6%	1.0%	96.0%	
19 Gasoline Stations with Convenience Stores	250,308	237,048	13,261	5.6%	0.8%	96.8%	
20 All Other Categories	1,032,121	987,688	44,434	4.5%	3.2%	100.0%	
Total	\$ 32,129,139	\$ 30,201,133	\$ 1,928,006	6.4%	100.0%		

*Sales tax revenue for 2011 finished 6.4% over 2010. Every geographical area finished the year in a positive position for sales over the same period last year. Three areas finished with double-digit improvement and two other areas just missed the double digits. The North East Loveland area finished strong at 9.7% over last year on the performances of the Hotels in the area and several new businesses in the Crossroads area. The Outlet Mall had positive sales trends all year long and finished at 13.4% over 2010, thanks in part to several new store openings.

*By business category, Electronic Shopping and Mail Order Houses finished with the highest percentage at 18.5% over last year, and last year they were a staggering 138.4% over 2009 (This is due to the aggressive licensing activity by the Revenue Division over the past three years). Furniture and Home Furnishing Stores ended the year up 14.2%, Clothing & Clothing Accessories finished up 14.1%, while Hotels & Motels finished 12.8% over last year. Restaurants & Bars completed the year with the largest increase in dollars while achieving a 10.7% increase over 2010.

Total Audit Revenue received in 2011 is \$550,184 and \$548,515 has been collected in Lodging Tax.



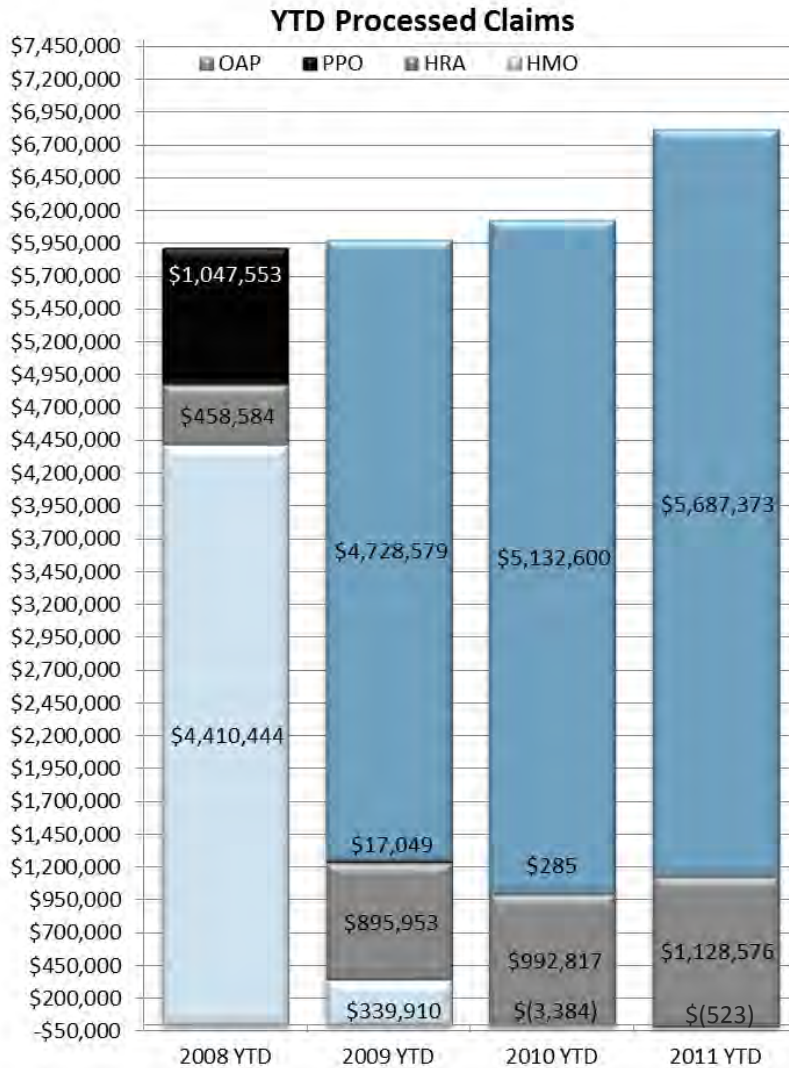
Collections By Geographical Code

Geographical Area	YTD 2011	YTD 2010	% Change
North West Loveland	\$3,739,870	\$3,679,194	1.6%
South West Loveland	\$1,085,655	\$1,036,424	4.8%
North East Loveland	\$2,133,043	\$1,943,609	9.7%
South East Loveland	\$7,988,861	\$7,697,791	3.8%
Orchards Shopping Center	\$1,999,095	\$1,879,680	6.4%
Columbine Shopping Center	\$654,741	\$601,307	8.9%
Downtown	\$1,039,773	\$1,012,019	2.7%
Centerra	\$3,001,986	\$2,750,154	9.2%
Promenade Shops	\$2,313,867	\$2,219,176	4.3%
Outlet Mall	\$1,313,606	\$1,158,156	13.4%
Thompson Valley Shopping Center	\$1,528,544	\$1,413,501	8.1%
The Ranch	\$649,623	\$555,730	16.9%
Airport	\$383,456	\$322,232	19.0%
All Other Areas	\$4,297,018	\$3,932,159	9.3%
Total	\$32,129,139	\$30,201,133	6.4%

Health Care Claims

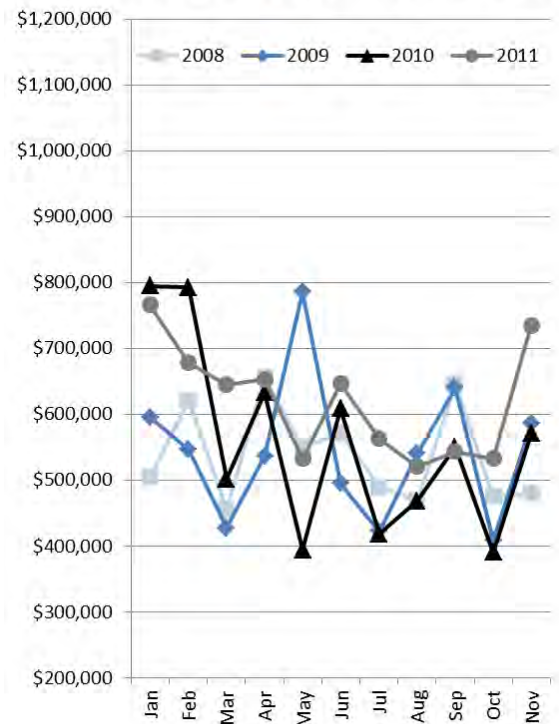
December 2011

November Incurred Claims Posted In December



YTD Claims Over \$25k Comparison (2008-2011)				
December	2008	2009	2010	2011
# of claims	39	41	53	66
Cost of claims	\$ 2,710,997	\$ 2,811,502	\$ 4,134,990	\$ 3,376,922
# of stoploss claims:	1*			
*claims adjustment resulted in one of the previously reported stoploss claims to drop below stoploss level.				

Total Incurred Claims Comparison



Cash Basis for Claims Paid

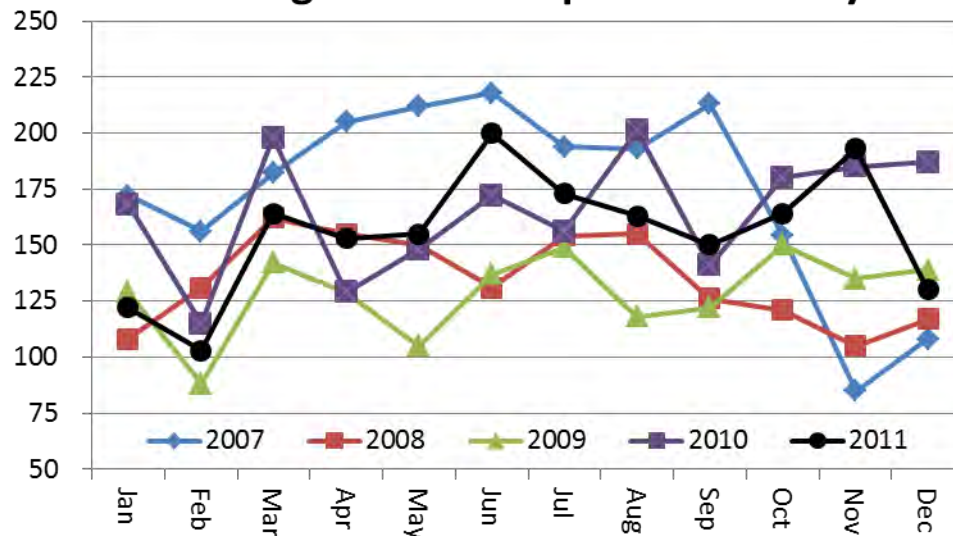
		HMO	OAP	HRA	PPO	Total	Budget	\$ Over / (Under) Budget	% Over / (Under) Budget
2011	December	\$ -	\$ 589,283	\$ 145,898	\$ -	\$ 735,181	\$ 680,043	\$ 55,139	8.1%
	YTD	-	5,687,373	1,128,357	\$ (523)	6,815,207	7,480,468	(665,261)	-8.9%
2010	December	75	476,266	94,499	-	570,840	630,046	(59,206)	-9.4%
	YTD	(3,384)	5,132,600	992,817	285	6,122,318	6,930,504	(808,186)	-11.7%
Change	December	(75)	113,017	51,399	-	164,341			
	% Dec	0.0%	23.7%	54.4%	0.0%	28.8%			
	YTD	\$ (3,384)	\$ 554,773	\$ 135,540	\$ (808)	\$ 692,889			
	% YTD	100.0%	10.8%	13.7%	-283.5%	11.3%			

Activity Measures

Monthly Financial Report

Measures	Dec '09	Dec '10	Dec '11	2010 YTD	2011 YTD
# of Building Permits	139	187	130	1,980	1,740
Building Permit Valuations	3,600,714	38,053,268	9,749,017	148,784,159	78,717,041
# of Certified Occupancies	18	16	21	192	231
Net # of Sales Tax Licenses	(14)	27	(48)	139	193
New Residential Electric Meter Sets	23	46	7	311	335
# of Utility Bills Sent	34,951	35,250	35,984	420,521	391,450
Rounds of Golf	169	3,634	0	120,494	117,204
Health Claim Costs/Emp.	787	1,142	878	11,079	11,758
# of Vacant Positions	4	11	27	109	200
# of Frozen Vacant Positions	14	13	8.5	160	127
# of Eliminated Positions	38	42	45.58	478	488
KWH Demand (kH)	105,472	98,550	105,024	1,238,422	1,279,438
KWH Purchased (kwh)	61,935,810	61,462,080	64,126,663	702,481,452	667,395,077
Gallons of Water Sold	146,400,702	146,647,090	152,186,164	3,574,213,686	3,519,549,558
# of Workers' Comp Claims	5	6	11	120	105
\$ of Workers' Comp Claims Paid	40,882	209,543	39,057	1,018,633	249,039
# of Open Claims Current Year	NA	13	20	123	181
# of Total Open Claims	NA	16	22	172	215
\$ of Total Open Claims	483,015	208,903	185,378	2,502,709	1,583,576
# of Hotel Rooms	NA	1,117	1,117	12,287	13,404
\$ of Lodging Tax Collected	NA	31,687	34,685	486,372	548,515

Building Permit Comparison History



Cash & Reserves

December 2011

Cash & Reserves

Total Cash & Reserves = \$197.6 million, of which \$142.5 million is restricted or reserved, or 72.1%, leaving \$55.1 million unrestricted.

Statement of Cash December 2011			
	Beginning	YTD Activity	Ending
Restricted			
1 Capital Expansion Fees	\$36,464,857	\$ (1,850,188)	\$ 34,614,669
2 Other Special Revenue Funds	20,268,968	1,822,602	22,091,569
3 Capital Projects	3,439,842	(2,104,731)	1,335,112
4 Water System Impact Fees	-	7,439,475	7,439,475
5 Windy Gap	4,776,059	(486,468)	4,289,590
6 Raw Water	22,801,762	(4,466,242)	18,335,520
7 Wastewater System Impact Fees	-	4,506,916	4,506,916
8 Storm Drainage System Impact Fees	1,542,372	(82,250)	1,460,122
9 Power System Impact Fees	-	6,938,315	6,938,315
10 Cemetery	2,433,991	97,451	2,531,442
11 Other Entities	3,393,300	706,577	4,099,877
12 Total Restricted	\$95,121,151	\$ 12,521,457	\$ 107,642,608
Committed/Assigned Balance Amounts			
13 General Fund			
14 Operating/Emergency ***	1,731,040	-	1,731,040
15 Council Capital Reserve ***	4,730,850	(1,240,285)	3,490,565
16 Liability	125,000	-	125,000
17 Police Communication Console Replacement	512,000	104,000	616,000
18 Library Reserve	158,379	2,898	161,278
19 Library Building Reserve	16,750	-	16,750
20 Telephone Switch Reserve	261,460	-	261,460
21 Excess TABOR	5,698,193	(856,961)	4,841,232
22 Water	660,898	(9,680)	651,219
23 Wastewater	816,746	(27,585)	789,161
24 Storm Water	442,355	(128,814)	313,541
25 Power	2,696,087	335,513	3,031,600
26 Golf	243,784	4,461	248,245
27 Insurance Reserves	4,632,532	477,722	5,110,255
28 Employee Benefits	6,443,162	331,549	6,774,712
29 Fleet Replacement	6,208,177	492,894	6,701,071
30 Total Committed/Assigned	\$35,377,415	\$ (514,286)	\$ 34,863,128
31 Total Restricted/Committed/Assigned	\$130,498,565	\$ 12,007,171	\$ 142,505,736
Unassigned Balance Amounts			
32 General	12,740,445	5,531,732	18,272,176
33 Airport	814,146	(83,845)	730,301
34 Internal Service - Vehicle Maintenance	57,032	83,337	140,369
35 Golf	902,662	623,855	1,526,517
36 Water	3,745,091	(54,852)	3,690,239
37 Wastewater	7,350,712	(248,264)	7,102,448
38 Power	15,277,828	1,901,241	17,179,069
39 Stormwater	2,506,679	(729,944)	1,776,735
40 Solid Waste	2,873,450	1,834,720	4,708,170
41 Total Unassigned	\$46,268,044	\$ 8,857,980	\$ 55,126,024
42 Total Cash	\$176,766,609	\$ 20,865,151	\$ 197,631,760

*Operating/Emergency TABOR Amendment requirement for 3% of operating expenditures excluding transfers and debt.

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

***Contributions made at year end.

Council Capital Reserve (line 15):
-900,000 Downtown infrastructure improvements
-97,485 Interfund loan payment
-242,800 Leslie Cleaners property

(Line 19) The market value of the Proctor & Gamble Stock as of December 31, 2010 is \$205,856. This value represents the original value of the stock when it was first donated.

(Line 21) Six main streets projects are: US 34/Madison, Boyd Lake Ave Extension, Signal at 4th/Lincoln, Crossroads/71st St, 57th/287, and Crossroads/I-25

Prepared by:
Finance Department

WEBSITE: WWW.CITYOFLOVELAND.ORG

Citywide Capital Projects Over \$500,000					% of 2011 Budget (Exp/Bud)	Budget Book Page #
Project Title	2011 Budget	2011 Expenditures	Remaining 2011 Budget			
Water Capital						
Washington Ave WL Replacement	\$ 376,380	\$ 376,265	\$ 115	99.97%		C-115
Filter Plant 2 Improvements	\$ 1,548,640	\$ 1,415,325	\$ 133,315	91.39%		C-113
Raw Water Capital						
Windy Gap Firming Project	\$ 596,490	\$ -	\$ 596,490	0.00%		C-86
Purchase Colorado Big Thompson Water	\$ 4,623,000	\$ 4,500,400	\$ 122,600	97.35%		C-87
Wastewater Utility Capital						
Carlisle Phase IV (Taft to RR)	\$ 623,730	\$ 48,141	\$ 575,589	7.72%		C-101
Waste Activated Sludge Thickening	\$ 4,393,250	\$ 2,803,343	\$ 1,589,907	63.81%		C-88
South Horseshoe Lift Station Submersible	\$ 1,287,000	\$ 70,414	\$ 1,216,586	5.47%		
Power Capital						
Horseshoe Sub tie S along Taft to ckt existing on West 29th	\$ 2,300,000	\$ 10,074	\$ 2,289,926	0.44%		
West Sub tie E along Arkins Branch, N along Wilson to 29th	\$ 636,120	\$ 214,273	\$ 421,847	33.68%		
Valley Sub tie W along 402, N along Wilson, W along Arkins to W Sub	\$ 1,100,000	\$ 241,746	\$ 858,254	21.98%		
Horseshoe Sub - New Transformer	\$ 594,500	\$ 568,150	\$ 26,350	95.57%		
East Sub - New Transformer	\$ 605,500	\$ -	\$ 605,500	0.00%		
Stormwater Capital						
Washington Ave Outfall Phase 4	\$ 3,380,185	2,678,629	\$ 701,556	79.25%		
Streets Transportation Program						
Wilson Ave (Carlisle Dr to 5th St SW)	\$ 575,578	459,807	\$ 115,771	79.89%		
Boyd Lake Ave Extension	\$ 960,263	700,658	\$ 259,605	72.97%		C-71
2011 Street Rehabilitation	\$ 2,956,210	2,945,093	\$ 11,117	99.62%		C-39
All Other						
Downtown Infrastructure	\$ 900,000	\$ -	\$ 900,000	0.00%		C-40
Open Lands Acquisition	\$ 2,445,000	\$ -	\$ 2,445,000	0.00%		C-29
MeHaffey Park Development	\$ 640,000	\$ 26,001	\$ 613,999	4.06%		C-28
Library Expansion	\$ 7,870,850	\$ 7,270,964	\$ 599,886	92.38%		
Rocky Mountain Center for Innovation & Technology	\$ 5,675,000	\$ 5,966,206	\$ (291,206)	105.13%		
Rialto Theater Center	\$ 2,097,700	\$ 2,036,015	\$ 61,685	97.06%		

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

For more information regarding this report contact:
Bonnie Steele, Acting Finance Director
970.962.2313 or steelb@ci.loveland.co.us



**CITY OF LOVELAND**
CITY MANAGER'S OFFICE

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

AGENDA ITEM: 16
MEETING DATE: 2/21/2012
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE: Investment Report for December 2011

RECOMMENDED CITY COUNCIL ACTION: This is an information only item. No Council action is required.

DESCRIPTION: The budget estimate for investment earnings for 2011 is \$3,163,290. For the year 2011, the amount posted to the investment account is \$3,283,125 including realized gains. Actual year-to-date earnings are *higher* than the year-to-date projection by \$119,835. Based on December's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was up to 1.75%, under the annual target rate of 2% for 2011. Reinvestment rates are still significantly lower than the first-half of 2011.

SUMMARY: At the end of December, the City's total portfolio had an estimated market value of \$198.2 million, about \$3.9 million more than a month ago. Of this amount, USBank held (including accrued interest) \$179.6 million in trust accounts; other funds are held in local government investment pools, in operating accounts at WellsFargo Bank, and a few miscellaneous accounts. Interest rates have trended significantly lower over the past few months. Investments are in US Treasury Notes, highly-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to \$1.98 million annually.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS: Investment Focus December 2011



Investment Focus

Monthly Investment Report

December 2011

What's in here?

Focal Points	1
Gain / Loss	
Rate Trends	2
Cash Statement	3
Portfolio size	4
Investment types	
Transactions /	5
Maturity	
Future Scan	6

Focal Points

- * **2011 targets for the City's portfolio: 1) the interest rate target is 2.0%; 2) the earnings goal = \$3,163,130.**
- * **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- * **Revenue posted to accounts = \$3,283,125 or 103.8% of target. This includes realized gains on security sales of \$534,950.**
- * **Each 1% of the total portfolio amounts to about \$1.9 million.**
- * **The month end market value shows the unrealized loss decreased slightly and was \$457,073 at year-end.**

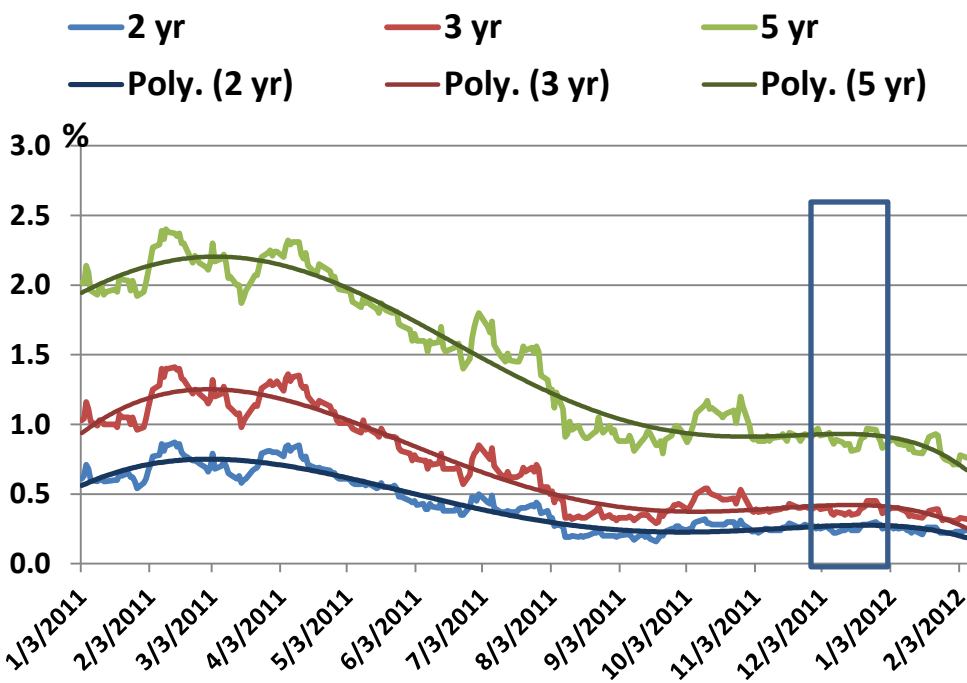
Bond Investors, Beware

"If interest rates climb in future years, as is likely from today's very low levels, the prices of existing bonds with lower rates will fall. "We're in the very mature stages of the secular bull market in bonds," says David Rosenberg of Gluskin Sheff Associates, Inc. "I'm not bearish on fixed income, but when the 5-year note is below 1%, you know the game is not over, but it's close to being over." (See Chart on page 2.)

Source: Wall Street Journal, January 9, 2012.

Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 7,647,968	\$ 7,647,968	--
Investment Pools	11,594,525	11,594,525	--
Money Markets	<u>9,771,796</u>	<u>9,771,796</u>	--
Subtotal	\$ 29,014,289	\$ 29,014,289	--
Notes and Bonds	<u>169,651,138</u>	<u>169,194,065</u>	<u>\$ (457,073)</u>
Total Portfolio	<u>\$ 198,656,427</u>	<u>\$ 198,208,354</u>	<u>\$ (457,073)</u>
Data Sources	(Morgan Stanley)	(US Bank)	

Treasury rate trends / Stocks vs. Bonds



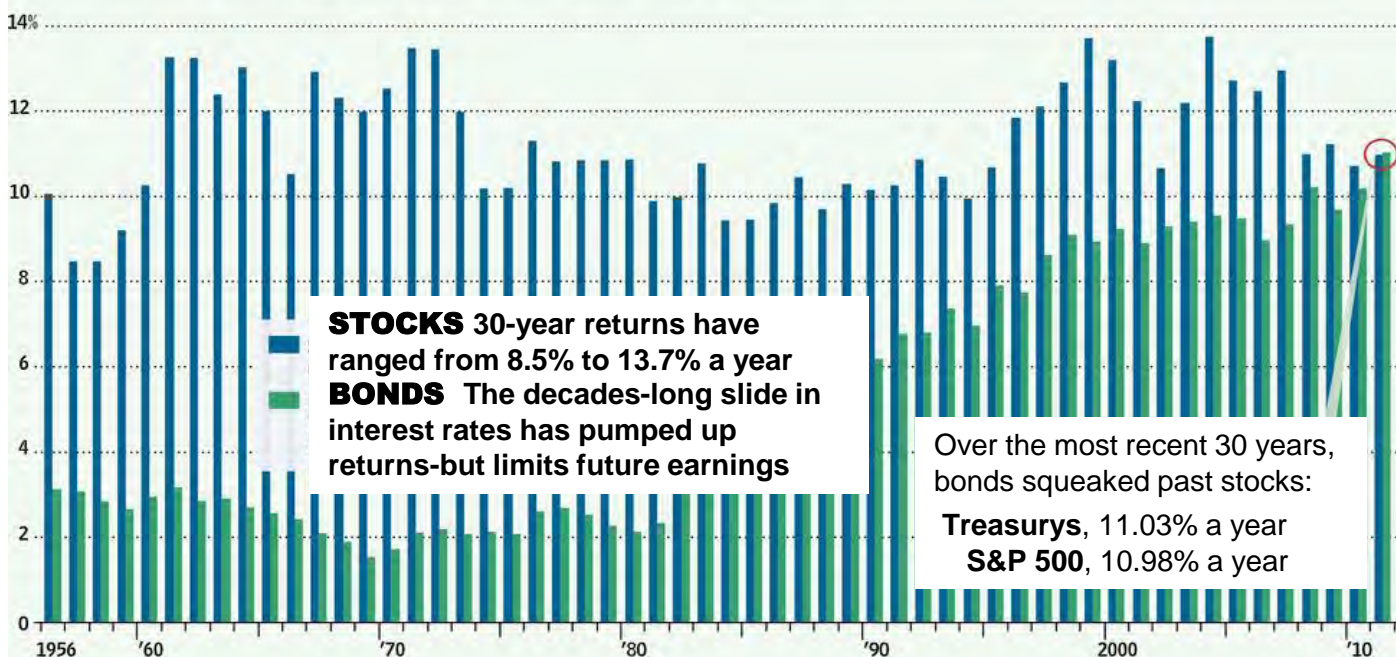
Interest rates on US treasuries moved a little bit lower in December.

Based on the 2-year treasury, the December month-end rate was exactly the same as the November month-end rate. The 3-year was 5 basis points lower at December month end. The 5-year finished December at 13 basis points lower.

This shift in treasury rates slightly increased the market value of the portfolio. However, it also means lower rates for new investments.

Stocks vs. Bonds, 30 Years at a Time

Annualized returns of the Standard & Poor's 500-stock index (blue) and long Treasury bonds (green) over overlapping periods from 1927-1956 through 1982-2011



Source: Morningstar

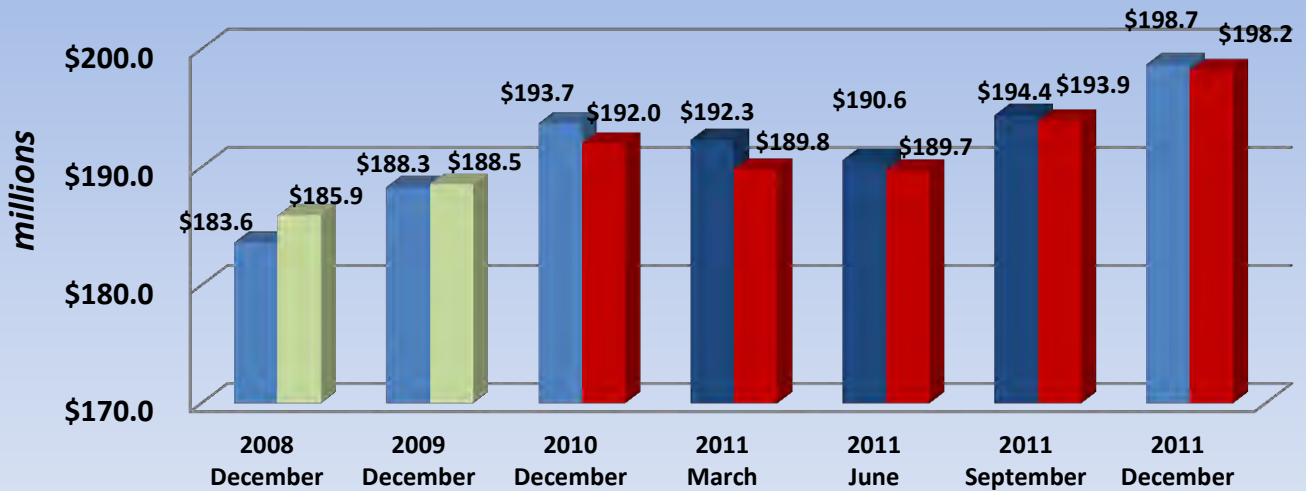
Cash Position Summary

Cash & Reserves (unaudited)

		2011 Beginning	YTD Activity	2011 Ending
	Restricted Reserves	Due to rounding, column and row totals may not add exactly.		
1	Capital Expansion Fees	\$ 36,464,857	\$ (1,850,188)	\$ 34,614,669
2	Water System Impact Fees	5,634,568	1,804,907	7,439,475
3	Raw Water Revenue – Windy Gap	27,577,821	(4,952,711)	22,625,110
4	Wastewater System Imp. Fees	4,258,451	248,465	4,506,916
5	Storm Drain System Imp. Fees	1,542,372	(82,250)	1,460,122
6	Power Plant Investment Fees	5,624,382	1,313,933	6,938,315
7	Cemetery Perpetual Care	2,433,991	97,451	2,531,442
8	Other Restricted	27,102,110	424,447	27,526,558
9	Total Restricted	\$ 110,638,551	\$ (2,995,944)	\$ 107,642,608
	Reserve Balance Amounts			
10	General Fund	\$ 13,233,672	\$ (1,990,348)	\$ 11,243,325
11	Enterprise Funds	4,859,870	173,896	5,033,766
12	Internal Service Funds	17,283,872	1,302,166	18,586,037
13	Total Reserves	\$ 35,377,415	\$ (514,286)	\$ 34,863,128
14	Total Restricted and Reserved	\$ 146,015,966	\$ (3,510,230)	\$ 142,505,736
	Unrestricted			
15	General Fund	\$ 12,740,445	\$ 5,531,732	\$ 18,272,177
16	Airport	814,146	(83,845)	730,301
17	Internal Service – Vehicle Maint	57,032	83,337	140,369
18	Enterprise Funds	32,656,422	3,326,757	35,983,179
19	Total Unrestricted	\$ 46,268,044	\$ 8,857,981	\$ 55,126,025
20	TOTAL CASH	\$ 192,284,010	\$ 5,347,751	\$ 197,631,762

Portfolio Size / Types of Investments

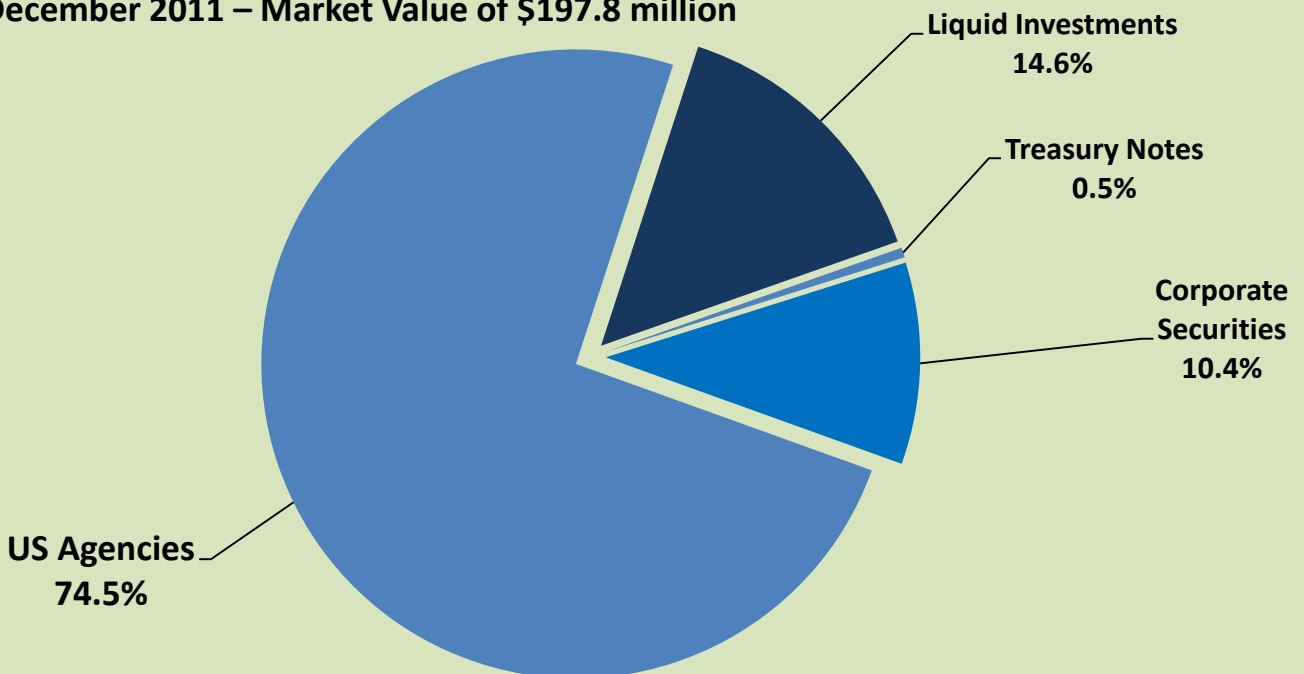
Portfolio Size since December 2008



Blue bars show Purchase value, red and green bars show market value, red = loss and green = gain

Portfolio by Type of Investment

December 2011 – Market Value of \$197.8 million



Transactions / Portfolio by Maturity

Maturity Date

Face Value

Purchase \$

Stated Rate

Purchases

Federal National Mort. Assn.	12/28/2016	\$ 5,000,000	\$ 5,000,000.00	1.250%
Federal National Mort. Assn.	12/30/2016	5,000,000	5,000,000.00	1.400%
Federal National Mort. Assn.	12/14/2016	5,000,000	5,000,000.00	1.700%
Federal National Mort. Assn.	12/21/2016	<u>5,000,000</u>	<u>5,042,500.00</u>	1.750%
		\$ 10,000,000	\$ 10,000,000.00	

Matured

American Express Bank	12/09/2011	\$ 2,500,000	\$ 2,597,075.00	3.150%
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Called

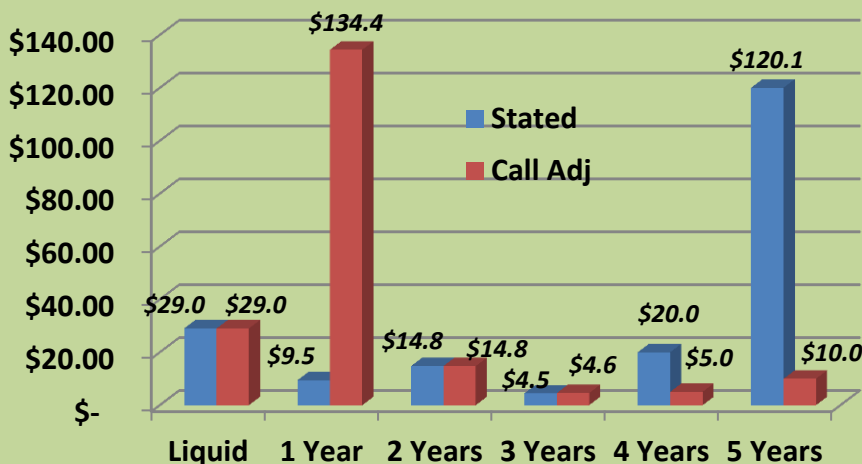
Federal Home Loan Bank	09/22/2016	\$5,000,000	<u>Call Value \$</u> \$ 5,000,000.00	1.000%
Fed. Home Loan Mort. Corp	12/28/2015	<u>5,000,000</u>	<u>5,000,000.00</u>	2.150%
		\$ 10,000,000	\$ 10,000,000.00	

Sales

Federal Home Loan Bank	12/11/2015	\$ 5,000,000	<u>Gain \$</u> \$ 60,500.00	1.375%
------------------------	------------	--------------	--------------------------------	--------

Portfolio by Maturity Term

(in millions - Total = \$197.8 at the end of December 2011)



The target rate for 2011 was 2.0%. In recent months, rates have fallen to record lows. Through December, the portfolio has reached the earnings target level for 2011.

To support earnings or to reposition the portfolio, bonds may be sold. Gains on sales total \$534,950 to date.

The blue bars show the stated term. Red bars show the calls. More of the five year bonds will be called early.



Future Scan: Fed to hold rates – set an interest rate target

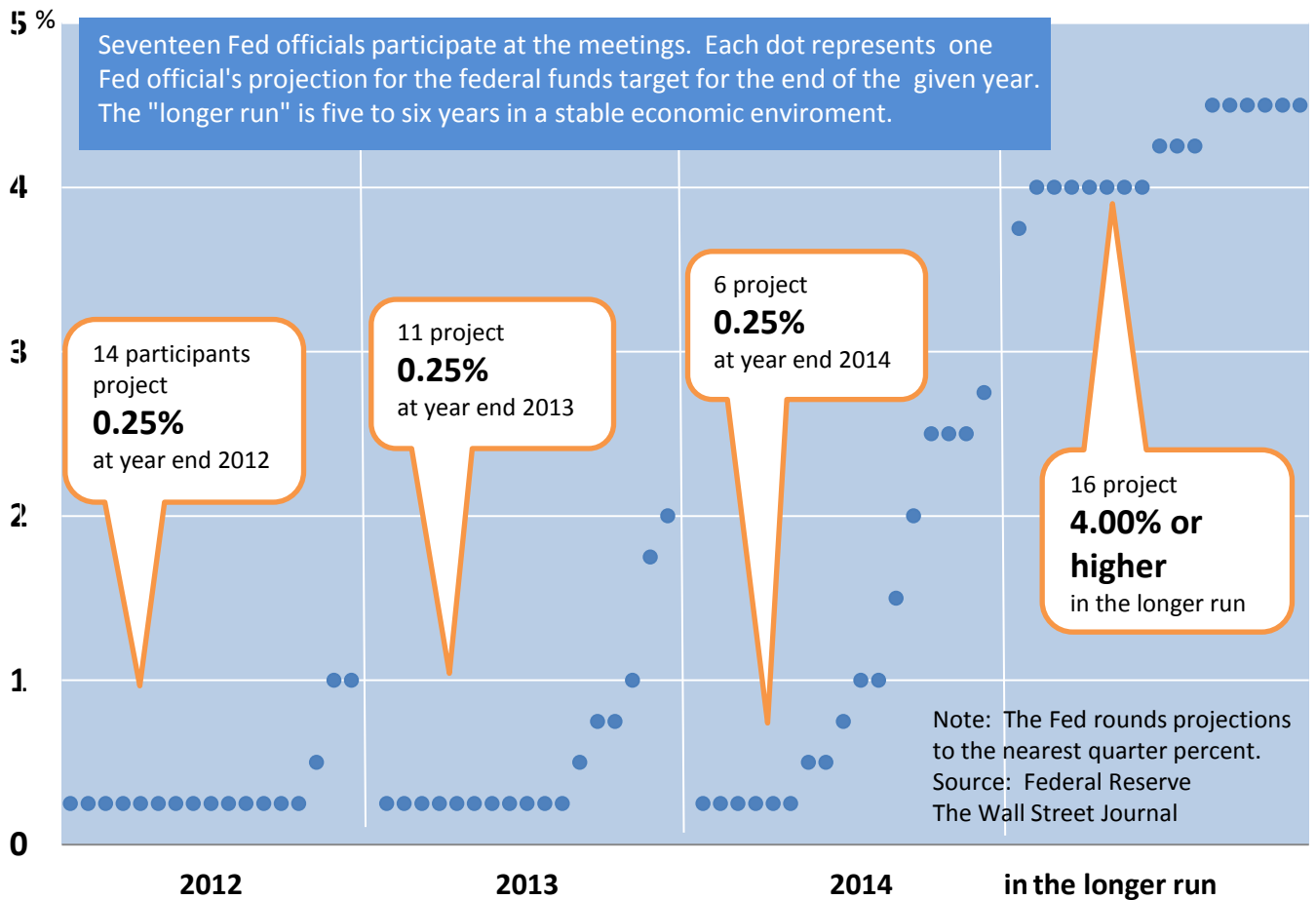
- ❖ On January 25th, the **Federal Open Market Committee** (“FOMC” or “Fed” or “Committee”) surprised the markets with two pronouncements. They expect to keep short-term interest rates near zero for almost **three more years**. The Fed also puts a “Bull’s Eye on a Benchmark” by setting an **official target for inflation at 2.0%**. While such a target has been discussed in the past, the Committee has been reluctant to commit. In order to balance inflation with employment growth, they indicated employment growth would be the preference. The Fed also hinted that additional intervention in the market may be necessary. A bond-buying program – meant to push down long-term interest rates – could be the next step. Markets reacted with lower short-term interest rates. There seems to be growing dissent among the members. The next meeting of the Fed is March 13.
- ❖ **Loveland’s residential employment level contracted** in December with 177 fewer jobs when compared to November. Compared to the revised estimate for December 2010, there are 1,362 more jobs for city residents. Using non-seasonally adjusted employment data for December, the national unemployment rate was 8.8%, the State of Colorado was 7.9%, Larimer County was 6.3%, Fort Collins was 7.2%, and Loveland was 5.4%. Of the Colorado cities, only Lafayette and Parker were lower at 4.7% and 4.3% respectively. Aurora (Adams County portion) had the highest unemployment rate for a city at 15.6%
- ❖ **Recession outlook.** Several of the economic indicators from late December and early January reflect an improving economy and a lower probability for recession. Issues of debt repayment continue to trouble several European countries with Greece and Italy receiving the most attention. The current read on the situation is that the downturn will be contained in overseas markets. The Economic Cycle Research Institute continues to say a U.S. Recession is coming in 2012.
- ❖ **Our investment financial advisors, Morgan Stanley Smith Barney, say**
 - ❖ European and US recession, but no global recession
 - ❖ Earnings expectations (on stocks) to come down
 - ❖ Slowing inflation in both developed and developing economies
 - ❖ US Gross Domestic Product: 2.2% growth in 2012; 1.8% in 2013
 - ❖ US 10-year Treasury rate: 2% for 2012; 1.95% for 2013
 - ❖ Since, 1981, bond prices have been rising, yields falling. Expect this to continue.

(Source: **Global Investment Committee Outlook**, January 2012)

[For more information regarding this report, please contact:](#)

Alan Krcmarik, Executive Fiscal Advisor
970.962.2625 or krcmaa@ci.loveland.co.us

Taking Aim | Fed forecasts for short-term rate targets

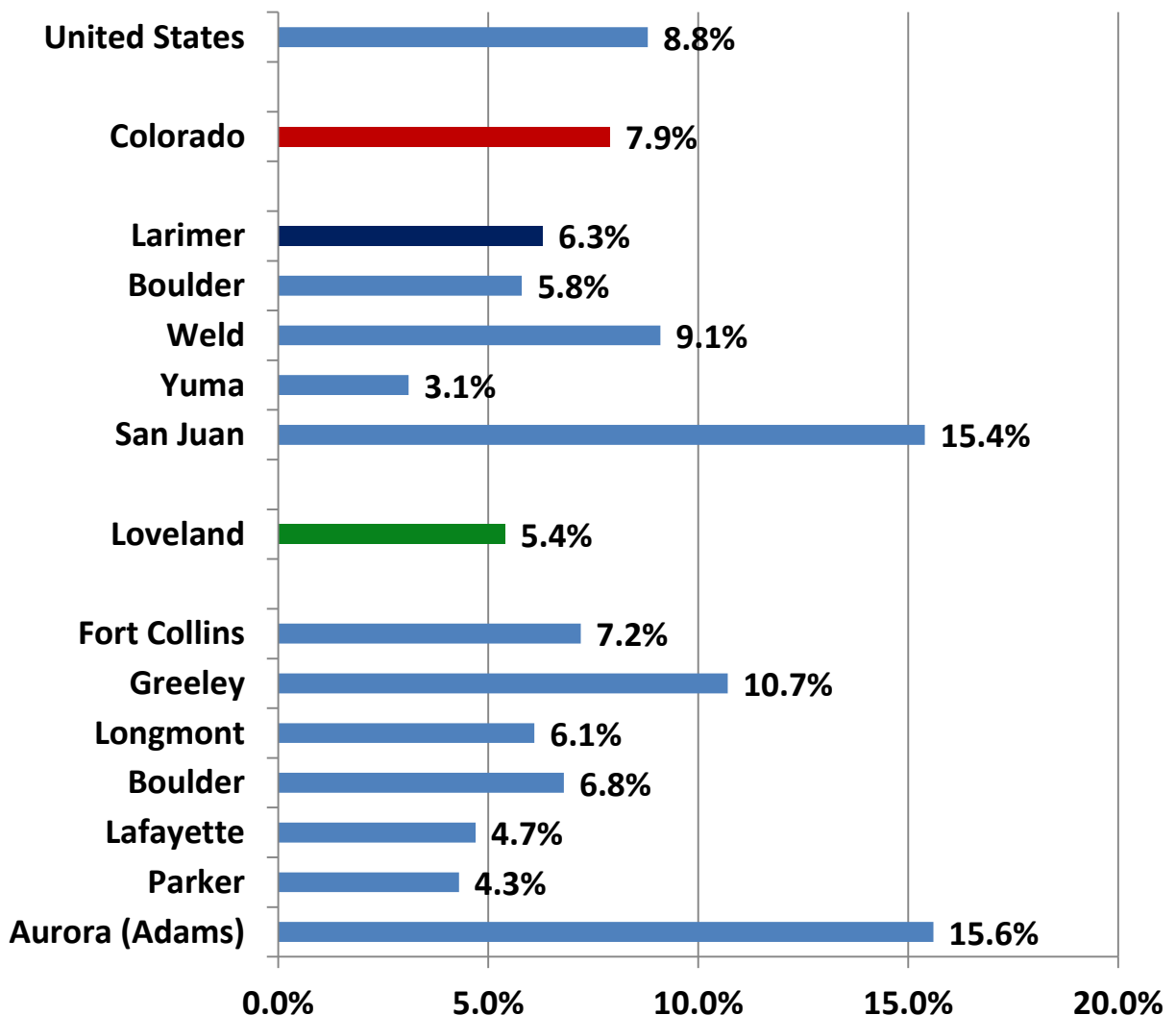


Updated for Colorado Labor data for November

- ❖ Loveland residents reported **177 fewer** jobs in December when compared to November of 2011.
- ❖ Compared to one year ago in December, there are **1,362 more** jobs.

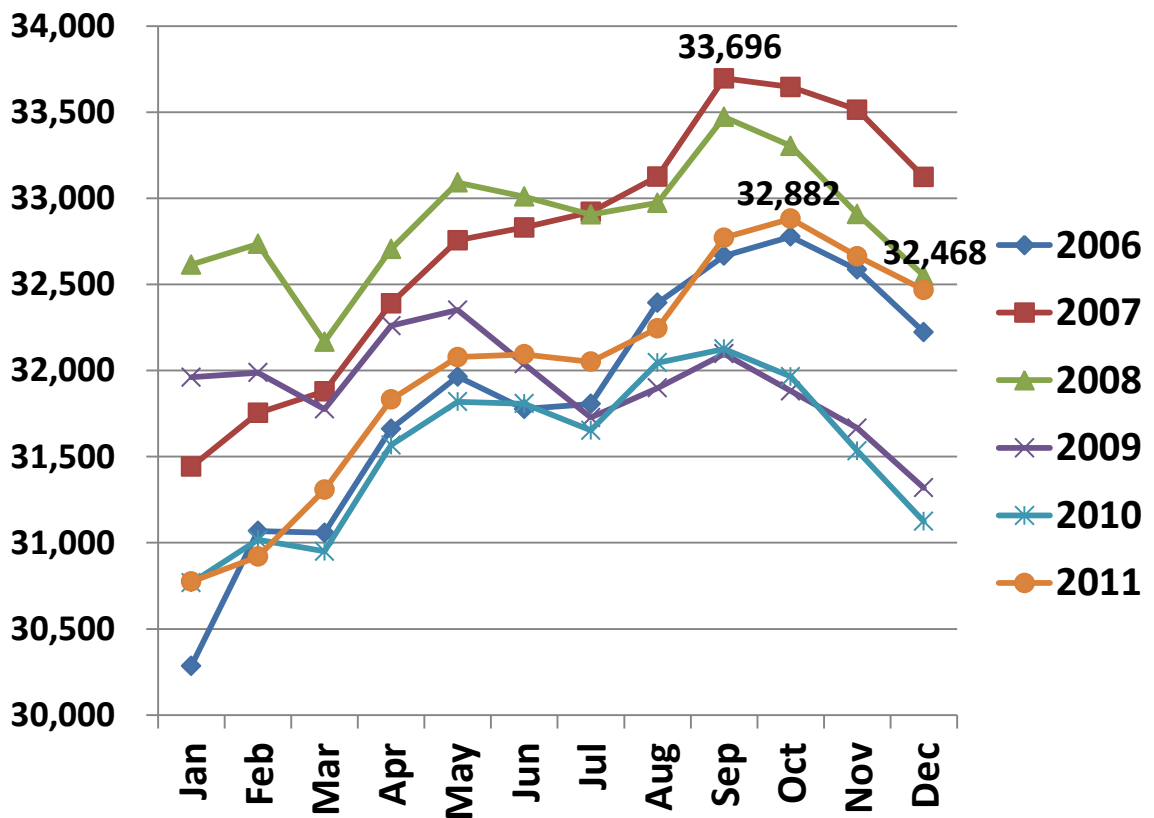
December Unemployment Rates

Data not adjusted for seasonality



Loveland Employment levels moving up

- The chart shows how Loveland resident employment has changed since the beginning of 2006. The total number of residents employed peaked in October 2011. Due to seasonal factors, there are now fewer jobs, but as the chart shows, year end 2011 is close to 2008. A strong start in 2012 could help reach an all time high for Loveland residents in terms of the number employed.



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

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

AGENDA ITEM: 17
MEETING DATE: 2/21/2012
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Troy Bliss, Senior Planner, Current Planning Division

TITLE:

A public hearing to consider, on second reading, an ordinance vacating a portion of a public right-of-way located in Block 1 of the Warnock Addition, City of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Move to make the findings set forth in and adopt on second reading AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED IN BLOCK 1 OF THE WARNOCK ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

OPTIONS:

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

DESCRIPTION:

A legislative action to consider an ordinance on second reading vacating a portion of public alley right-of-way located in Block 1 of the Warnock Addition. The subject property is generally located on the south side of Eisenhower Boulevard between Lincoln Avenue and Jefferson Avenue. The portion of alley that would be vacated bisects property owned by Craig Lindberg, owner of the Dairy Queen restaurant at this location.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

Vacation of the alley is the last step in a development review process that begun back in early 2010. The plan to redevelop the existing Dairy Queen drive-thru restaurant received final approved as a major modification to Special Review #784 on June 30, 2011. Issues including site circulation, perimeter landscaping, noise mitigation, and access from Highway 34 and Jefferson Avenue were addressed during the development review process. The review process included a neighborhood meeting which was attended by 5 property owners. The Council memorandum (Attachment B) includes a list of those in attendance. Potential external impacts and mitigation measures were discussed at the neighborhood meeting. An agreement was reach at the meeting that the proposed redevelopment project, including mitigation measures, would be compatible with the neighborhood. The applicant wants to start construction as soon as possible in order to complete the project before the height of the summer business season.

The proposed redevelopment includes vacation of the north end of the existing alley which exits onto Hwy 34. To maintain access through Block 1 of the Warnock Addition, a public access easement will be dedicated on the subject property to allow the alley to be extended in an easterly direction to connect to Jefferson Avenue. The vacation ordinance would not become legally effective until certain conditions relative to the redevelopment project are satisfied. More detail concerning these conditions is provided in the Council memorandum.

Although second reading of an ordinance is typically not a public hearing, in this case it is due to the length of time between first and second reading. First reading was on April 10, 2010 and changes were made to the ordinance after first reading. In addition, the applicant was not present at the Council meeting for first reading and the minutes of that meeting indicate that Council wanted to make sure the applicant was present for second reading. At first reading, City Council discussed several issues regarding the project. A summary of those issues is included in the Council memorandum.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

- A. Ordinance
- B. Council Memorandum

FIRST READING: April 20, 2010

SECOND READING: February 21, 2012

ORDINANCE NO. ____

**AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY
LOCATED IN BLOCK 1 OF THE WARNOCK ADDITION, CITY OF LOVELAND,
LARIMER COUNTY, COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the public right-of-way described below, located in Block 1 of the Warnock Addition, City of Loveland, Larimer County, Colorado; and

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

WHEREAS, the City Council finds and determines that, upon satisfaction of the conditions set forth below, the public right-of-way to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, notwithstanding the vacation of a portion of the public right-of-way, the use of such portion of the public right-of-way shall be preserved as a public utility easement; and

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

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

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

Section 2. That, based on the City Council's findings described above and subject to the conditions precedent set forth in Section 3 below, the following described portion of public right-of-way be and the same is hereby vacated:

That portion of Block 1, WARNOCK ADDITION, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado as bearing North 90°00'00" West and with all bearings contained herein relative thereto:

BEGINNING at the Northeast corner of Lot 1, Block 1 of said WARNOCK ADDITION, said point being on the Westerly Right-of-Way line of a 20-foot Alley; thence along said Westerly Right-of-Way line South 00°58'50" West 108.10 feet to the Southeast corner of Lot 4, Block 1 of said WARNOCK ADDITION; thence departing said Westerly Right-of-Way line and along the Easterly prolongation of the South line of said Lot 4 North 90°00'00" East 20.00 feet to a point on the Easterly Right-of-Way line of a 20-foot Alley; thence along said Easterly Right-of-Way line North 00°58'50" East 108.10 feet to a point on the Southerly Right-of-Way line of East Eisenhower Boulevard (U.S. Highway No. 34); thence departing said Easterly Right-of-Way line and along said Southerly Right-of-Way line of East Eisenhower Boulevard (U.S. Highway No. 34) North 90°00'00" West 20.00 feet to the Northeast corner of Lot 1, Block 1 of said WARNOCK ADDITION and the POINT OF BEGINNING. The above described Alley Vacation contains 2,162.04 square feet (0.05 acres), more or less.

Section 3. That as provided in Sections 16.36.050 and 16.36.060 of the Loveland Municipal Code and in order to preserve and promote the public health, safety and welfare to the inhabitants of the city and the public generally, the vacation of a portion of the public right-of-way as set forth in Section 2 above shall not be effective until all of the following conditions precedent (the "Conditions") have been satisfied:

- a. All work and improvements identified on the Modifications to Special Review #784, Dairy Queen Restaurant, 300 East Eisenhower Boulevard, Loveland Colorado approved by the Current Planning Manager on June 30, 2011 and on file with the City's Current Planning Division (the "Special Review") shall be completed in accordance with all of the ordinances and regulations of the City, including but not limited to construction of the paved public access connection to Jefferson Avenue included therein (the "Public Access Connection"); and
- b. A Grant of Easement, in the form and substance attached hereto as **Exhibit A** and incorporated herein by this reference (the "Easement"), for the Public Access Connection shall be duly executed and delivered to the City Current Planning Division; and
- c. The Amended Plat of Lots 1 through 4, Lots 35 Through 39, a Portion of Lot 40 and the Vacated Alley Per Ordinance No. _____, all in Block 1, Warnock Addition (the "Amended Plat") in a form and substance acceptable to the City shall be duly executed and delivered to the City Current Planning Division; and
- d. The City Engineer has determined that construction of the Public Access Connection has been satisfactorily completed; and
- e. The Current Planning division has accepted the Easement and approved the Amended Plat and has recorded the Easement, this Ordinance, and the Amended Plat.

Section 4. That as of the date and time when the Easement, this Ordinance, and Amended Plat have all been recorded by the City, the Conditions shall be deemed satisfied and

the vacation of a portion of the public right-of-way set forth in Section 2 above shall be effective; provided, however that the vacated portion of the public right-of-way shall be preserved as a public utility easement as reflected on the Amended Plat.

Section 5. That as provided in City Charter Section 4-9(a)(7), since this Ordinance has been amended since first reading on April 20, 2010, it 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).

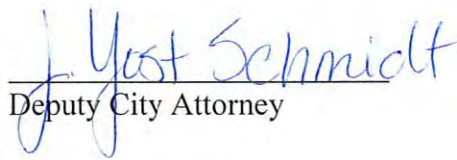
ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

GRANT OF EASEMENT

THIS INDENTURE, made this ____ day of _____, 2010, by and between 376 E EISENHOWER, LLC, a Colorado Limited Liability Company, whose address is 4942 St. Andrews Court, Loveland, CO 80537 as Grantor, and the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter referred to as "City",

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Grantor has this day bargained and sold, and by these presents does bargain, sell, convey, transfer and deliver unto the City, its successors and assigns, a non-exclusive Public Access Easement and right of way in, over and across the real estate hereinafter described, including the perpetual right to enter upon said property at any time that it may see fit, and to construct access systems across, through and under the lands hereinafter described and to repair, replace, relocate, inspect, operate and maintain said access systems; provided, however, that City shall restore the ground surface to its prior condition after disturbing the same. The term "access systems" as used herein shall include without limitation, curb, gutter, asphalt and/or concrete paving, and other equipment, appurtenances and structures associated such systems. All responsibilities and costs of operation, maintenance and reconstruction of the Public Access Easement that is the subject of this easement dedication shall be borne by the Grantor, its heirs, successors and assigns. The City of Loveland shall have no obligation for operation, maintenance or reconstruction of the Public Access Easement.

The easement and right of way hereby granted, situated in the City of Loveland, County of Larimer, State of Colorado is described on the attached Exhibit 'A' and further depicted on the attached Exhibit 'B' both of which are incorporated herein by reference..

TO HAVE AND TO HOLD said easement and right of way unto the City, its successors and assigns forever.

Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property above described, that it has a good and lawful right to convey the easement and right of way herein granted, that the said easement and right of way is free and clear of all encumbrances, and that it will forever warrant and defend the title thereto against lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has executed this Grant of Easement the day and year first above written.

Assistant City Attorney

Intermill Land Surveying

P. 166



1301 N. Cleveland Ave.
Loveland, Colorado 80537

(970) 669-0516
Fax: (970) 635-9775
E-mail: intermill@qwest.net



P-09-6744
March 15, 2010

Exhibit 'A'

Public Access Easement Dedication Description (Portion Of Lots 35 And 36, Block 1, WARNOCK ADDITION):

That portion of Lots 35 and 36, Block 1, WARNOCK ADDITION, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado as bearing North 90°00'00" West and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of Lot 35, Block 1 of said WARNOCK ADDITION, said point being on the Westerly Right-of-Way line of North Jefferson Avenue; thence along said Westerly Right-of-Way line North 01°05'30" East 24.53 feet to the TRUE POINT OF BEGINNING thence continuing along said Westerly Right-of-Way line North 01°05'30" East 24.00 feet; thence departing said Westerly Right-of-Way line North 90°00'00" West 140.16 feet to a point on the Easterly Right-of-Way line of a 20-foot Alley; thence along said Easterly Right-of-Way line of a 20-foot Alley South 00°58'50" West 48.67 feet; thence departing said Easterly Right-of-Way line of a 20-foot Alley North 21°40'35" East 14.33 feet to the beginning of a tangent curve concave to the Southeast, having a central angle of 68°19'25" and a radius of 18.00 feet, the long chord of which bears North 55°50'17" East 20.22 feet; thence Northeasterly along the arc of said curve 21.46 feet; thence tangent from said curve North 90°00'00" East 118.51 feet to a point being on the Westerly Right-of-Way line of North Jefferson Avenue and the TRUE POINT OF BEGINNING. The above described Easement Dedication contains 3,505.04 square feet (0.08 acres), more or less, and is subject to any existing easements and/or rights of way of record.

Prepared By And On Behalf Of:
INTERMILL LAND SURVEYING, INC.
1301 N. Cleveland Ave.
Loveland, CO 80537
970-669-0516
intermill@qwestoffice.net

Robert George Persichitte
Colorado P.L.S. 34174
Date: _____

PUBLIC ACCESS EASEMENT EXHIBIT MAP

FOR A PORTION OF LOTS 35 & 36, BLOCK 1, WARNOCK ADDITION, CITY OF
LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

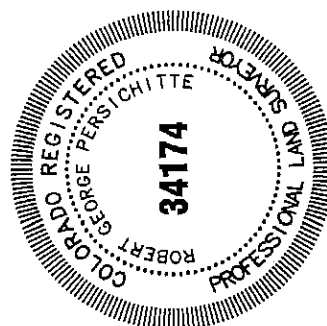
NORTH
SCALE: 1" = 30'
DATE: 03/15/10

Note: This Exhibit Map does not represent a field survey of the subject properties and property descriptions. This map and the property descriptions on which it is based was compiled from existing maps, deeds and property descriptions available at the time of preparation. The client for this project did not request a field survey of the subject properties.

Client:
376 E EISENHOWER, LLC,
4942 St. Andrews Court
Loveland, CO 80537

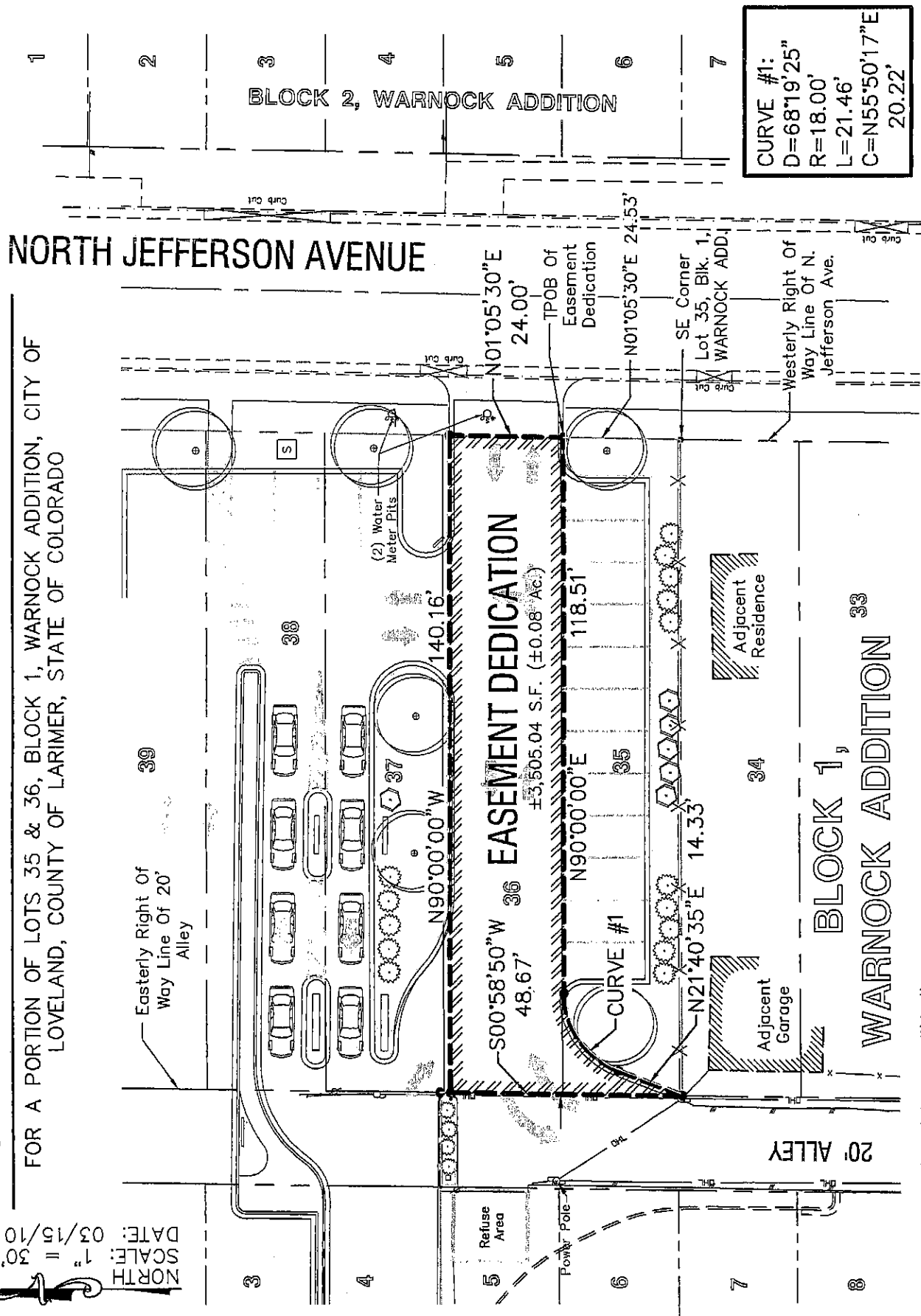
Prepared By And On Behalf Of
INTERMILL LAND SURVEYING, INC.
1301 N. Cleveland Ave.
Loveland, CO 80537
970-669-0516
intermill@qwestoffice.net

Robert George Perschitte
Colorado P.L.S. 34174
Date:



Sign / Seal

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



**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: Troy Bliss, Current Planning Division
DATE: February 21, 2012
SUBJECT: Warnock Addition, Vacation of Public Right-of-Way

I. EXHIBIT

1. April 20, 2010 Vacation of Public Right-of-Way Ordinance.
2. April 20, 2010 City Council Minutes.
3. Modification to Special Review #784 (for reference).

II. KEY ISSUES

Staff believes that there are no outstanding issues regarding the requested vacation. A proposed easement dedication through the southeast portion of the site will provide adequate public access from the remaining portion of the alley and Jefferson Street to the east. Provision for existing utilities (including City of Loveland sanitary sewer, City of Loveland power, and Xcel Energy gas service) will be provided by a twenty (20) foot wide utility easement that will be retained in place of the vacated right-of-way.

III. PROJECT DESCRIPTION

Craig Lindberg, owner of the Dairy Queen restaurant at 300 and 376 E. Eisenhower Boulevard, filed application to vacate a portion of public right-of-way within Block 1 of the Warnock Addition. This right-of-way contains approximately 0.05 acres in area and is the northern ¼ portion of the alley between Eisenhower Boulevard and Thirteenth Street. The property is zoned B – Developing Business. The zoning on each side of the portion of alley proposed to be vacated is B – Developing Business.



The alley vacation is a component of a redevelopment plan that received final administrative approval on June 30, 2011. The development plan expands drive-thru and parking areas associated with the Dairy Queen restaurant (see attached **Exhibit 3**). The vacation of public right-of-way would allow for the two abutting Dairy Queen parcels to become contiguous, helping to facilitate a cohesive plan for expansion of the drive-thru and parking areas. As illustrated, most of the expansion is to occur on the vacant parcel to the east. The plan also includes perimeter landscaping around the site. A neighborhood meeting was held on March 17, 2010 as part of the review process. An agreement was reached at the meeting that the project, with certain mitigation measures included, would be compatible with the neighborhood. Neighbors present at the meeting were:

- Ted and Deb Smith, 1347 North Jefferson
- Diana Rye, 430 East Eisenhower
- Bob Massaro, 4250 Tarryall Court
- Smith Cody, 1347 North Jefferson
- Brian McCluskey, 1345 North Jefferson

City staff would also like to advise Council that we are working with the applicant on an agreement under which the City would reimburse the applicant for the costs, not to exceed \$50,500, to construct public improvements at the Highway 34, Jefferson Avenue, and East/West Alley accesses to the site. The applicant would then treat the \$50,500 as a credit toward any future purchase by the City of right-of-way necessary to improve the intersection at Highway 34/Lincoln Avenue.

IV. BACKGROUND

The vacation request has been reviewed by the City's Development Review Team (DRT). The DRT provided their findings and analysis to the Planning Commission at a public hearing on April 12, 2010 as reflected in Section V of this memorandum. The findings and analysis demonstrate compliance with the requirements of

Title 16 of the Loveland Municipal Code and all other applicable City standards. Planning Commission unanimously recommended approval of the vacation to City Council subject to the conditions in Section VII of this memorandum.

The vacation ordinance was adopted on first reading by City Council on April 20, 2010. City Council voted unanimously to approve the ordinance on first reading subject to the applicant being present at second reading in order to address questions relating to the Dairy Queen expansion and accept the conditions outlined in the ordinance (see attached Exhibits 1 and 2). At the first reading hearing, the Council asked that staff answer the questions below:

Existing traffic congestion at the site and how traffic associated with people visiting the site to see the sculptures was accounted for in the traffic study. City staff is of the opinion that the expanded drive-up lanes and elimination of the alley bisecting the site will result in an overall improvement in traffic circulation on the site and vehicle movements entering the site from Lincoln Avenue. It is anticipated that additional trips generated by people only interested in stopping to view the sculptures will be negligible. If a special event is planned, such as a small sculpture show or other special circumstance, the City requires a special event permit that would include a plan to address the anticipated additional traffic.

The traffic report was based on traffic counts taken in December, which is not the peak season for the restaurant. A fast food restaurant with drive through use generates a significant amount of traffic on its own. Due to this, particular attention is paid to the traffic generated during the peak hours in the morning and afternoon and mitigating this traffic is addressed in the Traffic Impact Study. The adjustment of traffic for “seasonal” impact is a common practice of traffic engineers. Within Loveland, we do have seasonal fluctuations primarily related to the increased traffic during the summer for tourist traffic to Estes Park and Rocky Mountain National Park. The 19 percent increase included in the Traffic Impact Study for the DQ site is consistent with the City’s historical data. The overall information is also compared against ITE data for uses within the fast food category as the basis for determining the anticipated traffic impact.

Following the hearing on first reading, the applicant was at the time reconsidering the project and its construction schedule. This was the primary reason for the time between first and second readings of the vacation ordinance. Additionally, because the ordinance is being changed in terms of conditions, the second reading is being considered through the public hearing procedures.

The applicant has confirmed that he and his development team, including his traffic engineer, will be present at the meeting.

V. FINDINGS

The following two findings must be met in order for the City Council to vacate the rights-of-way. These findings are included in section 16.36.010.B of the Loveland City Code.

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

Current Planning

By vacating a portion of this public right-of-way and dedicating an access easement from the alley to Jefferson Avenue, no adjoining land would be left without a connection.

2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

Current Planning

Providing both access and utility easements are dedicated, the portion of public right-of-way is no longer necessary for the public use and convenience.

Transportation Development Review

The vacation of the alley will not negatively impact access to the City's public street network as long as the proposed development provides a public access easement and paved connection to Jefferson Avenue.

Fire

The vacation of the alley will not negatively impact fire protection as the development proposed to provide an access easement and roadway to Jefferson Avenue. This roadway will accommodate emergency vehicle turning movements.

Water/Wastewater

This development is situated within the boundaries of and accommodated by the City's water and wastewater master plans. It is also within the City's current service area for both water and wastewater.

The Department determines that the existing Alley right-of-way to be vacated is necessary for public use and convenience. The right-of-way can be vacated as long as the right-of-way is reserved in the future as a public utility easement.

Power

A Three phase overhead primary power line dead ends on a pole located along the east side of the proposed alley way to be vacated running north to south. A secondary underground line serves the Dairy Queen restaurant from an overhead transformer located on this dead end power pole along with some underground street light cable that runs to the north along the east side of the alley to serve a street light on Eisenhower Boulevard. There also is an underground secondary line serving the tent set up that is located in the northeast corner of lot two. A utility easement will need to be maintained along the east side of the proposed alley way to be vacated along with access in order to continue service and maintain existing electrical structures.

Stormwater

The existing alley, to be vacated, is not used to convey stormwater and thus is not necessary for the public use and conveyance of stormwater.

VI. RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on second reading subject to the recommended conditions in Section VII of this memorandum. All recommended conditions of approval shall be satisfied prior to recording the vacation of public right-of-way ordinance.

VII. CONDITIONS

1. All work and improvements identified on the Modifications to Special Review #784, Dairy Queen Restaurant, 300 East Eisenhower Boulevard, Loveland Colorado approved by the Current Planning Manager on June 30, 2011 and on file with the City's Current Planning Division (the "Special Review") shall be completed in accordance with all of the ordinances and regulations of the City, including but not limited to construction of the paved public access connection to Jefferson Avenue included therein (the "Public Access Connection"); and
2. A Grant of Easement, in the form and substance attached hereto as **Exhibit A** and incorporated herein by this reference (the "Easement"), for the Public Access Connection shall be duly executed and delivered to the City Current Planning Division; and
3. The Amended Plat of Lots 1 through 4, Lots 35 Through 39, a Portion of Lot 40 and the Vacated Alley Per Ordinance No. _____, all in Block 1, Warnock Addition (the "Amended Plat") in a form and substance acceptable to the City shall be duly executed and delivered to the City Current Planning Division; and
4. The City Engineer has determined that construction of the Public Access Connection has been satisfactorily completed; and
5. The Current Planning division has accepted the Easement and approved the Amended Plat and has recorded the Easement, this Ordinance, and the Amended Plat.

The vacation ordinance incorporates these conditions and provides that it will be effective when the Easement, the Vacation Ordinance, and the Amended Plat have been recorded, and further provides that the vacated portion of the public right-of-way shall be preserved as a public utility easement.

FIRST READING: April 20, 2010

SECOND READING: _____

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY
LOCATED IN BLOCK 1 OF THE WARNOCK ADDITION, CITY OF LOVELAND,
LARIMER COUNTY, COLORADO**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of public right-of-way described below, located in Block 1 of the Warnock Addition, City of Loveland, Larimer County, Colorado; and

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

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

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

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

Section 1. That the following described portion of public right-of-way be and the same is hereby vacated:

That portion of Block 1, WARNOCK ADDITION, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado as bearing North 90°00'00" West and with all bearings contained herein relative thereto:

BEGINNING at the Northeast corner of Lot 1, Block 1 of said WARNOCK ADDITION, said point being on the Westerly Right-of-Way line of a 20-foot Alley; thence along said Westerly Right-of-Way line South 00°58'50" West 108.10 feet to the Southeast corner of Lot 4, Block 1 of said WARNOCK ADDITION; thence departing said Westerly Right-of-Way line and along the Easterly prolongation of the South line of said Lot 4 North 90°00'00" East 20.00 feet to a point on the Easterly Right-of-Way line of a 20-foot Alley; thence along said Easterly Right-of-Way line North 00°58'50" East 108.10 feet to a point on the Southerly Right-of-Way line of East Eisenhower Boulevard (U.S. Highway No. 34); thence departing said Easterly Right-of-Way line

and along said Southerly Right-of-Way line of East Eisenhower Boulevard (U.S. Highway No. 34) North 90°00'00" West 20.00 feet to the Northeast corner of Lot 1, Block 1 of said WARNOCK ADDITION and the POINT OF BEGINNING. The above described Alley Vacation contains 2,162.04 square feet (0.05 acres), more or less.

Section 2. That as provided in Section 16.36.060 of the Loveland Municipal Code, the following conditions shall be applied to said vacation in order to preserve and promote the public health, safety and welfare to the inhabitants of the city and the public generally:

- a. Prior to second reading of this vacation ordinance, a public access easement for the connection to Jefferson Avenue, as described in **Exhibit A**, attached hereto and incorporated herein by reference, shall be dedicated to the City.
- b. Prior to second reading of this vacation ordinance, a paved connection to Jefferson Avenue, as approved by the City of Loveland Public Works Department, shall be provided by the owner(s) of Lots 35 and 36, Block 1 Warnock Addition.

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

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

Signed this ____ day of _____, 2010.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Assistant City Attorney

Exhibit A

PUBLIC ACCESS EASEMENT DEDICATION DESCRIPTION (Portion of Lots 35 & 36, Block 1, WARNOCK ADDITION)

That portion of Lots 35 and 36, Block 1, WARNOCK ADDITION, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of Section 13, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado as bearing North 90°00'00" West and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of Lot 35, Block 1 of said WARNOCK ADDITION, said point being on the Westerly Right-of-Way line of North Jefferson Avenue; thence along said Westerly Right-of-Way line North 01°05'30" East 24.53 feet to the TRUE POINT OF BEGINNING thence continuing along said Westerly Right-of-Way line North 01°05'30" East 24.00 feet; thence departing said Westerly Right-of-Way line North 90°00'00" West 140.13 feet to a point on the Easterly Right-of-Way line of a 20-foot Alley; thence along said Easterly Right-of-Way line of a 20-foot Alley South 00°58'50" West 48.67 feet; thence departing said Easterly Right-of-Way line of a 20-foot Alley North 21°40'35" East 14.33 feet to the beginning of a tangent curve concave to the Southeast, having a central angle of 68°19'25" and a radius of 18.00 feet, the long chord of which bears North 55°50'17" East 20.22 feet; thence Northeasterly along the arc of said curve 21.46 feet; thence tangent from said curve North 90°00'00" East 118.51 feet to a point being on the Westerly Right-of-Way line of North Jefferson Avenue and the TRUE POINT OF BEGINNING. The above described Easement Dedication contains 3,505.04 square feet (0.08 acres), more or less.

CITY COUNCIL

Anyone who wishes to speak to an item NOT on the Agenda may address the Council under Citizens' Report.

a) Citizens' Reports

Annie Hall, 1146 Finch Place, spoke to the Council about the need for a preschool in downtown Loveland. Her suggestion was to have the City donate land and Ty Pennington, from Extreme Home Makeover, build the home.

Samantha Murphy with Volunteer of America presented the City of Loveland with an award "Excellence in Government". Darcy McClure, administrator of the Community Partnership department accepted the award on behalf of the City.

Mims Harris with Pathways Past Poverty spoke on the key issues of childcare for infants, toddler and preschoolers.

Susie Breazier, director of Loveland Teaching Tree, spoke to Council about their system of sliding fees based on income.

b) City Council/City Manager Announcements

Rice Councilor Rice attended the Friends of the Library event and noted over 400,000 transactions were processed last year.

McKean Councilor McKean attended the waterway cleanup. Approximately 90 people participated in the downtown area.

Shaffer Councilor Shaffer attended the annual Pancake Breakfast and Plant sale at the Chilson Senior Center.

Heckel Councilor Heckel will be meeting soon with the committee working on a holiday season parade.

Solt Councilor Solt mentioned the Youth Advisory Commission recently reviewed 24 applications to fill 11 positions on the commission. He also spoke at a district convention of the Lion's Club who will be celebrating their 90th anniversary this year.

Williams City Manager Williams announced the boards and commissions item for the 4-27 Study Session will be removed from the agenda.

Gutierrez Mayor Gutierrez attended the Arbor Day event and publicly thanked the employees of Walgreens, local students and members of the Platte River Power Authority. He also expressed congratulations to the recipients of the Joe Jabaily Community Scholarship.

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

7. DEVELOPMENT SERVICES

ALLEY VACATION WARNOCK ADDITION (DAIRY QUEEN)

1ST Rdg & P.H.

Legislative Action: City planner Troy Bliss introduced this item. Also present were City staff members Sean Keller and Dave Klockeman. This is a legislative action to consider an ordinance on first reading vacating a portion of public right-of-way located in block 1 of the Warnock Addition. The property is generally located on the south side of Eisenhower Boulevard between Lincoln Avenue and Jefferson Avenue. The applicant is

Craig Lindberg. The Mayor opened the public hearing at 7:45 p.m. and hearing no comments closed the meeting at 7:46 p.m. Council requested the presence of the applicant at the second reading of the ordinance and to address Council's questions. Councilor Johnson moved to make the findings in Section IV of the April 12, 2010 Planning Commission staff report and, based on those findings, adopt on first reading "AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED IN BLOCK 1 OF THE WARNOCK ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO". Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

11. PUBLIC WORKS

Contract Extension 2009 Street Chip Seal Program

Motion

Administrative Action: City Engineer David Klockeman introduced this item. This is an administrative action to extend the 2009 Street Resurfacing Program, Chip Seal Program (Project ENSR09-CS) contract with A-1 Chip Seal of Broomfield, Colorado for the 2010 Street Resurfacing Program in the amount of \$571,073 and authorization for City Manager to execute the contract. Funding is available in the adopted 2010 Budget. Councilor Johnson moved to approve the extension of the Schedule CS (Chip Seal) Contract to A-1 Chip Seal of Broomfield, Colorado in the amount of \$571,073 and authorizing the City Manager to execute the contract. Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

12. PUBLIC WORKS

Contract Award 2010 Street Rehabilitation Program, Asphalt Paving

Motion

Administrative Action: City Engineer David Klockeman introduced this item. This is an administrative action to approve the Asphalt Maintenance Contract for asphalt paving for the 2010 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$1,250,000 and authorization for the City Manager to execute the contract. Councilor Johnson moved to award the Schedule AP (Asphalt Paving) contract to Coulson Excavating Company of Loveland, Colorado adjusted for the budgeted amount of \$1,250,000 and to authorize the City Manager to execute the contract. Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

UPDATE ON CITY MANAGER RECRUITMENT PROCESS

HR Director Todd Gamble provided to Council a recruitment schedule and draft copies of job description and recruitment brochure. Todd will add a residency requirement to the materials. Council will send any additional comments on the material to Todd via email. Council approved using video conferencing for first round of interviews. Todd will provide additional updates at the May 11th study session.

13. DEVELOPMENT SERVICES

Annexation & Zoning of Loveland Eisenhower Addition; Zoning of Allendale Plaza 5th Subdivision & Loveland Business Plaza First Addition

Legislative and Quasi-Judicial Actions: City Planner Karl Barton introduced this item to Council. Transportation staff member Sean Keller was also present. 1. A legislative action to adopt, on second reading, an ordinance annexing 41 acres to be known as the Loveland Eisenhower Addition; 2. A quasi-judicial action to adopt, on seconding reading, an ordinance zoning the Loveland Eisenhower Addition MAC – Mixed Use Activity Center; 3. A quasi-judicial action to adopt, on seconding reading, an ordinance re-zoning 17 acres of the Allendale Plaza 5th Subdivision from PUD to MAC – Mixed Use Activity Center; 4. A quasi-judicial action to adopt, on seconding reading, an ordinance



BRONZE ANODIZE LIGHT
POLE FIXTURE - REFER
TO ELECTRICAL PLANS
BY OTHERS

20'-0"

(4) ANCHOR BOLTS
FURNISHED TO GENERAL
CONTRACTOR BY
ELECTRICAL
CONTRACTOR PER
FIXTURE MANUFACTURER
TEMPLATE - VERIFY

CHAMFER
EDGE

FINISH GRADE

6"

CONDUIT IN 6"
OUT 30" MIN.
BELOW GRADE

6"

COFFER GROUND WIRE -
REFER TO ELECTRICAL

#4 VERTICALS W/ #4 TIES
@ 12" O.C.

CONCRETE BASE PER
GENERAL CONTRACTOR

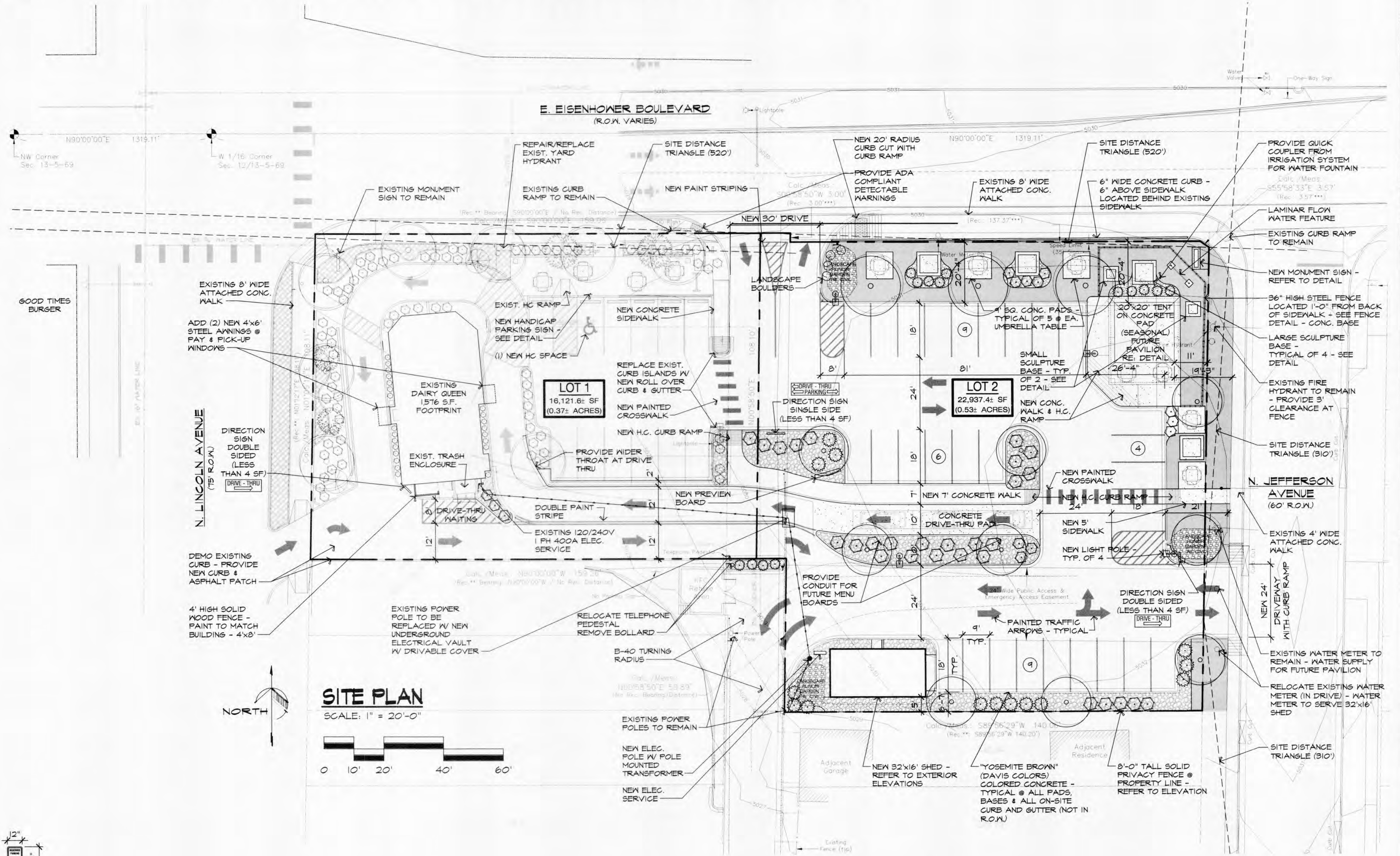
SCALE: 1/4" = 1'-0"

NOTE:
SIGN MOUNTED ON POST OR BUILDING/WALL

EXISTING PARKING = 12 SPACES
(INCLUDES 1 HC SPACE)
NEW PARKING = 28 SPACES
TOTAL PARKING = 40 SPACES

AMENDED PLAT OF LOTS 1 THROUGH
4, LOTS 35 THROUGH 39, A PORTION
OF LOT 40 AND THE VACATED
ALLEY PER ORDINANCE NO. _____,
ALL IN BLOCK 1, WARNOCK
ADDITION, CITY OF LOVELAND,
COUNTY OF LARIMER, STATE OF
COLORADO.

DAIRY QUEEN
300 EAST EISENHOWER BOULEVARD
LOVELAND, COLORADO 80537



THIS SPECIAL REVIEW IS APPROVED, SUBJECT TO
THE CONTINUING SET FORTH HEREON, BY THE CURRENT
PUBLISHER'S MANAGER OF THE CITY OF BOULDER,
LOUISIANA, COLORADO, THIS 30TH DAY OF
JUNE, 2011.

PREPARED BY:
HAUSER ARCHITECTS, P.C.
ALAN HAUSER
3720 EAST 15TH STREET, SUITE 201
LOVELAND, CO 80538
PHONE: 970.669.8220
FAX: 970.669.8233
EMAIL: HAUSERARCHITECT@AOL.COM

OWNER:
CRAIG LINDBERG
4942 ST ANDREW CT
LOVELAND, CO 80537

The undersigned agree that the real property described in the application for Special review filed herewith and as shown on the site plan, shall be subject to the requirements of Chapter 18.40 of the Municipal Code of the City of Loveland, Colorado and any other ordinances of the City of Loveland pertaining thereto.

The foregoing agreement was acknowledged before me this 27th day of June, 2011,
by Craig Lindberg

Witness my hand and official seal.
My commission expires: 6/13/15

Nancy Hansen
Notary Public

HAUSER
ARCHITECTS, P.C.

DAIRY QUEEN
MODIFICATIONS TO
SPECIAL REVIEW #784
LOVELAND, COLORADO 80537
PENHOWER BLVD.

300 EAST

DRAWN	BUD	2.11.0
REVISED	BUD	3.10.11
CHECKED		

SHEET **SR1** OF 4

**CITY OF LOVELAND**
POLICE DEPARTMENT

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

AGENDA ITEM: 18
MEETING DATE: 2/21/2012
TO: City Council
FROM: Luke Hecker, Chief of Police
PRESENTER: Luke Hecker

TITLE:

Public hearing to consider on first reading: An ordinance repealing and reenacting Chapter 5.28 of the Loveland Municipal Code regarding pawnbrokers to license and regulate pawnbrokers and pawnbroker operations

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance on first reading

OPTIONS:

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

DESCRIPTION:

This is a legislative action. Adoption of the ordinance would make it unlawful for any person to engage in pawnbroker operations in the City of Loveland unless a pawnbroker license has been issued by the City Clerk pursuant to the requirements of Chapter 5.28.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

Pawnshop Licensing fees were not anticipated at the time the budget was approved.

SUMMARY:

During the City Council Study Session on January 10th, 2012, Council considered governance models for pawnbroker operations and directed City staff to craft an ordinance requiring the licensing of pawnbrokers operating within the City of Loveland. Adoption of this ordinance would require all applicants for a pawnbroker's license or manager's certificate to file an application for

a license or certificate with the City Clerk; demonstrate compliance with State requirements for operating a business in good standing; pay application and license fees as established by City Council; furnish a bond from a responsible surety, to be approved by the City Clerk, in the amount of five thousand dollars (\$5,000.00); and comply with other regulations as provided in Chapter 5.28. Existing pawnbrokers would have six months from March 21, 2012 to be licensed and in full compliance with Chapter 5.28. Adoption of the ordinance would count the City among the 29 other municipalities (out of 271) in the State that license or otherwise regulate pawnbrokers.

If the ordinance is approved tonight, Staff will bring a resolution amending the fee schedule for Council consideration, immediately following second reading of the ordinance on March 6, 2012. The proposed fees are as follows:

Non Refundable application fees:

- New license \$400;
- Renewal \$100;
- Criminal investigation process (separate check for \$ actual cost);
- Manager Certificate \$100 (renewed every 3 years);

License fees: (in the event an application is denied, this fee would be refunded)

- Pawnshop license \$100.

On February 10, 2012, notification was mailed to the existing Loveland Pawnbrokers that City Council would be considering this ordinance on February 21, 2012.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

An Ordinance Repealing and Reenacting Chapter 5.28 of the Loveland Municipal Code Regarding Pawnbrokers to License and Regulate Pawnbrokers and Pawnbroker Operations

First Reading February 21, 2012

Second Reading _____

ORDINANCE No. _____

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 5.28 OF
THE LOVELAND MUNICIPAL CODE REGARDING PAWNBROKERS
TO LICENSE AND REGULATE PAWNBROKERS AND PAWNBROKER
OPERATIONS**

WHEREAS, pursuant to Chapter 5.28 of the City Code, the City of Loveland's current pawnbroker regulations are limited to the hours of operation; and

WHEREAS, various pawnbrokers within the City have requested that the City adopt a licensing process to ensure the integrity and reputable business practices of current and future pawnbrokers operating within the City; and

WHEREAS, City Council reviewed the pawnbrokers' licensing request and other regulatory alternatives at the January 10, 2012 City Council study session; and

WHEREAS, the City Council finds that an ordinance to license and regulate pawnbrokers and pawnbroker operations would benefit the health, safety and welfare of the City's residents and, therefore, is in the City's best interest.

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

Section 1. That Chapter 5.28 of the Loveland Municipal Code is repealed and reenacted to read in full as follows:

Chapter 5.28
Pawnbrokers

5.28.010 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant shall mean the individual, partnership, limited liability company, corporation, or other business entity that seeks a pawnshop license to be held in its name.

Contract for purchase shall mean a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price

and within a fixed period of time, to be no less than thirty (30) days, has the option to cancel the contract.

Chief of Police shall mean the duly appointed City of Loveland Chief of Police, or his or her designee.

City Clerk shall mean the duly appointed City of Loveland City Clerk, or his or her designee.

Customer shall mean a person who delivers personal property into the possession of a pawnbroker for the purpose of entering into a contract for purchase or a purchase transaction.

Fixed period of time shall mean that period of time, to be no less than thirty (30) days, set forth in a contract for purchase within which the customer has the option to cancel the contract.

Fixed price shall mean the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed one-fifth (1/5) of the original purchase price for each month plus the original purchase price.

License shall mean any document or permit issued by the city which authorizes an individual, partnership, limited liability company, corporation, or other business entity to conduct pawnbrokering activities within the city.

Manager shall mean an individual employed by a pawnbroker who is designated as manager or whose duties entail the exercise of discretion and independent judgment in the administration of the affairs of a pawnbroker's business and the supervision of other employees, as well as the making of loans, the execution of any documents required to be prepared pursuant to this chapter and/or the purchasing of goods or property on behalf of the business.

Manager's certificate shall mean the document issued by the city which authorizes an individual to perform his or her duties as manager for the pawnbroker.

Option shall mean the fixed period of time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be, but does not have to be, rescinded by the customer.

Owner shall mean a person, other than a pawnbroker, who claims to be vested with the legal or rightful title to certain tangible personal property.

Pawnbroker shall mean a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course said business. The term does not include "secondhand dealers" as defined in and regulated by Sections 18-13-114 through 18-13-118, C.R.S. *Pawnbroker* shall also include, without limitation, all owners, managers or employees of a pawnbroker business required to be licensed by the city whose regular duties include making contracts for purchase, purchase transactions or executing any documents required to be prepared pursuant to this chapter.

Pawnbrokering shall mean the business of a pawnbroker as defined by this section.

Peace officer shall mean any undersheriff, deputy sheriff (other than one appointed with authority only to serve summonses and execute civil process), city police officer, state patrol officer, town marshal, or investigator for a district attorney or the Attorney General, who is engaged in full-time employment by the State or a city, county, town or judicial district within this State.

Person shall mean any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

Pledge or pledged property shall mean any tangible personal property deposited with a pawnbroker pursuant to a contract for purchase in the course of his or her business as defined in this section.

Pledgor shall mean a customer who delivers a pledge into the possession of a pawnbroker.

Purchase transaction shall mean the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

State shall mean the State of Colorado.

Tangible personal property shall mean all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of business in connection with a contract for purchase or purchase transaction.

5.28.020 License required.

It shall be unlawful for any person to engage in pawnbrokering except as provided in and authorized by this chapter and without first having obtained a license from the city clerk. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this section.

5.28.030 Application.

All applicants for a pawnbroker's license or manager's certificate shall file an application for such license or certificate with the city clerk's office on forms to be provided by the city clerk's office. Each individual, partner of a partnership, manager of a limited liability company, officer, director and holder of ten percent (10%) or more of the corporate stock of the corporate applicant or holder of ten percent (10%) or more interest in a limited liability company shall be named in each pawnbroker's license application form, and each of them shall provide a complete set of fingerprints as part of the application. In addition, each applicant shall certify that the proposed pawnbroker establishment meets the requirements of the city's municipal code and regulations and provide proof of the applicant's right to possession of the premises wherein pawnbrokering will be conducted. Each individual named in the application shall be of good

moral character and each corporate applicant for a pawnbroker's license shall furnish evidence that it is in good standing with the State or, in the case of a foreign corporation, evidence that it is currently authorized to do business in the State and in good standing.

5.28.040 Application and License fees.

- A. Each applicant for a pawnbroker's license, whether an individual, partnership, limited liability company or corporation, shall pay an application and license fee at the time the initial application for a license is filed or at the time a renewal application is filed. The application fee shall be set annually by city council resolution and shall be nonrefundable. Said application fee shall be an annual fee set in an amount necessary to defray the city's actual and reasonable direct and indirect expenses of processing the pawnshop licensing application.
- B. Each applicant for a pawnbroker's license whose application is approved shall receive a license. The license fee shall be set annually by city council resolution. Said fee shall be an annual fee set in an amount necessary to defray the city's actual and reasonable direct and indirect expenses related to administration and enforcement of this chapter. The license fee shall be refunded to the applicant, if no license is granted.
- C. An issued pawnbroker's license shall be valid only for the calendar year in which it is issued. A pawnbroker's license application or license renewal application shall be valid only for the calendar year in which the associated pawnbroker's license is issued.

5.28.050 Investigation and approval of applicants and managers required; self-reporting of violations.

- A. No pawnbroker's license shall be issued by the city clerk until such application for a license has been investigated by the chief of police and compliance with the city's municipal code and regulations has been established. Each applicant shall submit a nonrefundable investigation and/or fingerprint and photograph fee for each individual named pursuant to Section 5.28.030 in the pawnbroker's license application at the time such application is filed in an amount not to exceed that charged by the Colorado Bureau of Investigation. Further, each applicant shall furnish sufficient documentation to prove the name, date of birth and residency of each individual named in the pawnbroker's license application, and shall provide any other information which is requested on such application.
- B. No licensee shall employ an individual as a manager, nor shall any individual accept such employment as a manager, unless such individual has been investigated and been granted a manager's certificate by the city clerk pursuant to the following:
 - 1. Prior to becoming employed as a manager by a licensee or to obtain a renewal certificate, an applicant for a manager's certificate shall provide a complete set of fingerprints as part of the application. Further, each applicant for a manager's

certificate, or renewal of such certificate, shall furnish sufficient documentation to prove the applicant's name, date of birth and residency, and shall provide any other information which is requested on the application.

2. An applicant for a manager's certificate shall pay a nonrefundable fingerprint and investigation fee in an amount not to exceed that charged by the Colorado Bureau of Investigation. If, however, the applicant can provide proof of a criminal history investigation completed by the Colorado Bureau of Investigation within the year immediately preceding the application, such individual need only submit a fingerprint card and photograph and pay the associated fee.
 3. Notwithstanding subsections 1 and 2 of paragraph B of this section, any individual named pursuant to Section 5.28.030 in a new pawnbroker's license application that is approved may receive a manager's certificate for the premises specified in the application without cost or further investigation, but shall be subject to and shall meet all other standards and qualifications required to obtain a manager's certificate as provided in this chapter.
 4. Each manager's certificate shall have clearly imprinted thereon a statement that it is valid only for the period of time specified thereon, and only in the pawn industry. A provisional certificate shall be issued by the city clerk upon filing of the application, which provisional certificate shall remain in effect during the pendency of an applicant's background investigation. Each provisional or regular manager's certificate shall be stamped with the name of the pawnbroker and business location(s) for which it is valid. A regular certificate issued shall be for a maximum period of three (3) years; and such certificate shall automatically expire: (i) upon a change of employment by the certificate holder, unless renewed within ten (10) days thereafter, or (ii) if the certificate holder is not employed in the pawn industry within the city for a period of ninety (90) days or more. A manager's certificate which has expired may be renewed by the application process described above.
 5. A manager's certificate may be revoked when the certificate holder has been determined by the city clerk to be in violation of any of the provisions of this chapter.
- C. It shall be unlawful for any person to make a false statement upon an application for a pawnbroker license and/or application for a manager's certificate.
- D. No pawnbroker license or manager's certificate shall be renewed or issued to the following persons under the provisions of this chapter:
1. Subject to the provisions contained in Section 24-5-101, C.R.S., a person who has been convicted of: any felony of this State or any crime elsewhere which under the laws of this State would be a felony; any crime of which fraud or intent to defraud was an element, whether in this State or elsewhere; any crime of embezzlement or larceny in this State or elsewhere against an employer or business; or any criminal or civil violation in this State or elsewhere related to any law or ordinance pertaining to the pawn industry;
 2. Any individual under the age of eighteen (18); or
 3. Any person who has made a false, misleading or fraudulent statement on his or her application for a pawnbroker's license or a manager's certificate.

- E. Any applicant holding a pawnbroker's license, individual named pursuant to Section 5.28.030 in a pawnbroker's license application, or individual holding a manager's certificate pursuant to this chapter who is convicted of any violation set forth in subsection 1 of paragraph C of this section subsequent to the issuance of such license or certificate shall report such conviction to the city clerk's office within five (5) business days of the conviction.
- F. Notwithstanding subsection 1 of paragraph D of this section, a pawnbroker's license or manager's certificate may be issued or retained where the sole basis for a denial or revocation of such license or certificate is a conviction for a criminal or civil violation related to any law or ordinance pertaining to the pawn industry and where the applicant demonstrates to the city clerk satisfactory evidence of rehabilitation, especially evidence pertaining to the period of time between the applicant's conviction that serves as the basis for the denial and the consideration of the application for such license or certificate.
- G. No employee under eighteen (18) years of age shall make loans, purchase any goods or property on behalf of the business or execute any document required to be prepared pursuant to this chapter, unless such employee is under the direct supervision of a manager holding a valid manager certificate who is physically present on the licensed premises.
- H. Within forty-five (45) days of receipt of an application for a new license or to renew a license, the city clerk shall issue or renew such license, provided that compliance with the city's municipal code and regulations has been established and the chief of police, after investigation, has made a recommendation regarding whether or not the applicant will operate or has operated the business in such a manner as to fully comply with the requirements and purposes of this chapter and is of good moral character. Such recommendation shall be made within thirty (30) days of receipt of said application from the city clerk's office.
- I. A license shall be limited to use at the premises specified in the application. Such license shall not be transferable to a premises at a different location.

5.28.060 Manager or change of manager.

- A. A pawnbroker may employ a manager to operate a pawnbrokering business, provided that the pawnbroker retains complete control of all aspects of the pawnbrokering business, including but not limited to the pawnbroker's right to possession of the premises, his or her responsibility for all debts and his or her risk of all loss or opportunity for profit from the business.
- B. In the event a pawnbroker changes the manager of a pawnbroker establishment, the pawnbroker shall report such change to the city clerk's office and register the new manager on forms provided by the city clerk's office within thirty (30) calendar days

of such change. The new manager shall be subject to and shall meet the standards and qualifications required to obtain a manager's certificate as provided in this chapter.

- C. Failure of a pawnbroker to report such change in manager or to report the failure of the manager to meet the standards and qualifications as required in this chapter to obtain a manager's certificate, may be grounds for termination of the license.

5.28.070 Surety bond required.

- A. Every applicant for a pawnbroker's license shall furnish a bond from a responsible surety, to be approved by the city clerk, in the amount of five thousand dollars (\$5,000.00), for the benefit of the people of the city, which bond shall be conditioned upon the safekeeping or return of all tangible personal property held by the pawnbroker, as required by law and ordinance, and upon compliance with all of the provisions of this chapter.
- B. No license shall be issued or renewed absent such approved bond. Termination or cancellation of an approved bond shall be grounds for summary suspension of the license and for subsequent revocation if a new bond is not furnished within thirty (30) days after demand by the city clerk.

5.28.080 City Clerk's approval required, suspension, revocation, renewal, appeal.

- A. The City Clerk shall have final authority to approve or deny any application or renewal application for a pawnbroker's license or manager's certificate, and to review any determination of or recommendation by any city department made with respect thereto. The city clerk in his or her discretion may issue the license or deny the license application upon the basis of the criteria set forth in this chapter.
- B. The city clerk shall have the authority to suspend or revoke the pawnbroker's license or manager's certificate pursuant for failure to meet the standards and qualifications as required in this chapter.
- C. The revocation, suspension or denial of the issuance or renewal of a license or manager's certificate may be appealed to the city manager pursuant to the appeals procedure set forth in Chapter 7.70 of this code.

5.28.090 Required book and records.

- A. Every pawnbroker shall keep books and records sufficient to identify each pledge, contract for purchase or purchase transaction, and each forfeiture of property pursuant to the terms of a contract for purchase. Every customer shall provide to the pawnbroker the following information for such books and/or records:
 1. The customer's name and date of birth;
 2. The current street address, city, state and zip code of the customer's residence; and

3. The customer's identification from:
 - a. An identification card issued in accordance with Section 42-2-302, C.R.S.;
 - b. A valid State driver's license;
 - c. A valid driver's license containing a picture issued by another state;
 - d. A United States military identification card;
 - e. A valid passport;
 - f. An alien registration card; or
 - g. A non-picture identification document lawfully issued by a state or federal governmental entity, if in addition to the document, the pawnbroker also obtains a clear imprint of the consignor's, seller's or trader's right index finger (or in the event the right index finger is missing, then the customer's left index finger).
 4. A clear imprint of the individual's right index finger. In the event that the right index finger is missing, the customer's left index finger shall be imprinted or, if the left index finger is missing, then any other of the customer's fingers or thumbs may be imprinted. If all fingers and thumbs are missing, this fingerprint requirement shall not apply.
- B. All transactions shall be kept in a numerical register in the order in which they occur, which register shall show the printed name and signature of the pawnbroker or agent, the purchase price or other monetary amount of the transaction, the date, time and place of the transaction, and an accurate and detailed account and description of each item of tangible personal property involved, including but not limited to any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks on such property. The books and records of the licensee shall also reveal the date on which each extension of credit under a contract for purchase was terminated and whether and by whom the pawned personal property of the customer was redeemed, renewed or forfeited upon the expiration of the contract for purchase.

5.28.100 Declaration of ownership.

- A. The pawnbroker shall at the time of making the contract for purchase or purchase transaction obtain a written declaration of ownership from the customer stating:
 1. Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
 2. How long the customer has owned the property;
 3. Whether the customer or someone else found the property; and
 4. If the property was found, the details of the finding.
- B. The pawnbroker shall require the customer to sign his or her name, in the presence of the pawnbroker, on the declaration of ownership and in the register to be kept under this chapter. The customer shall be given a copy of the contract for purchase or a receipt for the purchase transaction.

- C. A contract for purchase or subsequent renewal of any contract for purchase shall contain the following information: the name and address of the licensee; a description of the pledged property sufficient to adequately identify the pledged property; the date of the transaction; and the amount, duration and terms of the contract for purchase. The pawnbroker may insert on the contract for purchase any other terms, conditions and information not inconsistent with the provisions of this chapter.

5.28.110 Internet subscription service requirement.

Except for pawnbrokers exclusively dealing in the pawnbrokering of motor vehicles, every pawnbroker shall own, maintain and operate a computer system with Internet access that includes an Internet subscription service to a city-approved, national database of contracts for purchase or purchase transactions such as LEADS Online and maintain said subscription during the term of the pawnbroker's license. The pawnbroker shall enter and upload all information from its books and records regarding contracts for purchase, pledges and purchase transactions to such national database on a weekly basis.

5.28.120 Requirements for records.

- A. All original records required to be kept under this chapter must be kept in the English language, in a legible manner and shall be preserved and made accessible for inspection for a period of three (3) years after the date of redemption or forfeiture and sale of the property. Information from records and fingerprints inspected by the police department pursuant to this chapter shall be used for regulatory and law enforcement purposes only.
- B. Upon the demand of any peace officer, based upon reasonable suspicion, the pawnbroker shall produce and show any tangible personal property given to the pawnbroker in connection with any contract for purchase or purchase transaction. The pawnbroker's books shall list the date on which each contract for purchase was canceled, whether it was redeemed, or forfeited and sold.

5.28.130 Minimum fixed period of time; maximum fixed price.

- A. No contract for purchase shall be for a fixed period of time of less than thirty (30) days.
- B. No pawnbroker shall ask, demand or receive any fixed price that exceeds one-fifth (1/5) of the original purchase price for each month plus the amount of the original purchase price.

5.28.140 Holding period and sale of tangible personal property.

- A. A pawnbroker shall hold all property purchased by him or her through a purchase transaction for thirty (30) days following the date of purchase, during which time

such property shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any other way.

- B. A pawnbroker shall hold all goods received through a contract for purchase within his or her jurisdiction for ten (10) days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or packaged or altered in any way.

5.28.150 Hold order; surrender of property.

- A. Any peace officer may order a pawnbroker to hold any tangible personal property deposited with or in custody of any pawnbroker, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or other disposition may be made of such property held by any pawnbroker while the hold order remains outstanding. Any such hold order shall be effective for ninety (90) days only, unless a peace officer provides written notice to the pawnshop that a criminal prosecution has been undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker that the prosecution has been completed or dismissed.
- B. Unless a warrant is required by law or consent is given, if any peace officer determines, after investigation, that any article of personal property held by a pawnbroker is stolen or illegally obtained property, such officer may take such property into evidence after giving the pawnbroker a receipt for it which sets forth the police department's case number as well as the reason for the confiscation.
- C. A hold order shall be a written notice issued by a peace officer to a pawnbroker in any format that, at a minimum, provides a description of the personal property subject to the hold order sufficient to adequately identify such property, states that the personal property is related to a criminal investigation, sets forth the effective date of the hold order, and contains sufficient information to identify the issuing peace officer.
- D. It shall be unlawful for any pawnbroker to sell or otherwise dispose of an item of personal property after having been notified by a peace officer of a hold order on such property as provided in this section.

5.28.160 Seized property held by police; interpleader to determine ownership.

When property which was removed from the pawnbroker, his or her employee, agent or any other person acting on his or her behalf, either by consent, as provided in Section 5.28.150, or seized by warrant, and held by the police department as evidence, is no longer needed as evidence for further legal proceedings and there has been no judicial determination as to who is

the legal owner of the property, the city may interplead the property with the District Court for Larimer County, Colorado to resolve any ownership dispute.

5.28.170 Prohibited Transactions.

- A. It is unlawful for any pawnbroker, his or her employee, agent or any other person acting on his or her behalf to make a contract for purchase or make a purchase transaction with any of the following:
 - 1. Any individual under eighteen (18) years of age;
 - 2. Any individual under the influence of alcohol or any illegal narcotic drug, substance, stimulant or depressant;
 - 3. Any person the pawnbroker knows and/or whose actions would give the pawnbroker probable cause to believe the tangible property, which is the subject of a contract for purchase or purchase transaction with that customer, was obtained illegally; or
 - 4. Any person in possession of tangible personal property, which is the subject of a contract for purchase or purchase transaction, with an identification number thereon which is obscured. For the purposes of this subsection, the term obscure means to destroy, remove, alter, conceal or deface so as to render the identification number illegible by ordinary means of inspection.
- B. With respect to a contract for purchase, no pawnbroker may permit any customer to be obligated on the same day in any way under more than one (1) contract for purchase agreement with the pawnbroker which would result in the pawnbroker's obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one (1) contract for purchase covering the same tangible personal property.
- C. No pawnbroker shall violate the terms of any contract for purchase.

5.28.180 Safekeeping; insurance.

Any pawnbroker licensed and operating under the provisions of this chapter shall provide a safe place for the keeping of pledged property received by him or her, and shall have sufficient insurance on the pledged property held by him or her for the benefit of the pledgor to pay fifty percent (50%) of the fair-market value thereof in case of fire, theft or other casualty loss. A copy of the insurance policy shall be deposited with the city clerk's office prior to approval of the license. Neither the pawnbroker nor insurer shall be relieved from their responsibility by reason of such fire, theft or other casualty loss, or from any other cause, save full performance.

5.28.190 Inspection of premises, contents and records.

At all times during the term of the license, the pawnbroker shall allow any peace officer, based upon reasonable suspicion, to inspect licenses and businesses, to enter the premises where the licensed business is located, including any locked area or off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise and records therein to verify compliance with this

chapter and for the purpose of investigation. For the purposes of this provision, the term licensed premises shall not include any private residence adjacent to the licensed premises except such portion of said residence, if any, that is used in the operation of the business of the pawnbroker.

5.28.200 Hours.

It is unlawful for any person to operate as a pawnbroker between the hours of 8:00 p.m. and 12:00 midnight, and between the hours of 12:00 midnight and 8:00 a.m. of any day.

5.28.210 Pawnbroker license limited to one location.

A pawnbroker shall conduct his or her pawnshop business from only the licensed premise which shall be the location listed on the application for a pawnbroker's license and the pawnbroker's license. This provision shall not prohibit a pawnbroker from using warehouses or other storage locations away from the licensed place of business, but such other location shall be used only if the pawnbroker first submits notice to the city clerk's office in writing of such off-site locations or if the pawnbroker has previously identified such other location in his or her application for a pawnbroker's license. Such off-site locations shall be open to any peace officer for inspection as provided for in Section 5.28.190 of this code.

5.28.220 Location of pawnbroker businesses.

- A. Notwithstanding any other provision in the city code to the contrary, the business premises of a pawnbroker business shall not be located within one (1) mile of the business premises of another pawnbroker business. This restriction shall apply to all pawnbroker business licenses issued under this chapter after the effective date of the ordinance codified herein. This one-mile restriction shall not apply to the renewal of an existing pawnbroker business license, to the purchase of an existing pawnbroker business, or to the issuance of a pawnbroker license for an applicant who has received a city occupancy or sales tax license prior to [date] for a structure in which the pawnbroker business shall be located.
- B. For the purpose of this section, the distance between pawnbroker businesses shall be measured in a straight line, without regard to intervening structures, objects or city limits, from the property line of one (1) pawnbroker business to the property line of the other pawnbroker business. For the purposes of the one-mile restriction, determination of the propriety of a location will be made by the city clerk before a pawnbroker's license is issued.

5.28.230 Existing pawnbrokers; period for initial compliance.

All pawnbrokers operating a pawnbroker business at any location in the city on March 21, 2012 are permanently exempted from the location requirement stated in Section 5.28.220 above so long as that business remains in the same location. In addition to this exemption for existing pawnbrokers, all of said pawnbrokers are hereby granted six (6) months from March 21,

2012 to become in full compliance with all other requirements of this chapter, after which date said pawnbrokers shall be subject to all applicable requirements and penalties of this chapter.

5.58.240 Violations and penalties.

In addition to being subject to the revocation, suspension or denial of a license or manager's permit issued under this chapter, any person, including but not limited to any customer or pawnbroker, who violates any provision of this chapter shall be guilty of a misdemeanor offense punishable in accordance with Section 1.12.010 of this code.

5.58.250 Notice of penalties required.

Every pawnbroker shall conspicuously post a written notice, provided by the city's police department, in a place clearly visible to all customers which sets forth the penalties of this chapter and of Section 12-56-104(5), C.R.S., concerning providing false information to a pawnbroker and Section 18-4-410, C.R.S., concerning theft by receiving.

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).

Dated this _____ day of _____, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



CITY OF LOVELAND

DEVELOPMENT SERVICES DEPARTMENT

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

AGENDA ITEM: 19
MEETING DATE: 2/21/2012
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, Community & Strategic Planning

TITLE:

A resolution approving the updated Loveland Historic Sites Inventory as an amendment to the Loveland Historic Preservation Plan

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt A RESOLUTION APPROVING THE UPDATED LOVELAND HISTORIC SITES INVENTORY AS AN AMENDMENT TO THE LOVELAND HISTORIC PRESERVATION PLAN

OPTIONS:

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

DESCRIPTION:

This item is an administrative action to adopt a resolution adding 37 properties to the Loveland Historic Sites Inventory (the "Inventory"). The Inventory is part of the Historic Preservation Plan, which was adopted in 2002. The Inventory is a database that maintains a record of all properties in Loveland that have been surveyed. Demolition permits for those properties in the Inventory that have been determined to be potentially eligible for designation as a historic landmark are subject to review by the Historic Preservation Commission.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

On November 21, 2011, the Historic Preservation Commission (the "HPC") passed a motion to recommend that City Council add 22 surveyed properties (the "22 Properties") to the Inventory. The Colorado Historical Society provided documentation verifying that the 22 Properties were surveyed for potential eligibility to the National Register. After the 1999 Loveland Historic Preservation Survey (the "Survey") was completed there were 15 properties (the "15 Properties") that were surveyed at the intensive-level due to their proximity to historic Downtown. However, the 15 Properties were never officially added to the Inventory. The

resolution would add the 15 Properties and the 22 Properties to the Inventory to maintain a complete and accurate record of surveyed properties in Loveland.

Per Section 15.56.170 of the Loveland Municipal Code, properties in the Inventory that, based on the survey, meet the criteria to be potentially eligible for designated to the National Historic Register are subject to review by the HPC when any partial demolition, full demolition, or relocation work is proposed on the property. This review provides time for the HPC to determine if the property truly meets the criteria to be designated to the Loveland Historic Register. If the HPC determines that the property does not meet the criteria, then demolition proceeds. If the HPC determines that the property does meet the criteria, then additional time is provided for the HPC to talk to the property owner about possible designation or building relocation. The final decision to proceed with demolition is entirely at the decision of the property owner.

Only 9 of the 37 properties were determined to be eligible for designation. Those 9 properties are shown in red font on Attachment C. The map in Attachment C shows the location of the 37 properties and the existing properties in the Inventory. Designation of properties to the Loveland Historic Register is entirely at the discretion of the property owner.

Adding these 37 properties to the Inventory ensures that Loveland's cultural resources are sufficiently protected and that the City maintains a complete record of properties that have been surveyed.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Attachment A: Resolution

Exhibit A: Updated Loveland Historic Sites Inventory

The complete Inventory can be accessed at:

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=9605>

Attachment B: Staff memo

Attachment C: List of and map showing properties to be added to the Inventory

RESOLUTION #R-17-2012

A RESOLUTION APPROVING THE UPDATED LOVELAND HISTORIC SITES INVENTORY AS AN AMENDMENT TO THE LOVELAND HISTORIC PRESERVATION PLAN

WHEREAS, pursuant to Loveland Municipal Code Section 2.60.130, the Historic Preservation Commission is responsible for conducting surveys of historic sites, properties, and areas for the purpose of defining those of historic significance and for reviewing and recommending to City Council amendments to the Loveland Historic Preservation Plan; and

WHEREAS, the Loveland Historic Sites Inventory prepared in 1999 identifies structures that may meet the requirements for nomination to the National Register of Historic Places and classifies listed structures as eligible or not eligible for nomination; and

WHEREAS, the 1999 Loveland Historic Sites Inventory is a part of the Loveland Historic Preservation Plan pursuant to Code Section 15.56.170; and

WHEREAS, the 1999 Loveland Historic Sites Inventory has been updated to include structures previously evaluated for eligibility but not included in the 1999 Inventory and additional structures evaluated in 2009 and the Historic Preservation Commission has recommended that the updated Loveland Historic Sites Inventory attached to this Resolution as **Exhibit A** and incorporated herein by this reference (the "Updated Inventory"), be approved by the City Council as an amendment to the Loveland Historic Preservation Plan.

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

Section 1. That the Updated Inventory be, and is hereby, approved by the City Council as an amendment to the Loveland Historic Preservation Plan

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


ADOPTED this 21st day of February, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney



Community & Strategic Planning

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To: City Council

From: Bethany Clark, Development Services

Date: February 21, 2012

RE: Updated Loveland Historic Sites Inventory

Background

In 1999, the City of Loveland took steps to identify and evaluate its historic resources in response to urban growth and its potential to affect historic preservation. Over 2,300 historic properties were surveyed and evaluated for potential designation to the National Register of Historic Places (“National Register”). The Loveland Historic Preservation Survey project (the “Survey”) had two aims. The first was to complete a reconnaissance survey to provide a quantitative as well as qualitative summary about all of the City’s structures older than 50 years. The second was to complete an intensive-level survey of 100 properties in two areas that appeared to contain significant concentrations of related historic buildings: the historic downtown and West Fourth Street.

In 2002, the City of Loveland developed a Historic Preservation Plan (the “Plan”) and adopted a Historic Preservation Ordinance. A section of the Plan, the Loveland Historic Sites Inventory (the “Inventory”) was based on the 1999 Survey and adopted as a comprehensive list of properties that had been surveyed in the Loveland area. Since adoption in 2002, the City has received documentation from the Colorado Historical Society of additional properties that have been surveyed and evaluated for potential eligibility for listing in the National Register. The City also undertook a survey in 2009 which evaluated properties not originally included in the Inventory. Staff also identified 15 properties surveyed at the intensive-level as part of the 1999 Survey which were not incorporated into the Inventory.

Purpose of the Inventory

The Inventory is meant to serve as a comprehensive record of all properties that have been surveyed for potential eligibility to be listed in the National Register. Per Section 15.56.170 of the Loveland Municipal Code, when an owner of property identified in the Inventory as potentially eligible for designation to the National Register submits a permit for partial or full demolition or relocation the Historic Preservation Commission (HPC) can delay issuances of the permit to allow time for the HPC to review the structure’s historic significance. Not all of the properties included in the Inventory are subject to the demolition delay. Only those properties that, when surveyed, were deemed potentially eligible for listing in the National Register either Individually, as part of a Multiple Property designation, or as a component of a Historic District. These properties are identified with a ‘Y’ placed in at least one of the three columns in the Inventory marked “I”, “M”, or “D”.

Of the 37 properties the HPC is requesting be added to the Inventory, only nine would be subject to the demolition delay. It is important to include all of these properties in the Inventory to maintain a complete and accurate record of all surveyed properties both for public use as well as for staff use.

Demolition Delay

The demolition delay ordinance is a protection put in place to allow the HPC a short period of time to review properties proposed for demolition and ensure that a significant cultural resource will not be lost. The HPC is allowed 15 days to review the property to determine if it truly meets the criteria for designation. If the HPC determines that the building meets the criteria for designation, they could proceed with submitting a nomination for the property and try to talk to the property owner about possible designation or building relocation. However, the demolition delay does not limit what a property owner can do with their property and it does not infringe on private property rights because, ultimately, the decision of what happens to the property is up to the property owner. A property cannot be designated to the local, State, or National Historic Register without the owner's consent. The demolition delay is simply a safeguard to prevent potentially historic buildings from being demolished for the established 15 days while the HPC reviews the property for significance.

Determination of Eligibility

Surveys such as those that the City has undertaken and those which provided the information for the additional properties to be added are recorded with the Colorado Historical Society and maintained in their database. As a result, it is required that these surveys are performed by a qualified professional skilled in cultural resource identification and recording. Properties are evaluated for their historic or architectural value and their determination of eligibility is based on the following criteria for designation to the National Register.

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

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


Though on the surface, some of the properties requested to be added to the Inventory may not seem to warrant the protection afforded them by the demolition delay, these properties have been determined to have some degree of historic or architectural significance based on the National Register criteria. For example, the property at 106 South Lincoln Avenue commonly referred to as the Quonset hut, might not appear to a property with any historic significance. However, Quonset huts are a reflection of the World

War II-era during which a large number of these structures were constructed for war use and later to ease the post-war housing shortage in American cities and on university campuses. These prefabricated, portable structures were easy to disassemble, locate to a new site and reassemble. Later, these structures were sold to the civilian world for use in both residential and commercial applications. Surviving Quonset huts are therefore a distinctive type of architecture, especially within an urban environment and 106 South Lincoln Avenue may qualify for the National Register under criterion C.

In addition, this particular Quonset hut is notable for its association with the beginning of Hewlett-Packard's prominence in the community. This Quonset hut housed HP's transformer winding production line and the Research and Development Laboratory from 1961 through mid-1962 when they relocated to their newly constructed Building A on their campus at Taft Avenue and 14th Street SW.

Properties to be Added to the Loveland Historic Sites Inventory

Num	Dir	Street	Address	Type	Style	Context	Integrity	I	M	D	Built	Intensive Survey
105	E	1st St	105 E 1ST ST	House	Modern Movements	Comm/Indstry	Good				1924	Y
144	E	2nd St	144 E 2ND ST	House	Hipped-Roof Box	Settlement					1900	
100	E	3rd St	100 E 3RD ST	Commercial	One-part Commercial Block	Comm/Indstry	Poor				1949	Y
102	E	3rd St	102 E 3RD ST	Commercial	Two-part Commercial Block	Comm/Indst	Excellent	Y			1900-1906	Y
118	E	3rd St	118 E 3RD ST	House	Late Victorian	Settlement	Excellent				1902	Y
217	E	3rd St	217 E 3RD ST	Commercial	One-part Commercial Block/Garage	Comm/Indstry	Poor				1918-1927	Y
216	SE	3rd St	216 3RD ST SE	House	Late 19th/Early 20th Century Am Movements	Settlement					1900	
110-114	E	4th St	110-114 E 4TH ST	Retail	Commercial Block	Comm/Indstry	Poor					Y
129	E	5th St	129 E 5TH ST	Commercial	One-part Commercial Block/Automotive Garage	Comm/Indstry	Good				1911-1918	Y
121-123	E	5th St	121-123 E 5TH ST	Commercial	One-part Commercial Block	Comm/Indstry	Poor				1918-1927	Y
125-127	E	5th St	125-127 E 5TH ST	Commercial	One-part Commercial Block	Comm/Indstry	Poor				1937	Y
101	E	6th St	101 E 6TH ST	House	Late 19th/Early 20th Century Am Movements	Settlement	Good				1908	
1521	W	12th St	1521 W 12TH ST	House	Ranch	Settlement					1951	
555	N	Adams St	555 N ADAMS ST	Church	Late Victorian / Gothic Revival	Settlement	Fair			Y	1909	Y
600		Albany	600 ALBANY AVE	House		Settlement	Good				1940	
104	E	Eisenhower Blvd	104 E EISENHOWER BLVD	House	I-House	Settlement					1908	
108	E	Eisenhower Blvd	108 E EISENHOWER BLVD	House	Late 19th/Early 20th Century Am Movements	Settlement					1913	
531	E	Eisenhower Blvd	531 E EISENHOWER BLVD	Commercial		Comm/Indstry					1950	
533	E	Eisenhower Blvd	533 E EISENHOWER BLVD	Commercial		Comm/Indstry					1947	
617	E	Eisenhower Blvd	617 E EISENHOWER BLVD	Hotel	Modern Movements	Settlement					1955	
900	E	Eisenhower Blvd	900 E EISENHOWER BLVD	Commercial	Modern Movements	Comm/Indstry					1951	
2112	W	Eisenhower Blvd	2112 W EISENHOWER BLVD	House	Foursquare	Settlement	Poor				1904	Y
109		Ernest Pl	109 ERNEST PL	House		Settlement	Good	Y			1877	Y
1244	N	Garfield Ave	1244 N GARFIELD AVE	House	Minimal Traditional	Settlement					1948	
419-425	N	Jefferson Ave	419-425 N JEFFERSON AVE	Commercial	One-part Commercial Block	Comm/Indstry	Good			Y	1918-1927	Y
201	N	Lincoln Ave	201 N LINCOLN AVE	Commercial	Modern Movements	Comm/Indstry					1926	
1305	N	Lincoln Ave	1305 N LINCOLN AVE	House	Ranch	Settlement					1935	
323-265	N	Lincoln Ave	323-365 N LINCOLN AVE	Mixed Use	One-part Commercial Block	Comm/Indstry	Good			Y	1936	Y
414-420	N	Lincoln Ave	414-420 N LINCOLN AVE	Commercial	One-part Commercial Block	Comm/Indstry	Fair			Y	1918-1927	Y
426-428	N	Lincoln Ave	426-428 N LINCOLN AVE	Mixed Use	Two-part Commercial Block/Mediterranean Revival	Comm/Indstry	Good	Y		Y	1900-1906	Y
106	S	Lincoln Ave	106 S LINCOLN AVE	Commercial	Quonset	Comm/Indstry		Y			1947	
532	N	Madison Ave	532 N MADISON AVE	House	Late 19th/Early 20th Century Am Movements	Settlement					1933	
808	N	Madison Ave	808 N MADISON AVE	House	Cottage	Settlement	Good				1920	
1101-1149	N	Madison Ave	1101-1149 N MADISON AVE	Manufacturing	Late 19th/20th Century Revivals	Comm/Indstry					1901	
538	N	Sheridan Ave	538 N SHERIDAN AVE	House	Late Victorian	Settlement	Fair				1909	Y
2750	N	Taft Ave	2750 N TAFT AVE / NORTH LAKE PARK	School	Schoolhouse	Settlement	Good				1883	Y
5445		Wild Lane	5445 WILD LANE	House	Renaissance Revival	Settlement	Excellent	Y			1905	Y

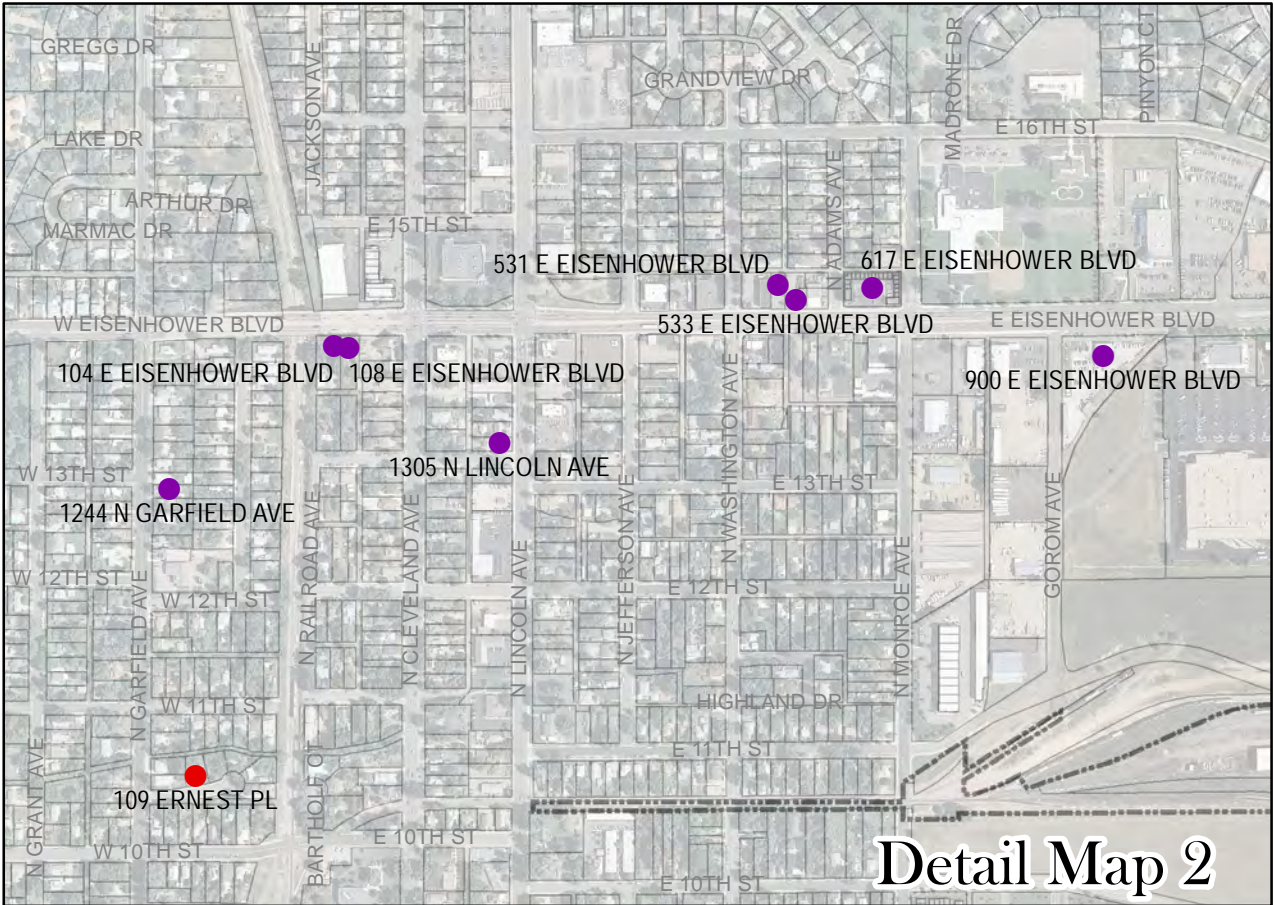
 = Properties originally from the 1999 Loveland Historic Preservation Survey

Address = Subject to demolition delay

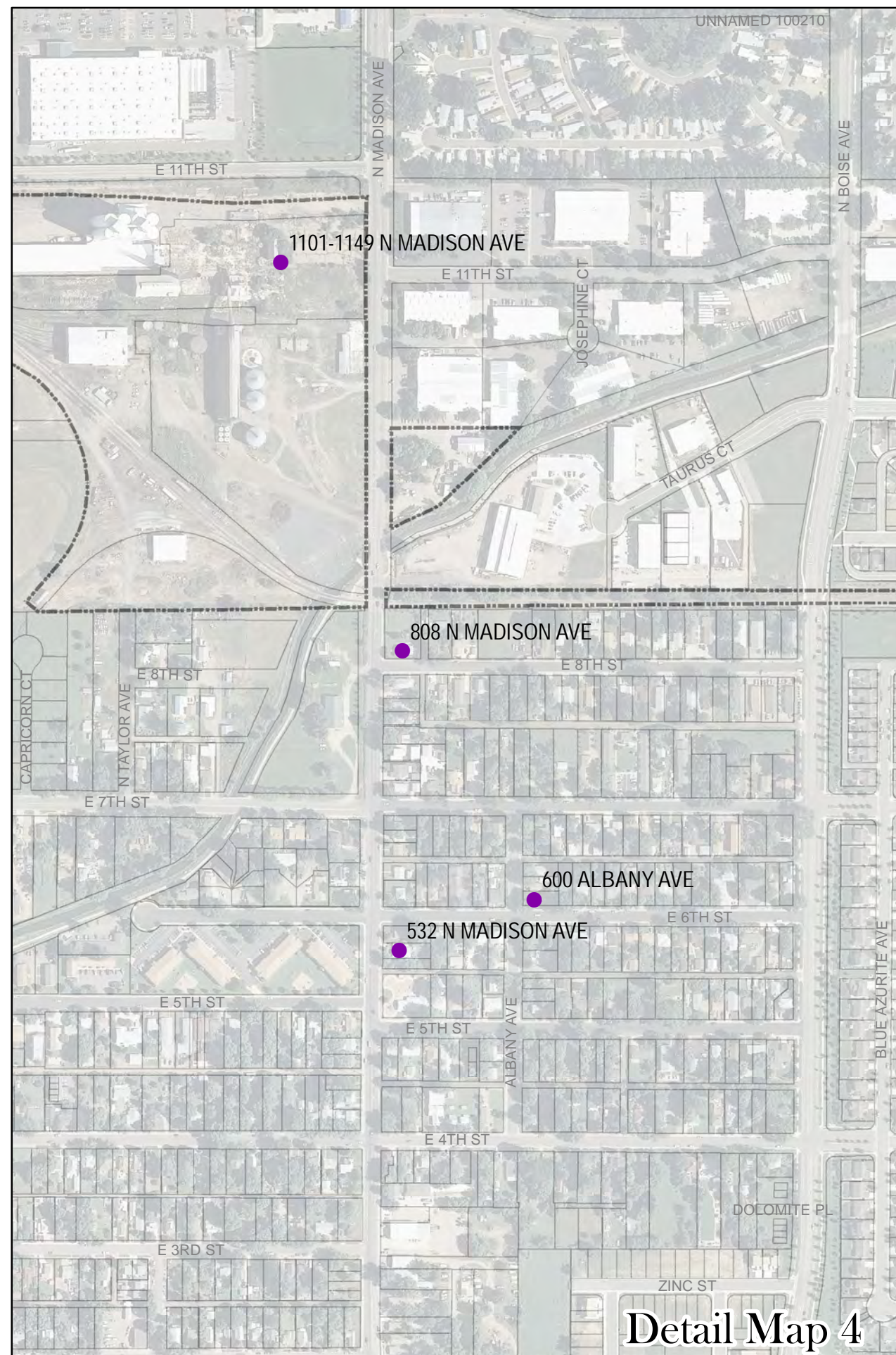
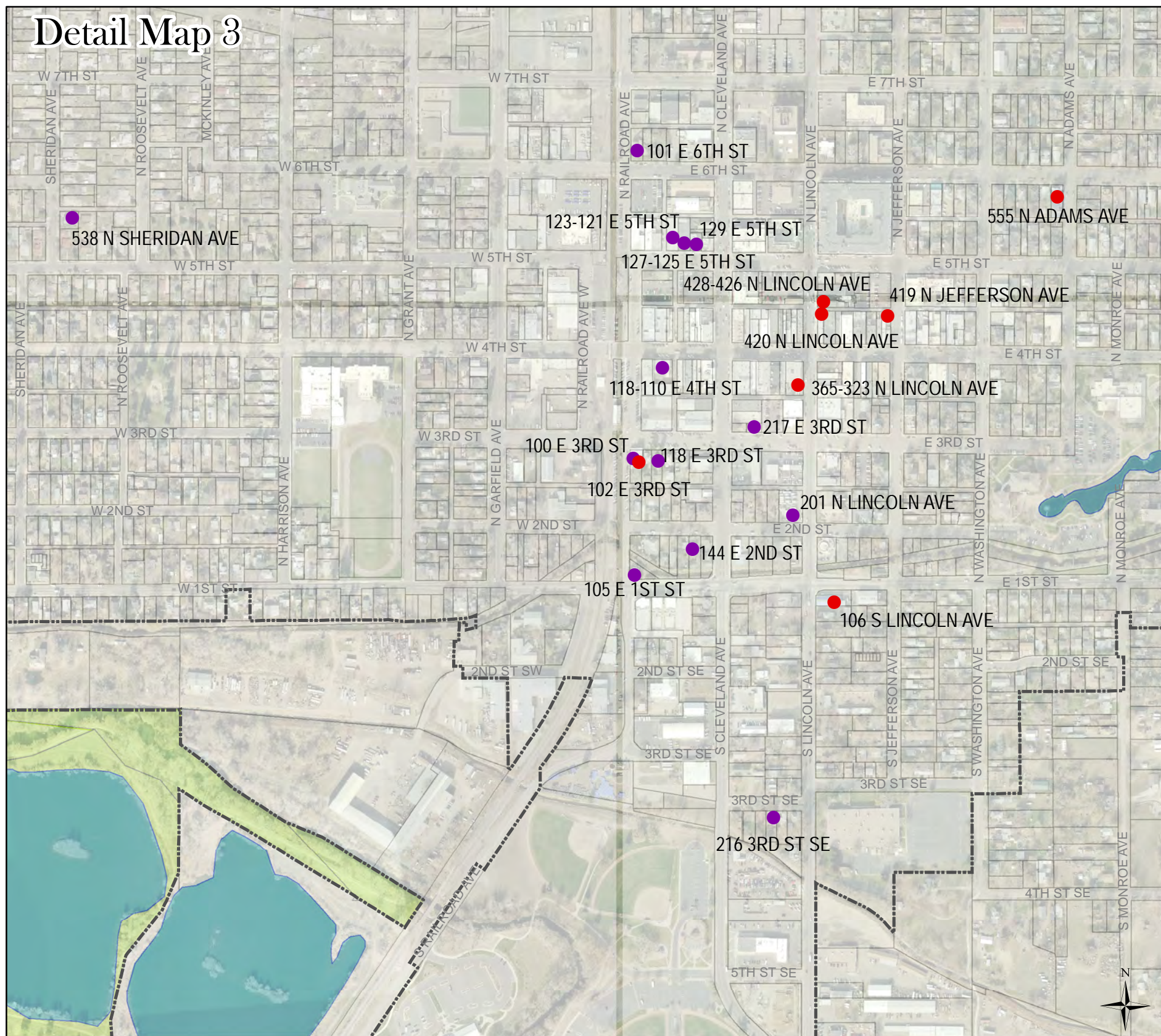
How to Use this Table

The table is arranged by numbered streets first then alphabetical street names: direction (East, North, South, West, and NE, NW, SE, and SW) second, and ascending numerical order of address third. If a property is located on a street corner, check both streets for possible listing.

Type	describes the kind of property or structure.
Style	refers to the architectural style of the structure or a predominant architectural feature. Frame refers to wood frame structures; vernacular describes a local building style either wood or masonry. In some entries, the style description is abbreviated.
Context	Surveyors identified significant themes, contexts, in Loveland's history. This table includes: settlement and urban growth, transportation, tourism, government, cultural life, agriculture, commerce and industry.
Integrity	describes how closely the current condition of the structure resembles the historic intent of the builder or how well alterations respect original construction. In this Table surveyors describe a property's integrity as excellent, good, fair, or poor. Integrity is not synonymous with condition nor how well a building is maintained.
I, M, D	are abbreviations for <u>I</u> ndividual, <u>M</u> ultiple Property, or Historic <u>D</u> istrict and indicate a property's eligibility for listing in the National Register of Historic Places. A "Y" in any one or more of these columns indicates that the property is potentially eligible for nomination as an "Individual" property, as a contributing structure to a "Multiple Property" nomination, or as a component of a "Historic District". If these columns are blank, the property is not considered eligible for nomination to the National Register. However, these properties may still be eligible for nomination to the Loveland Historic Register.
Built	Surveyors base construction dates on standard historic research practice by consulting early maps, assessor's records, and other materials. In some cases, these dates are the best educated guess describing when a structure was built or entered into tax rolls. Many entries are marked <i>ca</i> for <i>circa</i> , the year approximately around which a historic structure was constructed. Some properties are marked NA for <u>N</u> ot <u>A</u> vailable.
Intensive Survey	indicates whether an intensive-level survey was completed for the property. Intensive-level surveys provide a more in-depth analysis of the structure's historical significance and potential eligibility for landmark designation, as well as a historical and structural background.



Detail Map 3





CITY OF LOVELAND

ECONOMIC DEVELOPMENT OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 20
MEETING DATE: 2/21/2012
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Betsey Hale

TITLE: City of Loveland Technology Transfer Acceleration Initiative

RECOMMENDED CITY COUNCIL ACTION: Make a motion to approve the use of City Council incentive funds for a citywide technology transfer effort for primary employers.

OPTIONS:

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

DESCRIPTION: This is a legislative action. The City of Loveland economic development strategy states the number one goal for the City is to “Make Loveland the heart of innovation and creativity in Colorado.” City Economic Development staff and local primary employers are requesting the Loveland City Council use \$150,000.00 of the Council economic development incentive fund to seed an accelerated technology transfer program citywide.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible

This project will use \$150,000.00 from the City Council incentive fund if approved.

SUMMARY: The Technology Transfer Acceleration Initiative is an opportunity for the City of Loveland to assist existing Loveland primary employers in gaining direct access to federal research agencies’ and laboratories’ intellectual property and technology. In addition specialized business assistance in applying for Small Business Innovation Research Grants (SBIR) and interacting with federal agencies, research laboratories and universities will be offered.

Economic Development Director Betsey Hale would be the program coordinator and act as a liaison between local business owners and the members of the DA2 Consulting Team (see team bios attached) The consulting team would carry out the technology mining and matching as well as the business development training and grant writing. DA2’s team members are

uniquely qualified to carry out the tasks of this program in an efficient and effective manner. They are already engaged in these activities with federal agencies and laboratories and they have established relationships with federal laboratory administrators and technologists. Cooperation has been offered by the staff at Northern Colorado Economic Development Corporation (NCEDC), the Rocky Mountain Innovation Initiative (RMII) and the Colorado Clean Energy Cluster (CCEC). Colorado State University's (CSU) technology transfer and CSU ventures staff have agreed to assist with meetings and trainings as needed.

Use of incentive funds for this effort is consistent with previous uses such as the undergrounding of power for the Loveland Sculpture Invitational and the ArtSpace Market study. The three year funding for the Office of Creative Sector Development comes from the incentive fund allocation. There is support for the use of the funds for this program from the business community as presented in the many letters of support Council members have received.

REVIEWED BY CITY MANAGER: 

LIST OF ATTACHMENTS:

1. Bios of DA2 Team
2. Presentation
3. Letters of support

DA2 Consulting LLC, headquartered in Longmont, Colorado, is a business strategy and product development consulting firm specializing in developing and executing growth strategies for high-tech companies. Our consultants are career experts in business development, Federal contracting, technology R&D, system design & development, and commercial spin-offs. We work for firms of all sizes, from start-ups to Fortune 500 companies. DA2 can help you explore new technologies, engineer them into innovative new products, and package them with compelling business models. DA2's primary objective is to leverage the commercialization of advanced technologies to improve our client positions in the market and to develop winning strategies that fit their company culture and return on investment goals and objectives. We have a successful track record of technology development and insertion programs that drive commercial revenue growth. DA2 focuses on development programs for new technologies, components, products, and systems. Its consultants are experienced with all phases of the US Government acquisition process including proposal development and submittals for all government agencies. DA2 actively engages with DOD, DARPA, NRO, NASA, DOE, DHS and other US government research and development agencies.

- **David A. Lung, President DA2 Consulting (DA2 HQ - Longmont, CO)**
David Lung, President of David Alan & Associates, founded DA2 Consulting in 2004 and currently serves as DA2's president and principal consultant. With more than 25 years of aerospace, defense and energy industry experience in strategic planning, business development, advanced technology development and government program management, Mr. Lung has established a strong track record of generating results. His professional experience spans multiple technologies from components to systems for land, sea, air and space applications. Mr. Lung also serves as lead consultant for DA2's strategic partnership with NASA research centers. This partnership is dedicated to enhancing U.S. energy independence by providing industrial, academic and research organizations with NASA partnership opportunities and access to Federal funding and commercial investment capital focused on clean and renewable energy technology developments. Mr. Lung previously worked in senior management positions with Coherent Technologies, Space Flight Systems Division and Sensor Systems Division of Goodrich Corporation, and served as an officer in the US Air Force. He holds a B.S. in Aerospace Engineering & Mechanics from the University of Minnesota and an MBA from the University of Texas. Mr. Lung holds an active Top Secret security clearance.
- **David Olson, Senior Consultant – Management & Business Strategy DA2 Consulting (DA2 Washington DC / New England Office)**
Dave Olson brings more than 30 years of senior executive level expertise to DA2 Consulting. Mr. Olson provides strategic planning, business development, team coaching, technology initiatives and strategy development for DA2 clients. He recently served as interim CEO for a DA2 client and developed their five-year strategic plan. Before joining DA2, Mr. Olson worked for Goodrich Corporation as the vice president of strategy and acquisitions for the ISR Systems; the vice president and general manager of the Electro-Optical Systems; and the vice president of business strategy of the ISR Systems. As vice president of business strategy, he led the five-year strategic planning process, integrating plans of the surveillance and Reconnaissance, Electro-Optical Systems and Space Flight Systems business units. Prior to Goodrich, he held management positions at

Raytheon, Perkin-Elmer, Tinsley Laboratories and Spectron Optical Systems. Mr. Olson also serves as lead consultant for DA2's Washington DC operations. He holds a B.S. in Physics from Bates College and an M.A. in Physics from Williams College. David Olson holds an active Top Secret security clearance.

- **Laurence A. Dobrot, Senior Consultant – Product Development & Systems Engineering (DA2 Albuquerque NM Office)**

Andrew Dobrot is a Senior Consultant with DA2 Consulting specializing in program management and systems engineering for advanced technology development and demonstration projects. Andy retired in October 2010 from the USAF as Colonel following a distinguished 25-year career. Andy brings over 25 years of successful leadership, program management and systems engineering excellence with a reputation for building teams and getting the job done. He is an experienced Air Force leader with assignments in both the aircraft and space fields. Andy retired as the Vice Commander and Deputy Program Director for the \$5B Airborne Laser weapon system, part of the Missile Defense Agency, commanding a 200-person team of military, government civilians, support contractors and the 1,000-member prime contracting team that delivered the largest and most complex airborne laser weapon system in the world. Prior to his Airborne Laser assigned, Col Dobrot led a 100-member Military Space Plane Integrated Concept Team for Air Force Space Command, working closely with NASA and the Air Force Research Labs to define missions, requirements, concepts, funding and technologies for the Air Force's reusable space architecture. The Air Force recently launched an X-37B Orbital Test Vehicle, which is a direct result of the team's development work. Andy holds a BS in Mechanical Engineering from Michigan Technological University, an MS in Systems Management from the University of Southern California, a Master of Strategic Studies from the Army War College, and a Master of Arts In National Security And Strategic Studies with Distinction, Naval War College. Andy holds an active Top Secret security clearance.

- **William (Bill) Matvichuk, Senior Consultant – Market Research & New Business Development (Arvada, CO)**

Bill is responsible for the commercialization of a wide range of energy storage products, from direct methanol fuel cell generators (DMFC) to solid oxide fuel cell systems (SOFC) and advanced chemical reactors. His primary role is to provide expertise in strategic planning, marketing research, key account management, new product launches and to guide the development of strategic alliances enabling the company to further access technologies and markets. Bill has led proposal responses for large programs announced by the Army, Navy, Air Force and Marines. US Military customers include Eglin, Kirtland, Wright Patterson, Tyndall, Army: Natick Soldier Systems Center, Night Vision & Electronic Sensors Directorate, Research Development & Engineering Command (RDEC), Tank-Automotive Research, Development and Engineering (TARDEC), Tank-Automotive Command (TACOM), Portable Tactical Electrical Power, Army Test and Evaluation Command (ATEC), Research Development and Engineering Command (RDECOM), Communications - Electronics Research, Development and Engineering Center (CERDEC), Navy Research Lab (NRL) - Navy Shipboard Fuel Cell Program. DoD Primes include Raytheon (MA, RI, AZ), Hamilton Sundstrand, General Dynamics (MI Land, MD Robotics), Northrop Grumman (FL), Boeing (WA, CA, Phantom Works), Ball Aerospace (CO). Bill's

commercial customer experience includes North American manufacturers of Recreational Vehicles, Power Tools, Internal Combustion (IC) Generators and Uninterruptible Power Suppliers, American Honda R&D, and CellTech Fuel Cells. Bill is also a member of the Colorado Fuel Cell Council. Bill holds an MA in Business Administration from McMaster University in Hamilton, Ontario Canada.

- **Dr. Robert MacKenzie, Senior Consultant – Homeland Security Solutions (DA2 Oak Ridge TN Office)**

Dr. MacKenzie brings extensive experience marketing technical products and services throughout the world including Europe, the USA, Asia, and Australasia. He has an excellent track record for Business Development activities that result in winning solutions. Bob led the DA2 technical volume support for ThermoFisher Scientific's proposal to Dept of Homeland Security, winning a \$500M award for US port-of-entry radiation portal monitoring system. He managed the development of the winning strategy for a \$120M handheld radiation detection project for the Dept of Homeland Security, leading the engineering team to develop a technical solution based on new radiation detection technology being deployed for the first time. Bob managed Ametek's Chinese Organization generating 30% growth per year. He grew a major new OEM accounts for fast timing electronics to enable time of flight mass spectrometry at high data rates. Developed CRADA with DOE-INEL resulting in successful high security product. Managed Japanese Joint Venture (SEGG). Bob has extensive business development experience with Middle East Governments and entities, including developing business around supporting recovery efforts from the Chernobyl accident in the Soviet Union. Dr MacKenzie has a B.S. in Physics, M.S. in Reactor Physics, and PhD in Neutron Physics from Birmingham University in Birmingham UK. He holds an active Secret security clearance.

- **Grover Mullin, Senior Consultant – Maritime Systems & Surveillance (DA2 Minneapolis MN Office)**

Grover is a proven leader with expertise in market analysis, strategic planning, business development, program negotiations, business plans, program management, contract and subcontractor performance and management of systems integration. Expertise in assessing trade offs, planning, organizing, directing and controlling programs. He planned, directed and managed commercial computer peripherals product development for Control Data and IBM. Worked with venture capital firms in scouting for high-tech investment opportunities, and creating exit strategies for companies in which they invested. Biochemical research experiment and design at 3M for finding novel bioactive compounds. Systems analysis and design experience with the U.S. Federal Reserve Communications Network. Program management experience with General Dynamics and Lockheed Martin for land vehicle, ship, aircraft and satellite communications systems involving integration of sensors and data bases for intelligence fusion and meaningful dashboard display. Grover is a former US Navy officer and naval instructor in command, control and communications computer systems. He holds a B.S. in Biochemistry from the University of Minnesota/Mankato an M.S. in Systems Management from George Washington University. He holds an active Secret security clearance.

MARK S. LAKE is an executive consultant with EagleRock Consulting, Inc. with particular expertise in small-business innovation, multi-organization cooperative ventures, technology capitalization, and building government-focused technology and services businesses. Dr. Lake is the author of *The Inventor's Puzzle: Deciphering the Business of Product Innovation* (ISBN 978-0-578-03347-1), and he has presented numerous invited speeches at professional forums worldwide. He is also a former adjunct faculty member of the University of Colorado and senior research engineer and program manager for NASA. Dr. Lake is currently providing a wide range of executive-consulting services to small, high-tech and product-innovation businesses to enable all phases of evolution and growth from startup through market entry and/or technology sale/acquisition. Among his clients are businesses with a wide range of product offerings including: computer software, medical devices, alternative-energy systems, and consumer goods. Among his accomplishments are providing the impetus, vision, and leadership to build multi-market intellectual-property portfolios with \$100M acquisition potential at numerous small companies with startup budgets of less than \$1M, and establishing long-term relationships with numerous government labs and acquisition program offices for development and marketing of new products and services.

TECH TRANSFER ACCELERATION INITIATIVE

A Tactic for aggressive Primary employer
retention, expansion and attraction in the City of
Loveland

WHAT ARE WE PROPOSING

- ✘ Provide technology matching, transfer, and commercialization services between federal agencies, research laboratories and universities to existing employers
- ✘ Provide assistance to Loveland Center for Business Development and Office of Creative Sector Development clients applying for Small Business Innovation Research Grants and specialized business development training

WHAT ARE WE PROPOSING

- ✘ Facilitate visits from key personnel from federal agencies and research labs to train and assist in product research, development and commercialization
- ✘ Develop and implement a marketing and communication plan to promote awareness of the research opportunities in Loveland
- ✘ Active engagement in targeting and recruiting technology companies to Loveland

HOW WOULD WE DO THIS?

- ✖ Initiative launch meeting (March)
- ✖ 30 Loveland companies one on one technology mining
- ✖ SBIR grant application workshops
- ✖ SBIR grant application one on ones
- ✖ Identify federal agency, labs and research personnel to come to tour Loveland companies and collaborate
- ✖ Technology Expo at business appreciation event
- ✖ NASA Lab speaker at business appreciation

WHO WOULD BE DOING IT?

- ✗ Betsey Hale as a liaison
- ✗ NCEDC: Walt Elish and Kelly Peters
- ✗ LCBD, OCSD, CSU, Rocky Mountain Innovation Initiative, and Colorado Clean Energy Cluster Staff and Volunteers
- ✗ DA2
 - + David Lung
 - + Mark Lake
 - + David Olson
 - + Laurence Dobrot
 - + William Matvichuk
 - + Robert MacKenzie
 - + Grover Mullin

WHY DA2

- ✖ Professional network and expertise which does not exist on City Staff (see bios)
- ✖ Government Security Access to federal agencies and labs
- ✖ Proven track record of success
- ✖ Uniquely qualified
- ✖ Already engaged with NASA, brought Joe Shaw to Loveland and Vergent Products
- ✖ Contract would end December 31, 2012
- ✖ Could be renewed based on results

HOW TO MEASURE RESULTS

✖ Quantitative:

- + Companies contacted
- + Companies connected to agencies via tech transfer investigation or grants applied for

✖ Qualitative:

- + Feedback from companies engaged in training
- + Feedback from companies on overall program impact

BUDGET :

- ✖ Consulting Services: \$115,000.00
- ✖ Other City Costs: \$35,000.00
- ✖ Total: \$150,000.00

WHAT DO WE NEED FROM COUNCIL

- ✘ Make a motion to use \$150,000.00 of the City Council Incentive Fund for the technology acceleration initiative
- ✘ Budget for the project will be tracked separately from other Economic Development projects
- ✘ Updates in June, September and December (results may occur in 2013)



February 14, 2012

Mr. Cecil Gutierrez
Mayor
City of Loveland
1035 Crabapple
Loveland, CO 80538

Dear Mayor Gutierrez:

I am writing to express the Northern Colorado Economic Development Corporation's (NCEDC) support for the city's Technology Transfer Acceleration Initiative and contracting with DA2 Consulting to assist in implementing this innovative activity. As I understand it, the purpose of the initiative is to (a) assist existing Loveland primary employers in gaining direct access to federal research agencies' and laboratories' intellectual property and technology and (b) provide specialized business assistance in applying for Small Business Innovation Research Grants (SBIR) and interacting with federal agencies, research laboratories and universities.

After having the opportunity to meet Mr. David Lung, NCEDC believes that he and the DA2's team members are uniquely qualified to carry out the tasks of this program. Not only are they currently engaged in these activities with federal agencies and laboratories across the country, they have also established relationships with federal laboratory administrators and technologists. NCEDC is interested in assisting the city with the program by setting up meetings with primary employers for Mr. Lung.

NCEDC applauds the Loveland City Council for considering this proactive and innovative initiative in an effort to retain and attract jobs and investment to the city. In addition, Loveland has a unique opportunity to position itself as a technology hub in northern Colorado and the Technology Transfer Acceleration Initiative is one of the ways to bring this concept to fruition.

Sincerely,

A handwritten signature in dark ink, appearing to read "Walter J. Elish".

Walter J. Elish
President and CEO

cc. Loveland City Council
Kevin Cory, NCEDC Chair

February 14, 2012

Via email: mayor@ci.loveland.co.us

Mayor Cecil Gutierrez
Loveland City Council
City Manager's Office
Civic Center
500 East Third Street, Suite 330
Loveland, Colorado 80537

Reference: Support for Proposed Technology Transfer Acceleration Initiative

Dear Mr. Mayor and City Council,

The purpose of this letter is to clearly communicate CADEKA Microcircuits support and dependency on the Technology Transfer Acceleration Initiative, as proposed by Betsey Hale, Economic Development Director.

CADEKA continues to be fully engaged and active in all functions surrounding technology transfer from available federal agencies and laboratories. We are cooperating and working with staff members at Northern Colorado Economic Development Corporation (NCEDC), the Rocky Mountain Innovation Initiative (RMII) and the Colorado Clean Energy Cluster (CCEC). Together, we share the goal of bringing additional skilled jobs at all levels and economic growth to Loveland and Northern Colorado.

As a practical step, we desperately need guidance navigating, locating, and securing technology within the various government entity locations and thousands of unique Intellectual Property blocks, in order to find technology that is best suited for CADEKA and Loveland to optimize and capitalize.

During the Executive ACE Exchange conference last week in Denver, a presentation was made by Mr. Barry Knott, CEO, Lifeloc Technologies. Lifeloc is one of the first Colorado companies attempting to engage NASA and capitalize on several leading technologies and applications. One of Mr. Knott's strong points in his presentation is the difficulty locating technology within the various government organizations. Within the many positive remarks of the Technology Transfer program, Mr. Knott communicated the government is quote "Not so easy to Navigate"; assistance is recommended.

Contracting the services of DA2 would enable aggressive pursuit of technology and provide local employers and Loveland a competitive advantage in securing innovative technology. This initiative appears to be the next logical step in insuring that technology is transferred to Loveland.

Sincerely,



Jay D. Dokter,
CADEKA Microcircuits Founder/Executive

About CADEKA:

CADEKA Microcircuits is a privately held company (employee owned) and global supplier of high-performance analog and mixed-signal semiconductor products for customers who require cost effective, leading edge performance. The company's expertise and passion is to **Amplify the Human Experience™** by providing application specific, solution-based semiconductor products that drive the industry's next generation consumer, communications, industrial, instrumentation, and medical products. For more information about CADEKA visit www.CADEKA.com.



February 13, 2012

Mayor Cecil Gutierrez
Mayor@ci.loveland.co.us

Mayor Cecil Gutierrez
Loveland City Council
City Manager's Office
Civic Center
500 East Third Street, Suite 330
Loveland, Colorado 80537

Dear Mayor Gutierrez,

I reside at 2568 Frances Dive in Loveland and I am writing in support of the Loveland Technology Transfer Acceleration Initiative. Having reviewed as much of the information as I could which include the resumes of Mark Lake and DA2 Consulting I believe the \$150,000 is a smart investment on the City's part. Unemployment is the most important issue in our country today, so much so that it may be the issue that decides who will serve as the next president. Here we have an opportunity unique to our region of making a rather small investment which could bring many high paying jobs to our city. You have seen the same figures I have, that the number of jobs could reach several thousand making this a 'no brainer' and the City Council has the obligation to the citizens of our town to take any reasonable steps to make sure the technology transfer project moves forward and is given the best opportunity to succeed.

Working with the Federal Government and applying for small business grants is a very competitive process and bringing in experts to maximize the chance for success only makes sense.

I strongly encourage you and the other members of Council to adopt the action as recommended at the next council meeting.

Don't delay. I don't believe it is hyperbole to state that the future of northern Colorado is in your hands.

Best Regards,

Dan Mills

Dan Mills
Senior Sales Executive, Commercial Lines



1717 Washington Avenue, Suite 100
Golden, CO 80401

129 Emma Road, Unit A
Basalt, CO 81621

3457 Ringsby Court, Suite 212
Denver, CO 80216

February 13, 2012

Via email: Mayor@ci.loveland.co.us

Mayor Cecil Gutierrez
Loveland City Council
City Manager's Office
Civic Center
500 East Third Street, Suite 330
Loveland, Colorado

Re: Support for Proposed Technology Transfer Acceleration Initiative

Dear Mr. Mayor and City Council:

As a member of the Loveland business community, I am writing to express my support for the Technology Transfer Acceleration Initiative being proposed by Economic Development Director Betsey Hale.

The proposed initiative is well aligned with the goals of the City's Economic Development Strategy and will benefit our community by providing ready access to Loveland area businesses seeking Federal resources available for private sector development. The City Economic Development Office needs the help of a knowledgeable consultant with the specific experience and industry connections required to make this a success.

The initiative is the next logical step in our City's pursuit of the Aerospace and Clean Energy program and is an appropriate endeavor in which to invest economic incentive funds.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Rutledge", with a stylized flourish at the end.

Doug Rutledge
Chief Operating Officer



February 14, 2012

Mayor Cecil Gutierrez
Loveland City Council
City Manager's Office
Civic Center
500 East Third Street, Suite 330
Loveland, CO 80537

Dear Mr. Mayor,

As a local business owner and member of the Loveland Leadership Forum, I am excited to tell you that I fully support the ***Technology Transfer Acceleration Initiative*** which would engage the services of DA2 Consultants to help Loveland businesses gain access to Federal patents available for development by private industry. I would urge you and the Loveland City Council to support this important initiative as well!

Respectfully submitted,

Greg Yancey
President
Yancey's Food Service



RoadNarrows LLC
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Loveland CO 80537
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E-mail: kim.wheeler@roadnarrows.com

2012-February-15

City of Loveland
Loveland, Colorado

Letter of Support for Technology Transfer Business Consultants

Dear Mayor and City Council :

RoadNarrows supports the proposal coming to City Council on Feb 21st in regards to hiring consultants to assist the City of Loveland with technology transfer and commercialization of products through federal labs and universities.

In addition, having experts that have key practical knowledge on obtaining external funding to help support businesses to be successful in this activity will be key to the positive outcome for this business development. Technology transfer of emerging technology is a high-risk venture and access to funding such as federal grants, outside investors, and small business grants will be extremely important for success.

For RoadNarrows, it is very important to have local experts and contacts with direct connections to these resources for our future growth. Our company will benefit positively from this type of expertise and we will aid with implementation.

Our business has built up international and national relationships with top academic research facilities and can assist the consultants with specific introductions to technologists at many institutions to help other local companies. It will be great to have a liaison who can then work with technology transfer issues, both for our company, but also to facilitate other small businesses.

Secondly, RoadNarrows and other local small businesses are developing technologies that would be of interest to national labs and other high-tech facilities. Having an expert that can facilitate technology transfer "in reverse" would be tremendously beneficial to RoadNarrows' business model in particular.

I urge you to vote in support of this contract and look forward to the great results that will occur as part of this partnership.

With kind regards,

Kim Wheeler