AGENDA

LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
LOVELAND GID BOARD OF DIRECTORS
LOVELAND SID BOARD OF DIRECTORS
TUESDAY, OCTOBER 20, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

5:30 P.M. **DINNER**
6:30 P.M. **REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF THE VETERANS' DAY NATIONAL RECOGNITION LETTER TO THE CITY OF LOVELAND FROM THE ASSOCIATED VETERANS (Ed Aiken)

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

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

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

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the September 22, 2015 Study Session and October 6, 2015 Regular Meeting.

1. This is an administrative action to approve the City Council meeting minutes for the September 22, 2015 Study Session.
2. This is an administrative action to approve the City Council meeting minutes for the October 6, 2015 Regular Meeting.

2. DEVELOPMENT SERVICES (presenter: Nikki Garshelis)

YOUTH REPRESENTATIVE FOR HISTORIC PRESERVATION COMMISSION

A Motion To Approve On Second Reading Ordinance #5962 Amending Section 2.60.130 Of The Loveland Municipal Code Pertaining To The Historic Preservation Commission

This item is a legislative action to consider approval on second reading an ordinance amending Section 2.60.130 of the Loveland Municipal Code. The Historic Preservation Commission unanimously recommends that the City Council amend the code to provide for a designated slot for a high school student representative. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

3. DEVELOPMENT SERVICES (presenter: Brian Burson)

GREAT WESTERN 3RD SUBDIVISION REZONING

A Motion To Approve On Second Reading Ordinance #5963 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For A Portion Of Lot 1, Block 1 Of Great Western Third Subdivision, City Of Loveland, Larimer County, Colorado

This is a quasi-judicial action. This application is to rezone a portion of Lot 1, Block 1, Great Western 3rd Subdivision. The site consists of 5.8 acres and is located along the north side of East 11th Street, between Gorom Avenue and Redwood Drive. This is directly behind JAX/Gold's Gym and west of Home Depot. The lot currently has both Industrial and Business zoning, apparently caused by previous replats that were not accompanied by the appropriate rezoning actions. The rezoning will rectify this situation, assigning I-Developing Industrial zoning to all of Lot 1. The unified zoning designation is the first step in preparing the site for pending development of a mixed-use development of uses allowed in the I zone. The existing zoning and land uses in the area are both industrial and business. The requested zoning action will result in a compatible zoning pattern and allow for appropriate development of the site. The Planning Commission recommended approval of the requested zoning action as part of their Consent Agenda on August 24, 2015. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

4. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)

CODE AMENDMENT TO FIRE RESCUE SERVICES

A Motion To Approve On Second Reading Ordinance #5964 Amending The City Code To Reflect That The Fire Rescue Department Services Are Provided By An Independent Governmental Entity Created By Intergovernmental Agreement Between The City And The Loveland Rural Fire Protection District And Adding The Loveland Fire Rescue Authority As An Entity Permitted To Enter Into Cooperative Agreements With The City

This is a legislative action for the revision of section 2.44.040 and 2.44.050 of the municipal code clarifying that fire rescue services are allowed to be provided by a third party entity and that the Fire Chief duties are no longer directed by the City, instead they are directed by the Loveland Fire Rescue Authority Board (a five member board compromised of two City of Loveland City Council members, the City Manager, and two Loveland Rural Fire Protection District Board members). On October 6, 2015, City Council unanimously approved this ordinance on first reading.

5. FINANCE (presenter: Brent Worthington)

PUBLIC HEARING

2016 CITY OF LOVELAND BUDGET

1. A Motion To Approve Resolution #R-66-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The City Of Loveland, Other Than Services Provided By The Water And Power Department And The Storm Water Enterprise, And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees

2. A Motion To Approve Resolution #R-67-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Storm Water Enterprise Of The City Of Loveland, Colorado And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees

3. A Motion To Approve Resolution #R-68-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Water And Power Department Of The City Of Loveland And Superseding All Prior Resolutions Establishing Such Rates Charges, And Fees

4. A Motion To Approve On Second Reading Ordinance #5965 Adopting The 2015 Mill Levy For The General Fund Of The City Of Loveland, Colorado

5. A Motion To Approve On Second Reading Ordinance #5966 Adopting The 2016 Budget For The City Of Loveland, Colorado

6. A Motion To Approve On Second Reading Ordinance #5967 Making An Appropriation For The Fiscal Year Beginning January 1, 2016 And Ending December 31, 2016 For The City Of Loveland, Colorado

7. A Motion To Approve On Second Reading Ordinance #5968 Enacting A Supplemental Budget And Appropriation To The 2016 Budget For Capital And Operational Funding For Transportation Projects

These are administrative actions to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2016 Budget on Second Reading. The adoption of the 2015 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2016 Budget. On October 6, 2015, City Council unanimously approved the above resolutions and ordinances on first reading.

6. FINANCE (presenter: Brent Worthington)

2016 SCHEDULE OF RATES, CHARGES & FEES AND 2016 AIRPORT BUDGET

A Motion To Approve On Second Reading Ordinance #5969 Adopting The 2016 Budget For The Fort Collins-Loveland Municipal Airport

This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)

7. FINANCE (presenter: Brent Worthington)

2016 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)

A Motion To Approve On Second Reading Ordinance #5970 Adopting The 2016 Budget For The Loveland Special Improvement District #1.

This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. The 2016 requested budget is $1,060,650. On October 6, 2015, the Board of Directors of the Loveland Special Improvement District #1 unanimously approved this ordinance on first reading.

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

8. FINANCE (presenter: Brent Worthington)

2016 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

A Motion To Approve On Second Reading Ordinance #5971 Adopting The 2016 Budget For The Loveland Urban Renewal Authority.

This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes.

The adoption of this budget is necessary for the downtown area due to the timing of the Downtown Development Authority (DDA) election. If the DDA mill levy increase is approved in the November election, LURA will be abolished and the budget will be amended to reverse this appropriation. On October 6, 2015, The Board of Commissioners for the Loveland Urban Renewal Authority unanimously approved this ordinance on first reading.

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

9. FINANCE (presenter: Brent Worthington)

2016 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

1. A Motion To Approve On Second Reading Ordinance #5972 Adopting The 2015 Mill Levy For The Loveland General Improvement District #1

2. A Motion To Approve On Second Reading Ordinance #5973 Adopting The 2016 Budget For The Loveland General Improvement District #1

The ordinance adopting the budget is an administrative action. The ordinance adopting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. On October 6, 2015, The Board of Directors for the Loveland General Improvement District #1 unanimously approved these ordinances on first reading.

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

10. DEVELOPMENT SERVICES (presenter: Alan Krcmarik)

PUBLIC COMMENT

SUSPENDING INCREASES TO CEF'S FOR 2016

A Motion To Approve On First Reading An Ordinance Suspending Annual Increases In Capital Expansion Fees, Excepting The Street Capital Expansion Fee, Pursuant To Loveland Muncipal Code Section 16.38.110 For 2016

This is an administrative item. Using master plans prepared by City departments, BBC Research & Consulting and city staff completed a study demonstrating the results of using a "plans-based" approach to set capital expansion fees. Based on Council discussion at the September 22, 2015 study session the proposed Ordinance suspends the annual inflationary increase provided for in the City Code section 16.38.100. The suspension of the annual inflationary increase does not apply to the streets capital expansion fee; this fee is already determined on a plans-based approach. Cost of materials for street construction and repair have been rising. The Colorado Department of Transportation inflation adjustment is 8.66%.

11. ECONOMIC DEVELOPMENT (presenters: Marcie Erion & Chris Conrardy)

PUBLIC COMMENT

EWI COLORADO PROJECT

1. A Motion To Adopt Resolution #R-73-2015 Approving An Agreement Between The City Of Loveland And Edison Welding Institute, Inc. d/b/a EWI

2. A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase II Pilot Operation For Program And Facility Design Of The EWI Project

These are administrative actions. At a study session on September 22nd, City Council asked staff to bring back a resolution and ordinance for consideration. The City of Loveland is being asked to invest in the development, construction and initial operation of EWI Colorado which will be located at the Rocky Mountain Center for Innovation and Technology. The total investment requested is $2MM and would be paid out on the following timeline with all payments made by the end of 2017:

$500K 2015 Economic Development Incentive Fund
$500K 2016 Economic Development Incentive Fund
$500K 2016 City Council Special Projects Fund
$500K 2017 City Council Special Projects Fund

The ordinance is funded with available Economic Development Department Incentive funds and City Council Special Project funds that reduce the flexibility to fund other projects. Currently the balance in the Economic Development Incentive Fund is $1,055,221. If approved, the new balance would be $555,221 after the initial $500K payment. Additional distributions will be paid as performance measures defined in the contract are met.

12. CITY MANAGER (presenter: Rod Wensing)

IGA BETWEEN CITY AND TSD FOR CABLE BROADCAST ACCESS

A Motion To Adopt Resolution #R-74-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland And The Thompson School District Number R2-J For Identification Of Designated Access Provider And Allocation Of Access Funds

This is an administrative action seeking approval of a motion to approve an intergovernmental agreement (IGA) with Thompson School District to begin the implementation of a 5-year cable broadcast equipment replacement plan for the District, for a total not to exceed $342,000 over a five year period. The attached IGA has been unanimously approved by the Thompson School District Board of Education on September 16, 2015 and TSD staff will also be in attendance at the meeting to answer any related questions.

13. HUMAN RESOURCES (presenter: Julia Holland)
SPECIAL MEETING MUNICIPAL JUDGE'S SIX MONTH EVALUATION
A Motion Setting A Special Meeting Of City Council On October 27, 2015 In The City Manager's Conference Room To Conduct An Executive Session For The Purposes Of The Presiding Municipal Judge's Six Month Evaluation. Council Waives The Requirement Of Notice Of The Meeting Delivery To Their Homes.
This is an administrative action to set a special meeting and to conduct an executive session for the purposes of the Presiding Municipal Judge's six month evaluation.

END OF CONSENT AGENDA
CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

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

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

REGULAR AGENDA
CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

14. DEVELOPMENT SERVICES (presenters: Kerri Burchett & Steve Adams)
PUBLIC HEARING
LOVELAND FOOTHILLS SOLAR SUBSTATION
A Motion To Approve On First Reading An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In A Portion Of Tract "C", Vanguard-Famleco Section Addition, City Of Loveland, Larimer County, Colorado
This is a quasi-judicial action to rezone 52.6 acres of City property from a residentially zoned PUD to DR –Developing Resource. The property is located between West 22nd Street and West 29th Street, just west of Mehaffey Park. The property is currently zoned Meadowbrook Ridge PUD and is designated for single family and townhome uses. The City's Power Division recently purchased the property and is requesting the rezoning to construct a new substation and solar facility. This project would replace the Idylwilde

Hydroelectric Facility that was significantly damaged during the 2013 flood. On September 28, 2015, the Planning Commission recommended approval of the rezoning request by a vote of 5-3.

15. <u>HUMAN RESOURCES</u> (presenters: Julia Holland)

EXECUTIVE SESSION

A Motion Calling An Executive Session To Conduct The Presiding Municipal Judge's Six Month Evaluation.

This is an administrative action to conduct an executive session on October 20, 2015, for the purposes of the Presiding Municipal Judge's six month evaluation.

BUSINESS FROM CITY COUNCIL

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

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, SEPTEMBER 22, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION 6:30 P.M.

Councilors present: Council members Gutierrez, Clark, McKean, Trenary, Fogle, Shaffer, Taylor, Farley, and Krenning. City Manager, Bill Cahill was also present.

1. ECONOMIC DEVELOPMENT

EWI PHASE I UPDATE AND PROGRAMMATIC SUPPORT REQUEST FOR PHASE II

Marcie Erion, Business Development Specialist, Chris Conrardy, EWI presented this item to Council. Henry Cialone, EWI; Tim Heaton, CAMA; Paul DellaNeve, Moog Corp.; Representative from OEDIT; Tony Wampler, Springs Fab; Bill Murphree, Cumberland and Western; Doug Rhoda, Wolf Robotics; Zach Loftus, Lockheed Martin were also present to answer questions.

This is an information only item that included an initial discussion of a programmatic financial request on behalf of EWI to assist with the creation of EWI Colorado at the Rocky Mountain Center for Innovation and Technology (RMCIT). Staff will bring options to Council on which budgets the funds will come from. Councilors thanked staff and the representatives.

2. DEVELOPMENT SERVICES

CAPITAL EXPANSION FEES BASED ON PLANS BASED METHOD

Alan Krcmarik, Executive Fiscal Advisor; Adam Warrens and Jana Raley, BBC Consulting presented this item to Council. The City of Loveland has utilized impact fees, more specifically Capital Expansion Fees, as a method to fund capital improvements since 1984. The fees were based on a cost of services study and the equity buy-in approach to setting fees was adopted. The CEFs are updated every few years and after the last major review in 2012, Council requested more study of an alternative method to determine the fees, the Plans Based approach. Based on master plans prepared for the departments, projections of growth for the next 25 years, and updated capital improvement plans, calculations for CEFs have been made. The attached staff report, the BBC Research & Consulting report and other materials included as exhibits provide detailed background for the Plans Based fees. Council requested that staff bring an ordinance to suspend fees in 2016. Staff will bring a report to Council with a list of projects that would be affected if CEFs were changed to a plans-based system and of the overall timing. Councilors thanked staff and the consultants.

ADJOURNMENT

Mayor Gutierrez adjourned the September 22, 2015 Study Session at 11:37 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
LOVELAND GID BOARD OF DIRECTORS
LOVELAND SID BOARD OF DIRECTORS
TUESDAY, OCTOBER 6, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Gutierrez, Clark, Farley, Trenary, Fogle, Krenning responded. Councilor Taylor was absent. Councilor Shaffer arrived at 6:46 p.m.

Mayor Gutierrez presented The Distinguished Budget Award for the 2015 Budget to Finance Director Brent Worthington for the Loveland Finance Team.

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

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

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

There were no items removed from the consent agenda. Councilor Clark moved to approve the Consent Agenda. The motion, seconded by Councilor Trenary, carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the September 8, 2015 and the September 22, 2015 Study Session and the September 15 Regular Meeting was approved.

1. This is an administrative action to approve the City Council meeting minutes for the September 8, 2015 Study Session.
2. This is an administrative action to approve the City Council meeting minutes for the September 15, 2015 Regular Meeting.

2. CITY MANAGER (presenter: Bill Cahill)

APPOINTMENT TO THE AFFORDABLE HOUSING COMMISSION

A Motion To Appoint Ranae Alaniz To The Affordable Housing Commission For A Partial Term Effective Until June 30, 2017 was approved.

This is an administrative action recommending the appointment of a member to the Affordable Housing Commission.

3. PUBLIC WORKS (presenter: Dave Klockeman)

SUPPLEMENTAL BUDGET AND APPROPRIATION FOR SIGNAL CABINETS

A Motion To Approve And Order Published On Second Reading Ordinance #5961 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Traffic Signal Cabinets And Related Equipment Within The City Of Loveland was approved.

This is an administrative action. The City of Loveland (City) has received a federal grant through the Colorado Department of Transportation (CDOT) in the amount up to $497,000 to fund traffic signal cabinets and related equipment at up to 40 locations across the City. This item consists of the second reading of an ordinance to appropriate the federal funds for the project. The project is funded from federal funds in the amount of $497,000 and City of Loveland local match funds in the amount of $103,315, for a total project cost of $600,315. The City funds are included within the approved 2015 budget for the Public Works Department for Transportation Capital Projects. On September 15, 2015, City Council unanimously approved this ordinance on first reading, and approved the Intergovernmental Agreement between the City and CDOT regarding the grant.

4. DEVELOPMENT SERVICES (presenter: Nikki Garshelis)

SUBSTATION HISTORIC LANDMARK

A Motion To Approve And Order Published On Second Reading Ordinance #5960 Of City Council Designating As A Historic Landmark The Public Service Company Of Colorado Loveland Substation, Located At 105 E 1st Street In Loveland, Colorado was approved.

This is a legislative action requiring a public hearing to consider adopting an ordinance on second reading designating as a Historic Landmark the "Public Service Company of Colorado Loveland Substation," at 105 E 1st Street, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff has reviewed the benefits and obligations of historic designation with the property owner. The Historic Preservation Commission (HPC) recommends approval. On September 15, 2015, City Council unanimously approved this ordinance on first reading.

5. DEVELOPMENT SERVICES (presenter: Nikki Garshelis)

PUBLIC COMMENT

YOUTH REPRESENTATIVE FOR HISTORIC PRESERVATION COMMISSION

A Motion To Approve And Order Published On First Reading An Ordinance Amending Section 2.60.130 Of The Loveland Municipal Code Pertaining To The Historic Preservation Commission was approved.

This item is a legislative action to consider approval on first reading an ordinance amending Section 2.60.130 of the Loveland Municipal Code. The Historic Preservation Commission unanimously recommends that the City Council amend the code to provide for a designated slot for a high school student representative.

6. DEVELOPMENT SERVICES (presenter: Brian Burson)

PUBLIC COMMENT

GREAT WESTERN 3RD SUBDIVISION REZONING

A Motion To Approve And Order Published On First Reading An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating

To Zoning Regulations For A Portion Of Lot 1, Block 1 Of Great Western Third Subdivision, City Of Loveland, Larimer County, Colorado was approved.

This is a quasi-judicial action. This application is to rezone a portion of Lot 1, Block 1, Great Western 3rd Subdivision. The site consists of 5.8 acres and is located along the north side of East 11th Street, between Gorom Avenue and Redwood Drive. This is directly behind JAX/Gold's Gym and west of Home Depot. The lot currently has both Industrial and Business zoning, apparently caused by previous replats that were not accompanied by the appropriate rezoning actions. The rezoning will rectify this situation, assigning I-Developing Industrial zoning to all of Lot 1. The unified zoning designation is the first step in preparing the site for pending development of a mixed-use development of uses allowed in the I zone. The existing zoning and land uses in the area are both industrial and business. The requested zoning action will result in a compatible zoning pattern and allow for appropriate development of the site. The Planning Commission recommended approval of the requested zoning action as part of their Consent Agenda on August 24, 2015.

7. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)

PUBLIC COMMENT

CODE AMENDMENT TO FIRE RESCUE SERVICES

A Motion To Approve And Order Published On First Reading An Ordinance Amending The City Code To Reflect That The Fire Rescue Department Services Are Provided By An Independent Governmental Entity Created By Intergovernmental Agreement Between The City And The Loveland Rural Fire Protection District And Adding The Loveland Fire Rescue Authority As An Entity Permitted To Enter Into Cooperative Agreements With The City was approved.

This is a legislative action for the revision of section 2.44.040 and 2.44.050 of the municipal code clarifying that fire rescue services are allowed to be provided by a third party entity and that the Fire Chief duties are no longer directed by the City, instead they are directed by the Loveland Fire Rescue Authority Board (a five member board compromised of two City of Loveland City Council members, the City Manager, and two Loveland Rural Fire Protection District Board members).

8. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)

LFRA EMPLOYEE CONVERSION

A Motion To Adopt Resolution #R-62-2015 Transferring All The City Fire And Rescue Department Personnel To The Loveland Fire Rescue Authority, Approving A Third Amendment To The Loveland Fire Rescue Authority Formation Agreement, And Approving The Execution Of Agreements And Documents Necessary To Implement The Transfer was approved.

This is an administrative item. There are several documents that need to be approved to complete the conversion of the Loveland Fire Rescue Authority employees that represent a culmination of about nine months of work. The strategy for the conversion process has been reviewed with city council at a study session on May 26, 2015 and the documents themselves were reviewed with city council at a joint meeting held July 18, 2015. The approval of all documents is targeted for completion by October 31, 2015. The LFRA Board had set an effective date as November 1, 2015 but due to the limitations of the payroll software, the effective date has been established as January 1, 2016.

9. LOVELAND FIRE RESCUE AUTHORITY (presenter: Alan Krcmarik)

VOLUNTEER PENSION BENEFITS

A Motion To Adopt Resolution #R-63-2015 Authorizing An Increase In The Loveland And Rural Consolidated Volunteer Fire Department Pension Plan Effective For Monthly Payment Beginning January 1, 2016 was approved.

This is an administrative action. The proposed resolution authorizes an increase in the benefits paid to vested Plan participants (or their beneficiaries) through the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan (Plan), who have served the Loveland community in the capacity of volunteer firefighters. Currently, participants with at least 20 years of service as a volunteer firefighter receive $700 per month. If the Resolution is adopted, this amount would be increased to $750 per month. Other payments that are made to partially-vested retired volunteer firefighters and surviving beneficiaries of said firefighters, are adjusted proportionately according to the schedule attached to the resolution. Based on an independent actuarial study conducted by Gabriel Roeder Smith and Company, the Plan is sufficiently funded to cover the costs of the increased payments.

10. PUBLIC WORKS (presenter: Chris Carlson)

CDBG-DR FLOOD MITIGATION

A Motion To Adopt Resolution #R-64-2015 Authorizing The Mayor To Execute The Community Development Block Grant Disaster Recovery Resiliency Planning Grant Agreement (Project No. CDBG-DR P15-059) Between The City Of Loveland And The Colorado Department Of Local Affairs was approved.

This is an administrative action. The Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant is intended to reimburse the City of Loveland for the cost of two planning projects related to the September 2013 flood: (1) the Highway 287 Flood Mitigation Feasibility Study, and (2) the Loveland All-Hazard Mitigation Master Plan. Acceptance of the Grant will reimburse the City for amounts up to $125,000 for the Highway 287 Flood Mitigation Feasibility Study and up to $167,500 for the All-Hazard Mitigation Master Plan. The total grant is for $292,500 for the two projects.

11. PARKS AND RECREATION (presenter: Scott Sinn)

IGA FOR FRONT RANGE TRAIL

A Motion To Adopt Resolution #R-65-2015 Authorizing An Intergovernmental Agreement Between The City Of Loveland, The City Of Fort Collins, And Larimer County Regarding The Construction Of A Recreation Trail Connecting The Fort Collins And Loveland Trail Systems was approved.

This is an administrative action seeking approval of a motion to approve an intergovernmental agreement with Larimer County and the City of Fort Collins for the construction of the Front Range Trail, and authorize the City Manager authority to sign the contract. Grant money from Colorado Department of Transportation and Colorado Parks and Wildlife along with contributions from each of the three entities are funding the project. The City of Loveland's share of the cost is $72,721.

12. FINANCE (presenter: Brent Worthington)

AUGUST 2015 FINANCIAL REPORT

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending August 31, 2015.

13. CITY MANAGER (presenter: Alan Krcmarik)

INVESTMENT REPORT FOR AUGUST 2015

This is an information only item. The budget projection for investment earnings for 2015 is $1,759,080. On the portfolio's 2015 beginning balance this equates to an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the securities held by USBank was steady at 1.11%. For August, earnings of $94,638 were posted to City funds and the year to date total is $1,156,677. U.S. short-term

Treasury interest rates rose in August; the portfolio had an unrealized loss of $148,348 in August compared to an unrealized gain of $13,751 in July. The end of August portfolio market value is estimated to be $215.8 million. The total amount of the portfolio is higher compared to the beginning of the year, but is still not back to the peak amount reached before the 2013 flood, when the portfolio carried an estimated market value of $226.3 million.

END OF CONSENT AGENDA
CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

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

Richard Gullekson, Loveland resident, spoke about the sidewalk at 4th and Lincoln needing improvements.

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

REGULAR AGENDA
CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

14. FINANCE
PUBLIC HEARING
2016 CITY OF LOVELAND BUDGET
Brent Worthington, Finance Director, presented the following administrative actions to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2016 Budget on First Reading. The adoption of the 2015 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2016 Budget. City Manager, Bill Cahill and Police Chief, Luke Hecker were present for questions. Discussion ensued regarding the appropriate number Police Officers needed within the department. Mayor Gutierrez asked for public comment on all budget items contained in item #14. **Mayor Gutierrez moved to direct Staff to bring back a supplemental budget appropriation to the 2016 budget that would enable the Police Department to have 107 officers on staff and authorize the City manager to over hire at 5% as needed. The motion, seconded by Councilor Fogle, carried with all Councilors present voting in favor thereof.** After the motion was made Mayor Gutierrez asked for public comment on this motion: Rob Pride, spoke in support of the motion. Jackie Marsh spoke about the need to be proactive, not enough officers.
There was further discussion regarding the need for a civilian Accreditation position in the Police Department. **Mayor Gutierrez asked for public comment. Hearing none, Mayor Gutierrez closed public comment. Councilor Shaffer moved that the civilian Accreditation position remain in the 2016 budget, but not be filled unless authorized by City Council at a later date. The motion seconded by Councilor Farley, carried with six councilors voting in favor and Councilors Trenary and Gutierrez voting against.**
Councilor Shaffer Moved to Approve Resolution #R-66-2015 On First Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided

By The City Of Loveland, Other Than Services Provided By The Water And Power Department And The Storm Water Enterprise, And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve Resolution #R-67-2015 On First Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Storm Water Enterprise Of The City Of Loveland, Colorado And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve Resolution #R-68-2015 On First Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Water And Power Department Of The City Of Loveland And Superseding All Prior Resolutions Establishing Such Rates Charges, And Fees. The motion, seconded by Councilor Trenary, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2015 Mill Levy For The General Fund Of The City Of Loveland, Colorado. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2016 Budget For The City Of Loveland, Colorado. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to To Set The Public Hearing Of The Budget And Capital Improvement Plan To October 20, 2015 At 6:30 Or As Soon As Possible Thereafter And Direct The City Clerk To Publish Notice Of Said Hearing. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Making An Appropriation For The Fiscal Year Beginning January 1, 2016 And Ending December 31, 2016 For The City Of Loveland, Colorado. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Budget For Capital And Operational Funding For Transportation Projects. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

15. FINANCE

PUBLIC HEARING

2016 SCHEDULE OF RATES, CHARGES & FEES AND 2016 AIRPORT BUDGET

Brent Worthington, Finance Director, presented the following administrative action items. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. Mayor Gutierrez and asked for public comment. Hearing none, Mayor Gutierrez closed public comment.

Councilor Shaffer Moved to Adopt Resolution #R-69-2015 Adopting The 2016 Schedule Of Rates, Charges And Fees For The Fort Collins-Loveland Municipal Airport And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees, Effective January 1, 2016. The motion, seconded by Councilor McKean, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2016 Budget For The Fort Collins-Loveland Municipal Airport. The motion, seconded by Councilor Farley, carried with all Councilors

present voting in favor thereof.

16. FINANCE

LOVELAND FIRE RESCUE AUTHORITY 2016 SCHEDULE OF RATES, CHARGES & FEES; AND 2016 BUDGET

Brent Worthington, Finance Director, presented the following administrative action item. The resolution provides for Council approval of the Loveland Fire Rescue Authority Budget and fees schedule for 2016. Council approval of the budget is required for the Authority's budget to be in effect. Mayor Gutierrez and asked for public comment. Hearing none, Mayor Gutierrez closed public comment.

Councilor Shaffer Moved to Approve Resolution #R-70-2015 Approving The Loveland Fire Rescue Authority 2016 Schedule Of Rates, Charges, And Fees For Services And 2016 Budget. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID) AT 9:50 P.M.

17. FINANCE

PUBLIC HEARING

2016 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)

Brent Worthington, Finance Director, presented the following administrative action item. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. The 2016 requested budget is $1,060,650. Mayor Gutierrez and asked for public comment. Hearing none, Mayor Gutierrez closed public comment.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2016 Budget For The Loveland Special Improvement District #1. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID) ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AT 9:51 P.M.

18. FINANCE

PUBLIC HEARING

2016 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

Brent Worthington, Finance Director, presented the following administrative action item. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes.

The adoption of this budget is necessary for the downtown area due to the timing of the Downtown Development Authority (DDA) election. If the DDA mill levy increase is approved in the November election, LURA will be abolished and the budget will be amended to reverse this appropriation. Mayor Gutierrez and asked for public comment. Hearing none, Mayor Gutierrez closed public comment.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2016 Budget For The Loveland Urban Renewal Authority.

The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AT 9:52 P.M.

19. FINANCE

PUBLIC HEARING

2016 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

Brent Worthington, Finance Director, presented the following administrative action items. The ordinance adopting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. Mayor Gutierrez and asked for public comment. Hearing none, Mayor Gutierrez closed public comment.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2015 Mill Levy For The Loveland General Improvement District #1. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

Councilor Shaffer Moved to Approve And Order Published On First Reading An Ordinance Adopting The 2016 Budget For The Loveland General Improvement District #1. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) ADJOURNED AND RECONVENED AS CITY COUNCIL AT 9:54 P.M.

20. CITY MANAGER

SUPPORT FOR BROADBAND BALLOT MEASURE

Bill Cahill, City Manager, presented the following administrative action item to approve a resolution supporting the passage of ballot question 2c the broadband initiative that would allow the City to restore local autonomy and explore the issue of broadband in the Loveland community.

Councilor Shaffer Moved to Adopt Resolution #R-71-2015 In Support Of The Broadband Election Question 2c Referred For The November 3, 2015 Election That Would Restore Local Authority And Allow Loveland To Provide, Directly Or Indirectly, Advanced Service (High Speed Internet), Cable Television Or Telecommunications Service. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.

21. CITY MANAGER

SUPPORT FOR DDA ELECTION MATTERS

Bill Cahill, City Manager, presented the following administrative action item to approve a resolution supporting the passage of ballot issues 5B and 5C which increase taxes and the debt ceiling limit in the Downtown Development Authority (DDA) to support future economic development efforts and projects in the DDA.

Councilor Shaffer Moved to Adopt Resolution #R-72-2015 In Support Of The Loveland Downtown Development Authority Ballot Issues 5B And 5C Referred For The November 3, 2015 Election. The motion, seconded by Councilor Fogle, carried with all Councilors present voting in favor thereof.

22. CITY MANAGER

SOUTH CATALYST PROJECT

Mike Scholl, Economic Development Manager, presented the following administrative action item for a motion to authorize the City Manager to issue a Request for Proposals (RFP) for a development partner for the South Catalyst project in Downtown Loveland. City Manager, Bill Cahill, Economic Director, Betsey Hale and Chief Fiscal Advisor, Alan Krcmarik were available for questions. **Councilor Clark moved, in consideration of the County's position as set forth in their letter to City Council dated October 5, 2015, that City Council direct Staff to proceed with the South Catalyst Project without the inclusion of the Larimer County Administrative Building. The motion was seconded by Councilor Fogle.** Discussion ensued. **Mayor Gutierrez moved to amend the motion to read "that in consideration of the County's positon, as set forth in their letter to City Council dated October 5, 2015, I move that City Council direct Staff to discontinue discussion with the County regarding locating their building on this site." The motion was seconded by Councilor Fogle.** Mayor Gutierrez asked for Public comment. Penn Street, Loveland citizen, spoke in support of the motion. Nancy Morgan, 1st & Washington, spoke in support of the motion. Lori White, 948 N. Jefferson Ave, expressed concern regarding locating the County building on Hayes St. Richard Gullekson, spoke in support of the motion. Jackie Marsh spoke in support of the motion. Roger Weidelman 4814 Franklin, asked the City if they could help facilitate a new location for the County. **Roll was called on the amendment, which carried with seven councilors voting in favor and Councilor McKean voting against. Roll was then called on the amended motion, which carried with seven councilors voting in favor and Councilor McKean voting against.** Discussion ensued regarding the Request for Proposals (RFP) for the South Catalyst Project. **Councilor McKean moved to appoint Mayor Pro Tem Clark to participate in the RFP selection process for the consultant. The motion was seconded by Councilor Fogle. Councilor Shaffer moved to amend the motion to confirm the participation was advisory and had no vote. The amendment was seconded by Councilor McKean, and carried with all councilors present voting in favor. The amended motion was considered and carried with all councilors present voting in favor. Councilor Shaffer moved to direct Staff to Issue the Developer Request for Proposals for the South Catalyst Project. The motion was seconded by Councilor Farley.** Mayor Gutierrez asked for public comment. Jackie Marsh asked for clarification of the content of the RFP. **Roll was called on the amended motion, which carried with six councilors voting in favor and Councilors Krenning and Gutierrez voting against.**

BUSINESS FROM CITY COUNCIL

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

Krenning:	Suggested having a resolution voted on prior to staff working on a project.
Shaffer:	The North I-25 Coalition is meeting Wednesday in Weld County.
Fogle:	Informed Council of the Construction Advisory Boards open forum for stakeholders November 18, 2015
Shaffer:	The North I-25 Focus meeting is Wednesday night and the MPO is Thursday in Milliken.
Clark:	Attended Highway 34 meeting and the Regional Leadership luncheon for area mayors and mayor pro tems.

McKean: Spoke about needing updates from City Manager.

Farley: Attending Community Kitchen's fundraiser Wednesday morning.

Gutierrez: Informed Council of the virtual tower test for Fort Collins Loveland Regional Airport.

CITY MANAGER REPORT
None

CITY ATTORNEY REPORT
None

ADJOURNMENT

Having no further business to come before Council, the October 6, 2015, Regular Meeting was adjourned at 1:05 a.m. October 7, 2015.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: **2**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Nikki Garshelis, Development Services

TITLE:
An Ordinance Amending Section 2.60.130 Of The Loveland Municipal Code Pertaining To The Historic Preservation Commission

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

SUMMARY:
This item is a legislative action to consider approval on second reading an ordinance amending Section 2.60.130 of the Loveland Municipal Code. The Historic Preservation Commission unanimously recommends that the City Council amend the code to provide for a designated slot for a high school student representative. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
On September 21 2015, the Historic Preservation Commission unanimously approved recommendation to the City Council that amended Section 2.60.130 be adopted to provide a designated position for a high school student representative.

The Historic Preservation Commission (HPC) recognizes that having a student representative on the HPC will support and assist in achieving shared projects and goals. Benefits of adding a student member to the commission include:

- Cultivating future community leaders
- Providing unique educational opportunities
- Eliciting fresh ideas and a different perspective for the commission

- Developing the next generation of preservationists
- Building ongoing youth-adult partnerships

A precedent for this amendment is set in the member qualifications of the Human Services Commission (Code: 2.60.150) (to) include two of the eleven members shall be high school students enrolled in secondary schools located within the city who shall be under the age of twenty-one at time of appointment.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. September 21, 2015 HPC minutes

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5962

AN ORDINANCE AMENDING SECTION 2.60.130 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Section 2.60.130 of the Loveland Municipal Code currently sets forth the membership of the City's Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission unanimously recommends that the City Council amend Loveland Municipal Code Section 2.60.130 to provide for a designated slot for a youth representative; and

WHEREAS, City Council finds that the addition of a youth representative to the Historic Preservation Commission in in the best interests of the City.

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

Section 1. That Paragraph A. of Section 2.60.130 of the Loveland Municipal Code is hereby amended to read in full as follows:

A. There is established a historic preservation commission consisting of eight members appointed by the city council. Members shall have demonstrated interest, competence, or knowledge in historic preservation. The commission shall be comprised of both professionals and lay members and shall be selected, as much as possible, from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law. One member of the commission shall be from the Loveland Historical Society. One member shall be a high school student residing within the city who shall be under the age of twenty-one at the time of appointment and whose term of office shall be for one year coinciding with the school year and the summer months immediately subsequent to such school year; provided that such member shall be excused from meeting attendance during school breaks. Three members of the commission shall be professionals or shall have extensive expertise in a preservation-related discipline including, but not limited to, history, architecture, planning, or archaeology. Recognizing that professionals may not be available, this requirement may be waived by the city council following a good faith effort to recruit such professionals. Other than as provided above, the term of office of each member shall be three years.

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

Section 3. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 20th day of October, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

City of Loveland
Historic Preservation Commission
Meeting Summary
September 21, 2015

A meeting of the Loveland Historic Preservation Commission was held Monday, September 21, 2015 at 6:00 P.M. in the City Council Chambers in the Civic Center at 500 East Third Street, Loveland, CO. Historic Preservation Commissioners in attendance were: Jim Cox, David Berglund, Stacee Kersley, Jon-Mark Patterson, Paula Sutton and Chris Wertheim. City Council Liaison, John Fogle, and Nikki Garshelis of Development Services were also present.

Guests: Barry Floyd, Ben Price, Rich Ball, Olivia Lowe and Michelle Van Hare

CALL TO ORDER
Commission Co-Chair Patterson called the meeting to order at 6:03 p.m.

APPROVAL OF THE AGENDA
Commissioner Cox made a motion to approve the agenda; the motion was seconded by Commissioner Sutton and it passed unanimously.

APPROVAL OF THE MINUTES
Commissioner Berglund made a motion to approve the minutes from the August meeting, the motion was seconded by Co-Chair Patterson and it passed unanimously.

CITIZEN REPORTS
None

CITY COUNCIL UPDATE
Councilor Fogle reported on the discussions with the county on the building planned for the 3rd Street development project. There was a conversation about where the probation department would be located.

STAFF UPDATE
Nikki Garshelis directed Commissioners to review the staff report and asked if there were questions. There were no questions.

CONSIDERATION OF NEW BUSINESS
Oral History Project
Barry Floyd reported that he has completed the second oral history video project interviewing Pollyann Baird a long time Loveland resident. He introduced Ben Price, the videographer, who presented a seven minute sample of the interview. Joining the interview was Rich Ball, Barry Floyd and Lawrence Weedin, also longtime Loveland residents. Historian, Olivia Lowe participated in the project. Barry gave a background and history of the project and said the first video featured Forest Knox. The Commissioners asked questions and agreed that the project was an important one and asked how they can assist. Commissioner Cox asked Barry to return with a proposal for them to consider.

Viestenz-Smith Mountain Park Project
Michele Van Hare, Environmental Education Coordinator at the City of Loveland, brought documents and photographs of the history of Viestenz-Smith Mountain Park and asked the Commission to consider reviewing and researching the items to create informational signage for the park. The project would tell the story of the park, she explained. There was information on Louis Papa, the Girl's Athletic Association cabin, the power plant,

the Big Thompson Canyon and Road, the Park Site and the Civilian Conservation Corps. She suggested volunteers choose one of the subjects to research and create a report to adapt into park signage. Nikki collected the materials and will distribute it as requested.

Youth Member Ordinance Amendment

Commissioners reviewed the draft ordinance amending the Historic Preservation Commission's section (2.60.130) of the Loveland Municipal Code. Once the language was agreed upon, *Commission Chair Kersley made the motion to approve the amendment for recommendation to City Council to read as follows:*

A. *There is established a historic preservation commission consisting of ~~seven~~eight members appointed by the city council. Members shall have demonstrated interest, competence, or knowledge in historic preservation. The commission shall be comprised of both professionals and lay members and shall be selected, as much as possible, from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law. One member of the commission shall be from the Loveland Historical Society. One member shall be a high school student residing within the city who shall be under the age of twenty-one at the time of appointment and whose term of office shall be for one year coinciding with the school year and the summer months immediately subsequent to such school year; provided that such member shall be excused from meeting attendance during school breaks. Three members of the commission shall be professionals or shall have extensive expertise in a preservation-related discipline including, but not limited to, history, architecture, planning, or archaeology. Recognizing that professionals may not be available, this requirement may be waived by the city council following a good faith effort to recruit such professionals. Other than as provided above, ~~T~~the term of office of each member shall be three years.*

Commissioner Patterson seconded the motion and it passed unanimously.

The Ordinance amendment will be on the October 6th City Council agenda for first reading and the October 20th City Council agenda for second reading.

Outreach Subcommittee Update

1. *Commission Chair Kersley* reported on a meeting she attended with Chris Wertheim and two teachers from Lucile Erwin Middle School regarding the HPC art project idea. She said the teachers were very enthusiastic about partnering with the HPC on the project. The teachers have invited them back in December to give a presentation about the project. Commissioner Wertheim reported that they also met with Marty Janssen from NOVO Restoration about being involved with the student project. She said they are very interested in participating. It was suggested that the completed art be displayed at the 2016 May Tour de Pants event, in the gallery space at ArtSpace, if it is permitted.

2. The December outreach event was discussed and is scheduled at the Rialto Theater Center for Monday December 14th from 5:00pm to 7:00pm.

3. There was a discussion about the cost and possibility of creating coloring books, placemats and/or coasters to educate the public on historic preservation and architecture.

4. Downtown plaque(s) and banners signifying the national historic register designation were discussed by the HPC. Nikki will organize a meeting with appropriate stakeholders to consider how to proceed with this effort.

NEXT MEETING'S AGENDA/ACTION ITEMS

- Subcommittee Update – Stacee Kersley
- December Outreach Event

Meeting adjourned at 8:07p.m.

CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: **3**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Brian Burson, Current Planning Division

TITLE:

An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For A Portion Of Lot 1, Block 1 Of Great Western Third Subdivision, City Of Loveland, Larimer County, Colorado**.**

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance on second reading as presented.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action. If the ordinance is not adopted, the property would remain with two separate zoning designations, making any development difficult or impossible.
3. Adopt a modified action. A modified action would require all necessary specifics in the motion.
4. Refer back to staff for further development and consideration. All review by staff is complete, and the proposed rezoning to allow development in the I-Industrial District is fully supported. If the application is referred back to staff, specific direction to staff is necessary. This would result in delays and additional expense for proposed development.

SUMMARY:

This is a quasi-judicial action. This is an application to rezone a portion of Lot 1, Block 1, Great Western 3rd Subdivision. The site consists of 5.8 acres and is located along the north side of East 11th Street, between Gorom Avenue and Redwood Drive. The property is directly behind JAX/Gold's Gym and west of Home Depot. Rezoning requests are considered quasi-judicial actions for the City Council.

Currently, the lot has both Industrial and Business zoning, apparently caused by previous replats that were not accompanied by the appropriate rezoning actions. The rezoning will rectify this situation, assigning I-Developing Industrial zoning to all of Lot 1. The unified zoning designation is the first step in preparing the site for pending development of a mixed-use project allowed in the Industrial zone. The existing zoning and land uses in the area are both industrial and business. The requested zoning action will result in a compatible zoning pattern and allow for appropriate development of the site.

City Council adopted the ordinance on first reading as part of their Consent Agenda on October 6, 2015.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

BACKGROUND:

Walsh Construction has applied for a mixed-use development on Lot 1, Block 1 in the Great Western 3rd Subdivision. The western and southeastern portions of the lot, consisting of approximately 2.2 acres, are currently zoned I-Developing Industrial. The central portion of the lot, consisting of approximately 3.5 acres, is currently zoned B-Developing Business. Based on staff research, it appears that the current zoning boundaries originally matched a past subdivision lot configuration, but when the lots were later replatted, the zoning boundaries were not adjusted to match the new lot lines.

The site has been vacant since annexation. The City is currently reviewing a Site Development Plan and subdivision plat for the property. The permanent mixed-use development currently proposed by Walsh Constriction will occupy the center of the overall property, which will become Lot 2 of the proposed subdivision. This development proposal prompts the need to rezone portions of the lot to assure that the entire lot is zoned I-Developing Industrial for the proposed development.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: October 6, 2015

SECOND READING: October 20, 2015

ORDINANCE NO. 5963

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR A PORTION OF LOT 1, BLOCK 1 OF GREAT WESTERN THIRD SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, the property**,** described below in Section 1, is located in the easterly portion of the Great Western Third Subdivision in the City of Loveland, Larimer County, Colorado and is currently zoned "B - Developing Business District"; and

WHEREAS, the property owner has filed an application to rezone the property from "B – Developing Business District" to "I - Developing Industrial District" as set forth herein.

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

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That a portion of Lot 1 Block 1 of Great Western Third Subdivision, as recorded September 7, 2001 at reception number 20010080064 of Larimer County, Colorado records, and situated in the Northeast Quarter of Section 13, Township 5 North, Range 69 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, State of Colorado More particularly described as follows:

Assuming the North line of Lot 1, Block 1, of said Great Western Third Subdivision as Bearing North 88°36'50" East according to the Final Recorded Plat thereof, with all bearings contained herein relative thereto:

Beginning at the Northeast corner of Lot 1, Block 1, of Great Western Third Subdivision; thence South 01°23'10" East, along the Western right-of-way of Redwood Drive, a distance of 205.94 feet; thence departing said Westerly right-of-way line, South 66°10'00" West a distance of 89.29 feet; thence along the arc of a tangent curve to the right having a radius of 630.00 feet, and a central angle of 20°17'04", an arc length of 223.04 feet, the chord of said curve bears South 76°18'32" West a distance of 221.88 feet, to a point on the Northern right-of-way

line of East 11th Street; thence North 70°50'37" West, along said Northerly right-of-way line, a distance of 97.32 feet; thence continuing along said Northerly right-of-way, along the arc of a tangent curve to the left having a radius of 445.00 feet, and a central angle of 31°07'48",an arc length of 241.78 feet, the chord of said curve bears North 86°24'31" West a distance of 238.81 feet; thence departing said right-of-way line, North 00°12'31" West a distance of 232.50 feet to a point in the North line of Lot 1 Block 1 of said Great Western Third, Subdivision; thence North 88°36'50" East, along said North line, a distance of 623.57 feet to the Point of Beginning, containing an area of 156,251 square feet, 3.587 acres

which is now included within the boundaries designated "**B - DEVELOPING BUSINESS DISTRICT"** shall be removed therefrom and included within the boundaries of the district designated as follows:

"I – DEVELOPING INDUSTRIAL DISTRICT"

The Property contains 3.587 acres, more or less, and is subject to all easements and rights-of-way now on record or existing.

Section 2. That the Property shall be subject to all applicable zoning regulations for the City of Loveland.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

Section 5. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR A PORTION OF LOT 1, BLOCK 1 OF GREAT WESTERN THIRD SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

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

AGENDA ITEM: **4**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Mark Miller, Loveland Fire Rescue Authority
PRESENTER: Mark Miller, Fire Chief

TITLE:

An Ordinance Amending The City Code To Reflect That The Fire Rescue Department Services Are Provided By An Independent Governmental Entity Created By Intergovernmental Agreement Between The City And The Loveland Rural Fire Protection District And Adding The Loveland Fire Rescue Authority As An Entity Permitted To Enter Into Cooperative Agreements With The City

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and approve the Ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The ordinance is required to revise the municipal code allowing the fire rescue service to be provided by LFRA.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If it were referred back to staff it would prevent the service being provided by an outside organization as agreed to by all governing parties to the intergovernmental agreement that established the Loveland Fire Rescue Authority as a separate governmental entity.

SUMMARY:

This is an administrative action for the revision of section 2.44.040 and 2.44.050 of the municipal code clarifying that fire rescue services are allowed to be provided by a third party entity and that the Fire Chief duties are no longer directed by the City, instead they are directed by the Loveland Fire Rescue Authority Board (a five member board compromised of two City of Loveland City Council members, the City Manager, and two Loveland Rural Fire Protection District Board members). On October 6, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

BACKGROUND:

The revision of the municipal code is an administrative step required as a part of the overall strategy to clarify that the Loveland Fire Rescue Authority (LFRA) as a third party entity can provide for fire rescue services in the City of Loveland. It assigns all of the existing roles and

responsibilities for those services currently provided for by a City department under the supervision of the City Manager to be provided for by LFRA under the supervision of the Fire Chief as directly by the LFRA Board. It is consistent with the agreement between the City and the Loveland Rural Fire Protection District in the intergovernmental agreement to establish the Fire Authority, as permitted by municipal code section 2.44.050. This action ensures that both municipal provisions (2.44.040 and 2.44.50) are stated consistently.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

First Reading: October 6, 2015

Second Reading: October 20, 2015

ORDINANCE NO. 5964

AN ORDINANCE AMENDING THE CITY CODE TO REFLECT THAT THE FIRE RESCUE DEPARTMENT SERVICES ARE PROVIDED BY AN INDEPENDENT GOVERNMENTAL ENTITY CREATED BY INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT AND ADDING THE LOVELAND FIRE RESCUE AUTHORITY AS AN ENTITY PERMITTED TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE CITY

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

WHEREAS, the governing body of the Fire Authority is a board of directors that includes three (3) members appointed by the Loveland City Council, to include two members of the City Council and the City Manager, and two (2) members appointed by the District's board; and

WHEREAS, the Fire Authority is currently staffed by the personnel employed by the City in the Loveland Fire and Rescue Department, including the City's Fire Chief, who are assigned to the Fire Authority pursuant to Section 6.3 of the IGA; and

WHEREAS, effective January 1, 2016, the City will transfer, and the Fire Authority will assume all responsibility for, all fire and rescue personnel currently employed by the City; and

WHEREAS, the City may desire to enter into cooperative agreements with the Authority or other entity in the future regarding the provision of services, personnel, and equipment; and

WHEREAS, the City Council desires that the Municipal Code more clearly indicate that City fire and rescue department services are provided by the Authority and that the Fire Authority and the City may enter into cooperative agreements with others and each other.

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

Section 1. That Section 2.44.040 of the Loveland Municipal Code is hereby amended as follows:

2.44.040 Fire and rescue department.
The services of the fire and rescue department are provided by the Loveland Fire Rescue Authority, an independent governmental entity created August 19, 2011 by intergovernmental

agreement between the City and the Loveland Rural Fire Protection District. The fire and rescue department shall be under the supervision of the fire Chief of the Loveland Fire Rescue Authority. The fire chief shall be responsible for the extinguishment and the prevention of fires, the protection of life and property against fires, the response to emergency medical incidents and other rescues, the control and containment of hazardous material releases, the removal of fire hazards, the maintenance and care of all property owned by the department, the training of all firefighters, and the performance of other duties agreed to by the City and assigned by the Loveland Fire Rescue Authority. The fire chief shall also furnish information to the public relative to fire hazards, illegal practices and dangerous fire hazards and situations. (Ord. 4079 § 2, 1995; Ord. 1337 § 1 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.14-2)

Section 2. That Section 2.44.050 of the Loveland Municipal Code is hereby amended as follows:

2.44.050 Cooperative agreements.

The city council may enter into cooperative agreements with the Loveland rural fire protection district, the Loveland Fire Rescue Authority, or any other governmental entity as permitted by law for the provision of fire and rescue services, use of equipment, officers, personnel and facilities, and it may pay all or a proportionate share of the necessary expenses which are occasioned by or incidental to fire protection. (Prior code § 10.2)

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

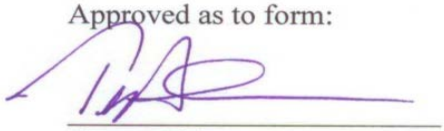
ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

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

AGENDA ITEM: **5**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: Brent Worthington, Finance Department

TITLE:

A Public Hearing And Adoption Of The Ordinances And Implementing Items To Approve And Implement The 2016 Budget.

RECOMMENDED CITY COUNCIL ACTION:

1. Approval of the Resolution on Second Reading setting the 2016 Schedule of Rates, Charges and Fees for the City of Loveland, other than those provided by the Water & Power Department and the Stormwater Enterprise.
2. Approval of the Resolution on Second Reading setting the 2016 rates, Charges and Fees for the Water & Power Department.
3. Approval of the Resolution on Second Reading setting the 2016 rates, Charges and Fees for the Stormwater Enterprise.
4. Approval on Second Reading of all of the Ordinances.

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

SUMMARY:

This is an administrative action to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2016 Budget on Second Reading. The adoption of the 2015 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2016 Budget. On October 6, 2015, City Council unanimously approved the above resolutions and ordinances on first reading.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

These items establish the budget for the City of Loveland, Colorado in 2016 and implement fees and rates to meet the revenue projections in the budget.

BACKGROUND:

The total Net City Budget for January 1 to December 31, 2016 of $270,961,399 is designed to strengthen critical services. Compared to the 2015 Net Adopted Budget of $218,736,040, the budget will increase twenty-four percent (23.9%). The Budget reflects an effort to direct resources to the Council's high priority areas. The General Fund budget for 2016 at $85,794,195 is an

increase from the 2015 Adopted Budget of $73,882,560 by 16.1%. The increase in both the General Fund and the Total City budget is due to an increased capital program, as several major capital projects are beginning the construction phase in 2016.

The 2015 Revised Budget numbers in the material represent supplemental budget appropriations through June, 2015, and the percentage change is a comparison to the 2015 Adopted Budget. Staff believes this is the most accurate assessment of the change in the budget, since it is not affected by one-time grants that have occurred during the year or incomplete capital projects balances rolled forward.

Current Environment
The local economy has shown improvement, although growth continues to be slow. The number of jobs has increased over the same time as last year and the unemployment rate has come down but is still above pre-recession numbers. Sales tax collections through September have been weaker than expected. There are signs of the beginning of a recovery in residential building, but commercial construction remains constrained. The following statistics are indicators of the improvement:

- Sales tax collections through August are 3.6% higher than collections in 2014 through the same time period;
- Building permit revenue is up 18.4% and Building Use Tax is up 29.9% from the same period last year, although as noted above the growth is due only to residential construction.
- Property values are projected to increase 12.0% from 2015 values.
- General Fund Revenues are above expenditures through August by $7.4 million.

The current projections indicate the ten year financial plan is balanced, with operating revenue exceeding operating expense in all years in the plan. If all the proposals included in the 2016 Budget are accepted by Council for the General Fund, revenue available for operations and capital exceeds expenses through all years in the Financial Master Plan. The Unassigned Fund balance is projected to be $7,109,678.

Priorities for Developing the 2016 Budget

The 2016 budget was developed based on strengthening critical services using the revenue growth we are currently experiencing. However the increases are done with caution and staff was not willing to appropriate all of the revenue increase to provide a cushion if the economy falters. The following paragraphs outline the changes that are included in the proposed budget.

Revenues
Revenue projections set the parameters for the budget and are based on the following assumptions:

- Property tax revenue is projected to increase 12.0%.
- The base sales tax is projected to increase 3.0% over the projected 2015 collections.
- We are projecting continued growth in residential construction, with some increases to commercial and multifamily projects;
- Water rate increase of 9.0%, based on this year's cost-of-service-study approved in July of 2015;
- Storm Water rate increases of 10.1% for funding of unmet capital needs;
- Power rate increase of 5.6%, with 4.5% to cover the increase in the wholesale rate from Platte River Power Authority and 1% for on-going maintenance and operations.

- An increase of 9% in the Wastewater Enterprise resulting from this year's Cost-of-service rate study;
- Interest is calculated at 1% of the beginning fund balance.

Expenses
Details on the significant General Fund personnel expenses are below.

- The employee merit pool is set at 3.5%;
- $409,891 –Salary and equipment costs for the addition of 2 new Police Officer and 2 new civilian positions in the Police Department.
- $239,559 – Salary and equipment costs for the addition of 1 new Plans Reviewer, 1 new Building Inspector, and 1 new Office Support Specialist positions in the Development Services Department.
- ($101,518) – Decrease in salary and equipment costs for multiple positions based on the City Manager's directed reductions.

Major Capital Projects for General Fund Agencies in 2016 include:
- $4,483,170 - in the Street Rehabilitation Program;
- $4,156,000 - for Open Space acquisitions funded by Open Space sales tax revenue;
- $2,865,610 - for Phase I redevelopment of the Viestenz-Smith Mountain Park funded by TABOR Excess;
- $2,400,000 - for the purchase of the Museum Collections Storage Building funded by Cultural Services CEF's;
- $1,970,000 - for the City's Transportation Program funded by TABOR Excess and Street CEF's;
- $1,691,330 - for the Recreation Trail expansion funded by Trail CEF's and Lottery funds;
- $1,500,000 - for the land acquisition for the Community Park funded by Parks CEF's;
- $1,075,000 - for the design of the Police Training Facility funded equally by Police CEF's and TABOR Excess;

From the discussion with Council at the study session in September the following changes have been made to the Recommended Budget:

- $372,000 – Salary and equipment costs for the addition of a new Detective position and a new Police Officer in the Police Department.
- $1,700 – Add back in to the Human Resource Departments budget for the Volunteer Recognition Program.
- $800 – Add back in to the Development Services Department budget for the Loveland Honors Event.
- ($206,995) – Remove salary and equipment costs for a new Urban Forester position in the Parks & Recreation Department.
- ($1,075,000) – Reduce the amount appropriated for the Police Training Facility. Council directed Staff to appropriate the City's share of 2016 design costs for this project, without regard to potential Fort Collins participation.
- ($2,905,125) – Remove the Police Records Management System project from the 2016 Capital Program.

Based on City Council direction developed over the course of the August and September budget study sessions, tonight's actions also include a Supplemental Budget and Appropriation to both the 2016 Capital and Operating Budgets for additional transportation projects totaling

approximately $8.8 million over the next four to five years. The additional initial $2 million appropriation in 2016 includes $1,790,000 in capital funding for US 34, which will initially be used at the intersection of US34/Boyd Lake Avenue, and $210,000 in operational funding for staffing required to support an expanded project list.

The $1,790,000 for US 34 in 2016 will be used to leverage $450,000 in existing Federal funds at the Us34/Boyd Lake Intersection as well as to provide funding to complete final design on the westbound section of US34 from Denver to Boyd Lake Avenue. The intersection improvements include double left turn lanes from US34 onto Boyd Lake Avenue and widening of Boyd Lake Avenue to a logical point north and south of US 34 to accommodate the double turn lanes. As stated in previous memos, preliminary design has been completed for this section of US 34 and further design work is currently underway for the US34/Boyd Lake Avenue Intersection. Final design plans will need to be completed for the specific phases(s) to be constructed. Some ROW and permanent and/or construction easements need to be identified and purchased. It is anticipated that design will be completed and ROW acquisition in 2016 with construction starting as early as 2016.

The increased engineering project workload requires an additional 1.0 project manager and 1.0 construction inspector at an estimated cost of $210,000 (including both personnel and non-personnel costs). Given the significant time period involved to undertake an expanded capital project acceleration of this magnitude (projected to be five years), the higher cost of securing long-term contract engineers, recruitment considerations and the likelihood of staff turnover during the five year window, this initial staffing increase is recommended as an operational budget addition to be re-evaluated for elimination through attrition as completion of projects is achieved toward the five year mark.

Mill Levy
The 2015 General Fund mill levy will remain at the same amount as 2014 at 9.564 mills. The 2015 Mill Levy combined with the assessed property value determines the amount of property tax revenue. 2015 Property Taxes are due and payable in 2016 and are used to fund a portion of the 2016 General Fund budget.

Staff believes it is presenting a conservative budget that enhances priority areas and maintains the services in all other areas currently provided, while also maintaining our financial stability. Reserves in the operating funds meet or exceed the adopted fund balance policy that would require 15% of operating fund expenditures for the purposes of meeting unforeseen contingencies that may occur and to provide the City with a bridge if economic conditions result in lower than projected revenues.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Total Budget, and Fund Summary Chapter pages.
2. General Fund Financial Master Plan.
3. Attachment 1- City of Loveland, Colorado; Proposed Fee Changes for 2016, by Department.
4. A Resolution on Second Reading adopting the 2016 Schedule of Rates, Charges and Fees for City Services, other than fees imposed for services of the Water and Power Department

and Storm Water Enterprise, and superseding all prior Resolutions establishing such rates, charges and fees, effective January 1, 2016.

5. Exhibit A – 2016 Schedule of Rates, Charges and Fees for City Services, other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, and superseding all prior Resolutions establishing such rates, charges and fees, effective January 1, 2016.
6. A Resolution on Second Reading adopting the 2016 Schedule of Rates, Charges and Fees for services provided by the Storm Water Enterprise of the City of Loveland, Colorado and superseding all prior resolutions establishing such rates, charges, and fees.
7. Exhibit A - 2016 Schedule of Rates, Charges and Fees for services provided by the Storm Water Enterprise of the City of Loveland, Colorado and superseding all prior resolutions establishing such rates, charges, and fees.
8. A Resolution on Second Reading adopting the 2016 Schedule of Rates, Charges and Fees for services provided by the Water & Power Department of the City of Loveland.
9. Exhibit A – 2016 Water & Power Schedule of Rates, Charges and Fees for services provided by the Water & Power Department of the City of Loveland.
10. Staff Report on 2016 Rates, Charges and Fees for the Water and Power Utilities.
11. An Ordinance on Second Reading adopting the mill levy for the General Fund of the City of Loveland, Colorado.
12. An Ordinance on Second Reading adopting the 2016 budget for the City of Loveland, Colorado.
13. An Ordinance on Second Reading making an appropriation for the fiscal year beginning January 1, 2016 and ending December 31, 2016 for the City of Loveland, Colorado.
14. An Ordinance on Second Reading enacting a supplemental budget and appropriation to the 2016 City of Loveland budget for capital and operational funding for transportation projects.

FIRST READING October 6, 2015

SECOND READING October 20, 2015

RESOLUTION #R-66-2015

A RESOLUTION ADOPTING THE 2016 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE CITY OF LOVELAND, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

WHEREAS, Section 3.04.025 of the Loveland Municipal Code provides that the City Council shall, by resolution, fix the rates, charges, and fees to be collected by the City for goods and services provided by the City; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City, other than services provided by the Water and Power Department and the Stormwater Enterprise, in Resolution #R-7-2015; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees said services to more accurately reflect the cost of providing said services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges and Fees," a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges and Fees, attached hereto as **Exhibit "A"**, is hereby adopted for services provided by the City of Loveland, other than services provided by the Water and Power Department and the Stormwater Enterprise, and shall apply to all billings mailed on or after January 1, 2016.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-7-2015, for all billings mailed on or after January 1, 2016.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-7-2015 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2016 as provided herein.

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

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Exhibit A

City of Loveland, Colorado

Schedule of Rates, Charges and Fees
By Department

Effective January 1, 2016

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

CITY CLERK DEPARTMENT

CITY CLERK

Liquor Occupational Tax:		
"A" - Hotel/Restaurant/Brewpub	$	550.00
"B" - Tavern	$	670.00
"C" - Beer & Wine	$	300.00
"D" - Retail Store	$	670.00
"E" - Drug Store	$	670.00
"F" - Club	$	550.00
"G-1" - 3.2% On-Premises	$	300.00
"G-2" - 3.2% Off-Premises	$	550.00
"G-3" - 3.2% On/Off-Premises	$	550.00
"H" - Optional Premises	$	550.00
Administrative Fees		
Motion Picture Shows, per screen, per year	$	50.00
Skating Rink, per year	$	50.00
Miniature Golf, per year	$	25.00
Bowling Alley, per alley	$	10.00
Shooting Gallery, per alley	$	10.00
Billiard Tables, per table	$	50.00
Electronic Games, per game	$	20.00
Short Check Fee, per check	$	20.00
Copies, per copy	$	0.15
Vendor Permit Application, nonrefundable	$	25.00
Tree Trimmer License (new)	$	50.00
Tree Trimmer License (renewal)	$	25.00
Research Fee, per hour (after first hour)	$	30.00
CD, each	$	15.00
Reproduction of Published Materials		Acutal Cost
Shipping		Acutal Cost
Maps and Oversized Documents		Acutal Cost
Sexually-Oriented Business:		
New Business Application	$	500.00
New Business License, per year	$	50.00
License Renewal, per year	$	50.00
Manager's License, per year	$	25.00
Employee Registration Fee, per employee	$	5.00
Liquor Licenses:		
Application Fees:		
Application, any new license	$	1,000.00
Application, transfer of ownership	$	750.00
Renewal fee (not including fee for particular license, listed below)	$	100.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee
CITY CLERK DEPARTMENT CONT'D		
Liquor Licenses:		
License Tyoe:		
Arts License	$	41.25
Beer & Wine	$	48.75
Brew Pub	$	75.00
Club	$	41.25
Hotel & Restaurant (w/ or w/out optional premises)	$	75.00
Liquor Licensed Drugstore	$	22.50
Optional Premises	$	75.00
Race Track	$	75.00
Resort Complex	$	75.00
Retail Gaming Tavern	$	75.00
Retail Liquor Store	$	22.50
Tavern	$	75.00
Vintner's Restaurant	$	75.00
Related Fees & Permits:		
Art Gallery, Application Fee	$	100.00
Art Gallery, Permit Fee	$	3.75
Change of Location	$	750.00
Change of Trade Name / Corporate Name / LLC Change (per person)	$	100.00
May also include fees for background investigation.		
Hotel / Tavern, Manager Registration	$	75.00
Late Renewal Fee	$	500.00
Bed & Breakfast Permit	$	25.00
Mini Bar Permit (With Hotel license, No OAP Contribution)	$	325.00
Special Event Permit per event (Liquor or 3.2%)	$	100.00
Temporary Transfer Permit	$	100.00
Tasting Permit (new)	$	150.00
Tasting Permit (renewal)	$	25.00
Modification of Premises	$	150.00
Pawnbroker Licenses:		
Application Fees (non-refundable)		
New License	$	400.00
Renewal	$	100.00
Criminal Investigation Process, separate payment		Actual Cost
Manager's Certificate, renewable every 3 years	$	100.00
Transfer License	$	400.00
Section 5.28.220 Business Relocation Application Fee	$	225.00
License Fees:		
Pawnshop License	$	100.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee

CULTURAL SERVICES

RIALTO THEATER

Standard Ticketed Event Rental Rates (12 noon to 12 midnight):		
Daily Rental Rate, up to 8 hours of use	$	550.00
Overtime Rate, per hour or any part of an hour beyond contract rental period	$	125.00
Non-Profit Ticketed Event Rental Rates (12 noon to 12 midnight):		
Daily Rental Rate, up to 8 hours of use	$	450.00
Overtime Rate, per hour or any part of an hour beyond contract rental period	$	125.00
Meeting/Non-Ticketed Event Rental Rates:		
Daily Rental Rate, up to 10 hours of use	$	500.00
Daily Rental Rate, up to 10 hours of use	$	900.00
Overtime Rate, per hour or any part of an hour beyond contract rental period	$	125.00

Community Group Fee Rate:

(Applies to non-profit organizations presenting more than two performances of one show on consecutive dates)

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

Community Group Fee Rate:

Required to reserve date(s), equal to the applicable base rental fee for one day (dollar amount varies). To be applied toward rental cost, or used to offset Rialto administrative costs in the event of cancellation by tenant. Portion of deposit may be used as damage/cleaning fee, if needed, as per contract.

Additional Rental Fees		
Seat Fee (per ticket - applies to all tickets including complimentary tickets)	$	2.00
CIRSA Insurance Coverage (when requested, per attendee)	$	0.30
Projection Equipment Rental (per use)	$	60.00
Marley Dance Floor Rental (per installation)	$	60.00
Yamaha C7 Grand Piano (per day)	$	85.00
Piano Tuning (each, if requested, by Rialto tuner)	$	150.00
Box Office Ticketing Fees (paid by ticket purchaser)		
Window, phone and online ticket sales by credit card, per ticket		
Tickets priced from $0.00 to $19.99, per ticket	$	2.00
Tickets priced from $20.00 to $39.99, per ticket	$	3.00
Tickets priced $40.00 and above, per ticket	$	4.00
Window ticket sales by cash or check, per ticket	$	1.00

Non-refundable Deposit required to reserve date(s) equal to Base Rental Fee for one day

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee
CULTURAL SERVICES CONT'D		
RIALTO THEATER - EVENT SIDE		
Devereaux/Hach Room:		
Standard Rate:		
Rental up to 8 hours	$	250.00
Additional hourly rate	$	50.00
Non-Profit Rate:		
Rental up to 8 hours	$	100.00
Additional hourly rate	$	50.00
Building Tenant Rate:		
Rental up to 6 Hours:	$	175.00
City Department Use		
Rental up to 6 Hours	$	75.00
Deposit	$	400.00
Phyllis Walbye Conference Room:		
Standard Rate (up to 4 hours)	$	50.00
Additional Hourly Rate	$	50.00
Non-Profit Rate (use up to 4 hours)	$	30.00
Additional Hourly Rate	$	30.00
City Department Use (up to 4 hours)	$	30.00
Additional hourly rate	$	25.00
Deposit for Standard & Non-Profit Use	$	150.00
Additional Fees for Room Rental:		
Linens:		
Additional White Tablecloths (each)	$	6.00
Coffee Service:		
Coffee (service of 20 or 60 cups, per cup)	$	1.00
Hot Tea (service of 20 or 60 cups, per cup)	$	0.50
Food Service Cleaning Fees:		
Prep Kitchen Access (up to 50 guests, includes prep room use)	$	50.00
Prep Kitchen Access (51 to 150 guests, includes prep room use)	$	75.00
Videoconference Service:		
During Normal Operating Hours (per hour)	$	200.00
Outside of Normal Operating Hours (per hour)	$	300.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

CULTURAL SERVICES CONT'D

LOVELAND MUSEUM/GALLERY

Facility Use Fees:		
For-Profit, per hour	$	50.00
Non-Profit, per hour	$	30.00
Facility Attendant, per hour	$	25.00
Damage Deposit	$	100.00
Cancellation, less than 7 business days in advance	$	35.00
All-Facility Rental, first two hours (For-Profit rate)	$	500.00
All-Facility Rental, first two hours (Non-Profit rate)	$	350.00
Each hour thereafter, per hour (all renters)	$	75.00
Lone Tree School, per day	$	65.00
Museum Membership:		
Individual	$	30.00
Senior/Student	$	20.00
Dual	$	45.00
Family	$	65.00
Supporter	$	100.00
Contributor	$	250.00
Patron	$	500.00
Benefactor	$	1,000.00
Arts Advocate (Rialto Family Lights & Museum Supporter)	$	150.00
Main Gallery Exhibit Admission:		
Individual	$	5.00
Group, per person	$	3.00
* Admission fees may be waived during community events or based on group membership.		
Workshops, Classes, & Lectures:		
Workshop/Class/Lecture Fees/Special Programs, per event (vary by type, length, instructor cost)	$20.00-$250.00	
Drop-in Workshop/Class Fees, per hour	$6.00-$10.00	
Reproduction of Photographs:		
Digital Copy on CD	$	16.00
Digital Copy on CD, without scan	$	27.00
5x7, With Scan	$	19.00
5x7, Without Scan	$	30.00
8x10, With Scan	$	22.00
8x10, Without Scan	$	32.00
11x14, With Scan	$	30.00
11x14, Without Scan	$	41.00
16x20 With Scan	$	39.00
16x20, Without Scan	$	50.00
20x24, With Scan	$	51.00
20x24, Without Scan	$	63.00
30x40, With Scan	$	63.00
30x40, Without Scan	$	73.00
Larger sizes, additional per foot	$	17.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

DEVELOPMENT SERVICES

PLANNING

Planning Filing Fees:

Conceptual Master Plan		
Major Amendment Fee	$	500.00
Minor Amendment Fee	$	300.00
Preliminary Design Review Application	$	500.00
Major Home Occupation Fee	$	50.00
Traffic Impact Study (TIS) Memorandum	$	150.00
Intermediate/Full TIS	$	360.00
Site Development Plan (if not combined with another application)	$	383.00
Environmentally Sensitive Areas Report	$	200.00
Administrative Variations	$	60.00
Zoning Verification Letter	$	60.00
Major Amendment to GPD/PDP	$	750.00
PUD Minor Amendment	$	300.00
Appeal to Planning Commission	$	300.00
Appeal to City Council	$	180.00
Development and Annexation Agreements	$	300.00
Revisions development and annexation agreements	$	150.00
Planned Sign Program	$	300.00
Civil Improvement Construction Plans, per sheet	$	20.00
Revisions to approved Civil Improvement Construction Plans, per sheet	$	20.00
Annexation & PUD Zoning	$	1,217.00
Plus, for up to 400 acres, per acre	$	53.50
Plus, above of 400 acres, per acre	$	4.55
Annexation & Zoning, other than PUD - result ion to amend fee to $1,217.00	$	1,217.00
Plus, for up to 400 acres, per acre	$	38.00
Plus, above 400 acres, per acre	$	3.05
Annexation Publication and Recording Fee	$	2,282.00
PUD General Development plan	$	1,217.00
Plus, up to 1,200 acres, per acre	$	15.25
Plus, above 1,200 acres, per acre	$	4.55
PUD Preliminary Development plan	$	1,217.00
Plus, per dwelling unit (residential) or per acre (commercial)	$	3.05
PUD Final Development Plan	$	1,217.00
Plus, per dwelling unit (residential) or per acre (commercial)	$	3.05
Major Subdivision - Preliminary plat	$	913.00
Plus, per dwelling unit (residential) or per acre (commercial)	$	7.59
Major Subdivision - Final plat	$	1,065.00
Plus, per lot (residential) or per acre (commercial	$	7.59
Minor Subdivision	$	457.00
Boundary Line Adjustment and Lot Mergers	$	264.00
Special Review	$	760.00
Special Review, minor modification	$	229.00
Rezoning	$	760.00
Vacation Request	$	305.00

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

DEVELOPMENT SERVICES CONT'D

PLANNING (CONT'D)

Variance Request	$	229.00
Vested Rights Request	$	153.00
Oil and Gas Facility, Planning Commission review process	$	4,370.00
Oil and Gas Facility, administrative review process	$	1,738.00

Planning Filing Fees (cont'd)

Plan Submittal In Excess of 3 Rounds, percentage of original fee		50%

(These fees cover a project's initial submittal and two additional rounds of review. If a project needs more than a total of three rounds of review, the next submittal (or fourth round) and all subsequent resubmittals will require an application fee of 50% of the original fee with each resubmittal.)

BUILDING

Building Permit Fees:

Valuation:**

$1 to $500	$	23.50
$501 to $2,000, for first $500	$	23.50
Plus, for each additional $100 or fraction thereof	$	3.05
$2,001 to $25,000, for first $2,000	$	69.25
Plus, for each additional $1,000 or fraction thereof	$	14.00
$25,001 to $50,000, for first $25,000	$	391.75
Plus, for each additional $1,000 or fraction thereof	$	10.10
$50,001 to $100,000, for first $50,000	$	643.75
Plus, for each additional $1,000 or fraction thereof	$	7.00
$100,001 to $500,000, for first $100,000	$	993.75
Plus, for each additional $1,000 or fraction thereof	$	5.60
$500,001 to $1,000,000, for first $500,000	$	3,233.75
Plus, for each additional $1,000 or fraction thereof	$	4.75
$1,000,001 and up, for first $1,000,000	$	5,608.75
Plus, for each additional $1,000 or fraction thereof	$	3.65
Residential Plan Review Fee, percentage of Building Permit Fee	65%	
Commercial Plan Review Fee, percentage of Building Permit Fee	65%	
Re-Inspection Fee, per hour*	$	47.00
Inspections, outside of normal business hours, per hour*	$	47.00
(minimum charge, 2 hours)	$	47.00
Inspection, for which no fee is specifically indicated*		
(minimum charge, ½ hour)	$	47.00
Additional Plan Review required by changes, additions or revisions to approved plans*	$	30.00
per hour, (minimum charge, 1 hour)	$	47.00
Site Plan Review (or Revision) for Residential Standard Plan Submittals, each	$	30.00
Review of Deferred Submittals (submitted after initial plan review), per hour, per submittal	$	47.00
Occupancy Permit (except single-family R-3 and their accessory uses),		
per building or "shell"	$	50.00
Additional for each non-residential improvement	$	50.00
Temporary, Partial or Conditional Certificate of Occupancy	$	100.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

DEVELOPMENT SERVICES CONT'D

BUILDING (CONT'D)

Mechanical Permit Fees:	
Valuation:**	Same as Building Permit Fees
Plumbing Permit Fees:	
Valuation:**	Same as Building Permit Fees
Electrical Permit Fees:	
Valuation:**	Same as Building Permit Fees
Contractor Licensing:	
Class A, B and C	$ 125.00
Mechanical and Other Licenses	$ 125.00
Plumbing & Electrical	No Charge
Water and Engineering Inspection Fees (Streets & Storm Drainage):	
For fees related to Street Inspections, see the Public Works Department section	
For fees related to Storm Drainage Inspections, see the Schedule of Rates, Charges and Fees for 2009 for the Storm Water Utility, (a separate document).	
Plat Conversion Service:	
Preliminary Major Subdivision Plat Base Fee	$ 40.00
Plus, per parcel	$ 2.00
Final Major Subdivision Plat Base Fee	$ 40.00
Plus, per parcel	$ 2.00
Final Minor Subdivision Plat	$ 20.00
Final Annexation Map	$ 20.00
Boundary Line Adjustment Plat	$ 20.00
Lot Merger Plat	$ 20.00
Grading Plan Review Fees:	
50 Cubic Yards or Less	No Fee
51 to 100 Cubic Yards	$ 23.50
101 to 1,000 Cubic Yards	$ 37.00
1,001 to 10,000 Cubic Yards	$ 49.25
10,001 to 100,000 Cubic Yards, for first 10,000	$ 49.25
Plus, for each additional 10,000 or fraction thereof	$ 24.50
100,001 to 200,000 Cubic Yards, for first 100,000	$ 269.75
Plus, for each additional 10,000 or fraction thereof	$ 13.25
200,001 Cubic Yards or More, for first 200,000	$ 402.25
Plus, for each additional 10,000 or fraction thereof	$ 7.25
Additional Plan Review, required to approve plans, per hour*	$ 50.50
(Minimum charge, one-half hour)	

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

DEVELOPMENT SERVICES CONT'D

BUILDING (CONT'D)

Grading Permit Fees:		
50 Cubic Yards or Less	$	23.50
51 to 100 Cubic Yards	$	37.00
101 to 1,000 Cubic Yards, for the first 100	$	37.00
Plus, for each additional 1,000 or fraction thereof	$	17.50
1,001 to 10,000 Cubic Yards, for first 1,000	$	194.50
Plus, for each additional 1,000 or fraction thereof	$	14.50
10,001 to 100,000 Cubic Yards, for first 10,000	$	325.00
Plus, for each additional 10,000 or fraction thereof	$	66.00
100,001 Cubic Yards or More, for first 100,000	$	919.00
Plus, for each additional 10,000 or fraction thereof	$	36.50
Inspections, outside of normal business hours, per hour*	$	50.50
Re-Inspection Fees, assessed under provisions Section 108.8 of the International Building Code, per hour*	$	50.50
Inspections, for which no fee is specifically indicated, per hour*	$	50.50
Sale of Maps:		
Plotted Maps:		
City Limits, Subdivision, Zoning - 2000' scale	$	7.50
City Limits, Subdivision, Zoning - 1000' scale	$	30.00
City Features Map	$	30.00
Other Maps:		
2020 Transportation Street Plan Map	$	2.00
Current Development Activities Map	$	2.00
Mylar Copies	$	6.00
Aerials - Entire City	$	4.00
Aerials - 1/4 Section	$	5.00
Aerials - Full Section/Quad w/Topographic Lines	$	3.00
Benchmark Map	$	2.50
City Limits, Subdivision, Zoning – 2000' scale	$	2.50
City Limits, Subdivision, Zoning – 1000' scale	$	8.00
Flood Plain maps	$	2.50
Reference Materials:		
Alpha/Numeric Index for Subdivision Maps	$	8.00
Development Standards/Specifications for Public Improvements	$	20.00
Street Location Guide	$	5.00
Digital Maps:		
Base Street & Feature Layers	$	15.00
City Limit, Subdivision, Zoning, per feature layer	$	15.00
Source Files for Mapping Products:		
Parcel Files - 295 tiles	$	1,475.00
Planimetric Files - 204 tiles	$	1,020.00
Utility File	$	1,000.00

* Or total hourly cost to the City, whichever is greatest.

** Minimum square footage costs will be based upon the most recent version of Building Valuation Data as published in the Building Safety Journal by the International Code Council (ICC). Future adjustments to valuation will now occur in conjunction with this publication. A copy of the most current Building Valuation Data is available for viewing at the Building Division.

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee
EXECUTIVE & LEGAL DEPARTMENT		
MUNICIPAL COURT		
Jury Trial, per case	$	100.00
Trial to the Court, per case	$	25.00
Plea, per case	$	25.00
Court Summons Surcharge	$	10.00
Community Service/Useful Public Service, per case	$	25.00
Warrant Processing Fee, which fee the Municipal Court may waive, reduce or allow payment over time, all within the Court's discretion, per warrant	$	50.00
Stays of Execution (SOE), which fee the Municipal Court may waive, reduce or allow payment over time, all within the Court's discretion, on first SOE	$	10.00
Wedding Fee	$	75.00
Court Administration Fee	$	75.00
Transcript of proceedings, per page (more if expedited)	$	2.85
Research in excess of 1 hour, per hour	$	30.00
Copies-Paper over 10 pages, per page	$	0.15
Municipal Code		Actual Cost
Certified Copy of Conviction	$	5.00
Production of a CD, per disc	$	15.00
NSF (non-sufficient funds) check return	$	20.00
LEGAL DEPARTMENT		
Metropolitan District Service Plan Review, per plan reviewed	$	5,000.00
FINANCE DEPARTMENT		
REVENUE		
Sales Tax License Application Fee	$	20.00
Sales Tax License Renewal, per year	$	20.00
LOVELAND PUBLIC LIBRARY		
LIBRARY		
General Fees:		
Copy on Microfilm Machines	$	0.10
Photocopies, black and white, per page	$	0.10
Photocopies, color, per page	$	0.50
Color Copying on Very Large Printer, per linear foot	$	5.00
Processing Fee, per item	$	10.00
Deposit for Temporary Users, per item	$	20.00
Maximum Fine Accrual Before Suspension	$	5.00
Inside Spine Damaged & Mendable	$	2.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee
LOVELAND PUBLIC LIBRARY CONT'D	
General Fees (cont'd):	
Repairs to Cover Needing Bindery Tape	$ 5.00
Torn or Marked Pages, per page	$ 0.50
Pages Completely Out But Mendable, per page	$ 1.00
Stitching Torn & Mendable	$ 1.00
Replacement of Damaged Book Jacket, per book	$ 2.00
Late Materials, per day	$ 0.20
Replacement of Library Card, per card	$ 2.00
Water-Damaged Books	
up to 4 pages	$ 2.00
More than 4 pages	Book Replacement Cost
Barcode Replacement	$ 0.15
Missing Liner Notes & Lyric Sheets	$ 1.00
Replacement of DVD Cases:	
Holds 7 or fewer DVDs	$ 5.00
Holds 8-10 DVDs	$ 7.00
Replacement of Compact Disk Case:	
Holds 5 or fewer CDs	$ 3.00
Holds 6 or more CDs	$ 10.00
Pouches, each	$ 1.00
Book on CD cases:	
Holds up to 12 CDs	$ 7.00
Holds between 12 and 20 CDs	$ 7.50
Holds more than 20 CDs	$ 10.00
Replacement of Lost Items:	
Actual cost in database, or	
Periodicals	$ 6.00
Paperbacks	$ 8.00
City Council DVDs	$ 10.00
All Other Items	$ 30.00
Collection Agency Fee, per account submitted	$ 20.00
Quick Reads Book Rental Fee, per title	$ 1.00
Quick Watch DVD Rental Fee, per title	$ 1.00
Book Club Kit Tags	$ 1.00
Flash Drives	$ 5.00
Headphones	$ 2.00
RFID Tag	$ 0.50
Videoconferencing:	
Normal operating hours, per hour	$ 200.00
Outside normal operating hours, per hour	$ 300.00
iLearn Classroom Rental:	
Commercial organizations, per hour	$ 50.00

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

LOVELAND PUBLIC LIBRARY CONT'D

eReaders		
Replacement of eReader	$	160.00
Replacement of eReader Cord	$	10.00
Replacement of eReader Instruction Booklet	$	5.00
Replacement of eReader Case	$	30.00

PARKS & RECREATION

OUTDOOR AQUATICS		
Swimming Programs*:	$10.00-$110.00	
Lessons	$	40.00
CARA Swim Team	$	110.00
Daily Admission – Winona Pool:		
Toddler (3-5)	$	2.00
Youth (6-17)	$	3.00
Adult (18+)	$	4.00
Senior (62+)	$	3.25
Low Income Daily Admission - Winona Pool:		
Toddler (3-5)	$	1.50
Youth (6-17)	$	2.00
Adult (18+)	$	3.00
Senior (62+)	$	2.50
Punch Passes (20 admissions) – Winona Pool:		
Toddler (3-5)	$	33.00
Youth (6-17)	$	50.00
Adult (18+)	$	67.00
Senior (62+)	$	57.00
Punch Passes (10 admissions) – Winona Pool:		
Toddler (3-5)	$	18.00
Youth (6-17)	$	27.00
Adult (18+)	$	36.00
Senior (62+)	$	30.00
Winona Pool Rental:**	$90.00-$275.00	
Additional Guard(s)	$50.00-$65.00	
Pool Damage Deposit	$100.00	

*Fee calculation varies for each class based on type, length and instructor cost.

** The actual fee charged is based on group size and any special accommodations.

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee
PARKS & RECREATION CONT'D	
HATFIELD CHILSON RECREATION CENTER (CONT'D)	
Chilson Classes##	$10.00-$400.00
Facility Rentals (2 hours)**	$20.00-$375.00
Additional Time##	$20.00-$150.00
Daycare, per visit	$ 1.75
Personal Training	$20-150
ADULT ATHLETICS	
Adult Athletic Fees	$10.00-$780.00
YOUTH ATHLETICS	
Youth Athletics/Tennis/Field/Court Rental	$12.00-$175.00
BATTING CAGES	
Batting Cages (for 15-25 balls)	$1.00-$2.00
1 Hour Cage Rental	$26.00-$30.00
1 Hour Cage Rental Plus 1 Hour Field Rental	$34.00
RECREATION PROGRAMS	
Recreation Program Fees	$0.00-$650.00
Brochure Ads, based on advertisement size	$0.00-$600.00
Program Cancellation Fee	$ 5.00
SPECIAL RECREATION PROGRAMS	
Senior Program Fees##	$0.00-$250.00
Adaptive Recreation Program Fees	$0.00-$250.00
## Fee calculation varies for each class based on type, length and instructor cost.	
PARKS	
Field Use & Prep:	
Practice/Ball Field, per field, per hour	$ 15.00
Game Field Prep & Use, per field	$25.00-$175.00
Field Rental, per day	$100.00-$175.00
Championship Field, per hour	$ 45.00
Championship Field, per day	$ 450.00
Lights, per hour	$ 15.00
Portable Fence Fee	$40.00
Field Supervisor, per hour	$14.00-20.00
Facility Clean-Up Deposit	$ 300.00
Merchandise Table	$150.00
LSP Special Events/Rentals	$50.00-$1000.00
Tennis Court Rentals, per hour, per court	$ 4.00
Commercial Tennis Court Fee, per hour	$ 12.00
Court Rentals (basketball & volleyball), per hour	$10.00-$15.00
In-Line Rink Rental, per hour	$30.00-$110.00
Site Impact/Set-Up Fee	$25.00-$500.00
Alcohol Beverage Permit	$ 35.00
Cancellation/Transfer Fee	$10.00-$50.00

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PARKS & RECREATION CONT'D

CEMETERY	
Opening/Closing:	
Regular	$ 1,015.00
Cremains:	
with Vault	$ 600.00
without Vault	$ 475.00
Non-Resident Infant	$ 400.00
After Normal Hours:	
Regular	$ 500.00
Cremains	$ 500.00
Lot Sales:	
Adult	$1,050.00
Cremains	$300.00-$350.00
Foundations	$ 125.00
Disinterment	595-2000
Flat Markers, based on size of marker	$150.00-$175.00
Vase Setting	$ 50.00
CEMETERY PERPETUAL CARE FUND	
Perpetual Care Regular	$ 650.00
Perpetual Care Cremains	$ 350.00
Columbarium-Double -Loveland	$ 2,300.00
Columbarium-Single-Lakeside	$ 1,250.00
Columbarium-Double-Lakeside	$ 1,950.00
PARK IMPROVEMENT	
City Park Shelter Fee**	$60.00-$500.00
Site Impact/Set-Up Fee**	$25.00-$500.00
Alcohol Beverage Permit	$ 35.00
Cancellation/Transfer Fee	$ 20.00

**The calculation varies by group size and any special accommodations.

GOLF	
OLDE COURSE AT LOVELAND	
Green Fees	
9-Hole Green Fee	$ 18.00
18-Hole Green Fee	$ 33.00
Twi-Lite 9 Hole Greens Fee	$ 13.50
Twi-Lite 18 hole Greens Fee	$ 27.00
Punch Pass (20/9 or 10/18) – resident/non-resident	$ 280.50
Fall/Winter Rate 9-Hole (November 1-March 31)	$12.00-$13.00
Fall/Winter Rate 18-Hole (November 1-March 31)	$22.00-$26.00
Visiting High School Fee, per 9 holes	$ 10.00
Annual Pass User Fee, per 9 holes	$ 3.50
R2J School User Fee, per 9 holes	$ 3.50

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PARKS & RECREATION CONT'D

GOLF (CONT'D)

OLDE COURSE AT LOVELAND (CONT'D)	
Youth Play	
9-Hole Youth Play	$ 9.00
18-Hole Youth Play	$ 16.50
Carts	
Private Cart Permit	$ 300.00
9-Hole Private Cart Rental (w/o permit)	$ 10.00
18-Hole Private Cart Rental (w/o permit)	$ 15.00
9-Hole Cart Rental, single rider (Jr - Adult)	$5.50-$11.00
18-Hole Cart Rental, single rider (Jr - Adult)	$8.00-$16.00
Cart Punch Pass - Monday - Friday Noon, single rider	$ 120.00
Cart Punch Pass - Full Week, single rider	$ 136.00
Driving Range:	
Range Balls:	
Small, per container	$ 4.00
Large, per container	$ 8.00
Range Punch Pass	$ 68.00
Range Lesson	$ 10.00
M-F Afternoon Promotion	$ 39.00
Expo Special	$ 85.00
Double-Double	$ 95.00
Supertwilight	$13.00-$20.00
9 Hole Twilight Special	$ 20.00
18 Hole Twilight Special	$ 33.00
Tournaments:	
Saturday-Sunday	$ 10.00
Monday-Friday	$ 5.00
Pre-Reserved Start	$ 5.00
Employee & Visiting Affiliation Golf (M-F Only)	
9 Hole Employee Golf	$ 7.00
18 Hole Employee Golf	$ 13.00
9 Hole Employee Cart	$ 5.00
18 Hole Employee Cart	$ 8.00
Range Balls	$ 2.00
Pro Shop:	
Lessons/Clubfitting	$30.00-$500.00
Pull Cart/Club Rental	$3.00-$40.00
Handicap Service	$3.00-$7.00
Tournaments:	
Handling Fees	$2.00-$10.00
Pro Shop Merchandise Fee	$5.00-$10.00
Open Range	$ 3.00
Tournament Package	$42.00-$100.00
Pro Shop Merchandise Sales, Cost + %	10%-300%

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

PARKS & RECREATION CONT'D

Description	2016 Fee
GOLF (CONT'D)	
CATTAIL CREEK	
Greens Fees:	
Youth/Seniors Monday - Friday Green Fee	$ 8.00
Youth/Senior Add-On	$ 6.00
9-Hole Green Fee	$ 11.00
Add-On Green Fee	$ 8.00
Twi-Lite (after 6 p.m.)	$ 7.00
10 Punch Pass (Cattail Creek only)	$ 93.50
3-Hole Short Round	$ 4.00
Senior/Youth Punch Pass	$ 68.00
Fall/Winter Rate 9-Hole (November 1 – March 31)	$7.00-$8.00
SNAG/Mini Golf Course	$ 5.00
Youth Mini Course Round (ages 4-12)	$ 4.00
Mini Golf Course Replay Round	$ 2.00
SNAG/Mini Golf Punch Pass	$ 42.50
SNAG/Group/School Fee	$ 3.00
Carts:	
9-Hole Cart Rental, Single Rider (Jr - Adult)	$3.00-$6.00
Cart Add-On, 1 Riders	$ 4.00
Per Rider Cart Punch Pass (10 round)	$ 51.00
Annual Pass User Fee, per 9 holes	$ 3.50
R2J User Fee, per 9 holes	$ 3.50
Visiting High School Fee, per 9 holes	$ 10.00
Driving Range:	
Range Balls:	
Small, per container	$ 4.00
Large, per container	$ 8.00
Range Punch Pass	$ 68.00
Range Lesson/Open	$ 10.00
Youth Group Range/R2J School District	$ 4.00
Tournament/Pre-reserved	$ 2.00
9 Hole Employee Golf	$ 4.00
9 Hole Employee Mini Golf	$ 3.50
9 Hole Employee Cart	$ 5.00
Employee Range Balls	$ 2.00
Pro Shop:	
Lessons/Clubfitting	$10.00-$125.00
Pull Cart/Club Rental	$2.00-$20.00
SNAG Club Rental	$ 2.00
Junior Golf Lesson Program	$40.00-$150.00
Pro Shop Merchandise Sales, Cost + %	10%-300%

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PARKS & RECREATION CONT'D

GOLF (CONT'D)

MARIANA BUTTE

Greens Fees:	
9-Hole Green Fee	$ 22.00
18-Hole Green Fee	$ 43.00
Punch Pass (20/9 or 10/18) – resident, non-resident	$ 365.50
Twi-Lite 9 Hole Greens Fee	$ 17.00
Twi-Lite 18 hole Greens Fee	$ 35.00
Fall/Winter Rate 9-Hole (November 1 – March 31)	$16.00-$17.00
Fall/Winter Rate 18-Hole (November 1 – March 31)	$28.00-$34.00
R2J School User Fee, per 9 holes	$ 3.50
Annual Pass User Fee, per 9 holes	$ 3.50
Visiting High School User Fee, per 9 holes	$ 10.00
Youth Play (M-F, Jr. Golf Program)	
9 Hole, Youth Play	$ 11.00
18 Hole, Youth Play	$ 21.50
Carts:	
Private per Use 9-Hole (w/o permit)	$ 10.00
Private per Use 18-Hole (w/o permit)	$ 15.00
9-Hole Cart Rental, single rider (Jr - Adult)	$5.50-$11.00
18-Hole Cart Rental, single rider (Jr - Adult)	$8.00-$16.00
Cart Punch Pass Full Week	$ 136.00
Private Cart Permit	$ 750.00
Driving Range:	
Range Balls:	
Small, per container	$ 4.00
Large, per container	$ 8.00
Range Pass	$ 68.00
Open Range	$ 3.00
Tournaments:	
Saturday-Sunday	$ 10.00
Monday-Friday	$ 5.00
Monday – Friday Special Promotions	$ 47.00
Double-Double	$ 95.00
City Championship	$ 50.15
Expo Special	$ 95.00
Dept. Youth Charity	$ 24.50
9-Hole Twilight Special	$ 25.00
18-Hole Twilight Special	$ 41.00
Pre-Reserved Start	$ 5.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PARKS & RECREATION CONT'D

GOLF (CONT'D)

MARIANA BUTTE (CONT'D)

Employee & Visiting Affiliation Golf (M-Thur Only)	
9 Hole Employee Golf	$ 8.00
18 Hole Employee Golf	$ 16.00
9 Hole Cart	$ 5.00
18 Hole Cart	$ 8.00
Range Balls	$ 2.00
Games on the Range	
Single Bay Rentals	$12.50-25.00
Double Bay Rentals	$20.00-$40.00
Pro Shop:	
Lessons/Clubfitting	$30.00-$500.00
Pull Cart/Club Rental	$3.00-$40.00
Handicap Service	$3.00-$7.00
Tournaments:	
Handling Fees	$2.00-$10.00
Pro Shop Merchandise Fee	$5.00-$10.00
Open Range	$2.00-$5.00
Tournament Package	$55.00-$100.00
Pro Shop Merchandise Sales, Cost + %	10%-300%

MULTIPLE COURSES

2-Course Fees:	
Olde Course/Cattail Creek, Full Week - Individual	$ 575.00
Olde Course/Cattail Creek, Full Week - Youth	$ 225.00
Olde Course/Cattail Creek, Monday - Friday Noon - Individual	$ 410.00
Olde Course/Cattail Creek, Monday – Thursday (after 1pm) - Individual	$ 150.00
Olde Course/Cattail Creek, Monday -- Thursday - Individual	$ 275.00
3-Course Fees:	
Olde Course/Cattail Creek/Mariana Butte, Full Week - Individual	$ 860.00
Olde Course/Cattail Creek/Mariana Butte, Full Week - Youth	$ 300.00
Olde Course/Cattail Creek/Mariana Butte, Monday - Friday Noon - Individual	$ 660.00

FACILITIES

Hammond Amphitheater (North Lake):	
Deposit	$ 50.00
Use Fee	$ 75.00

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee

POLICE

POLICE

Police Records:		
Copies of Reports & Calls for Service:		
Twenty-first Page & Over, base charge	$	5.00
Plus Twenty-first Page & Over, per page	$	0.25
Certified Copy of Record, copy cost plus	$	2.00
Criminal History, per name checked	$	3.00
CD/DVD (photos, dispatch recordings, video)	$	15.00
Finger Printing Fee	$	25.00
Postage/Shipping		Actual Cost
Record Special Search Fee:		
Research, retrieval, redaction, creation per hour, after one quarter hour. Plus copy, postage/shipping, media or other applicable fee.	$	35.00
Special Events Fee:		
Officers, per hour	$	51.00
Supervisor, per hour	$	56.00
Warrant Surcharge, each	$	60.00
Court ordered fingerprinting, each	$	25.00
Beer Keg ID Tags:		
Removing a Beer Keg ID Tag	$	100.00
Damaging a Beer Keg ID Tag	$	50.00

PUBLIC WORKS

ENGINEERING

Street Cut:		
Minor Right-of-Way Permit Fee (minimal traffic control, ex: residential driveway cuts, shoulder work). Work with minimal impact to traffic on public right of ways.	$	50.00
Excavation Permit for Right-of-way Property/Easements (General Permit)	$	145.00
Major Right-of-Way Permit Fee (major traffic control, ex: arterial lane closures and/or detours). This work or event may cause the need for street closures and/or detours.	$	300.00
Open Cut, non-paved areas of the right-of-way	$	0.30
Open Cut, streets older than 5 years, per sq ft	$	2.50
Open Cut, streets newer than 5 years, per sq ft	$	7.50
Potholing or Vacuum Excavation, unpaved areas of the Right-of-Way (each)	$	5.00
Potholing or Vacuum Excavation, streets older than 5-years (each)	$	15.00
Potholing or Vacuum Excavation, streets older than 5-years (each)	$	45.00
Horizontal Boring and Tunneling (lineal ft)	$	0.25

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PUBLIC WORKS CONT'D

ENGINEERING (CONT'D)

Fines & Fees for Permit Violations

Right-of-Way Permit for Concrete Work - Fine for Exceeding Permit Completion Date (per day)	$	100.00
Excavation Permit for Right -of-Way / Public Property / Easements - Fine for Exceeding Permit Completio	$	250.00
Right of Way Permit with Arteral or State/Us Highway Street Closure - Fine for Exceeding Permit Comple	$	1,000.00
Right -of-Way Permit with Collector Street Closure - Fine for Exceeding Permit Completion Date (per day	$	500.00
Right -of-Way Permit with Local Street Closure - Fine for Exceeding Permit Completion Date (per day)	$	250.00
Right -of -Way Permit with Arterial or State/US Highway Street Lane Closure - Fine for Exceeding Permit Completion Date (per day)	$	500.00
ROW Permit with Collector Street Lane Closure - Fine for Exceeding Permit Completion Date (per day)	$	250.00
Arterial or State/US Highway Time Restriction Violation of Work Hours (Half Hour or Portion Thereof)	$	50.00
Arterial or State/US Highway Time Restriction Violation of Work Hours (Half Hour or Portion Thereof)	$	500.00
Inspection Fee for Outside Normal Working Hours Monday thru Friday (7:30 to 16:30) or for Reinspections (One-Hour Minimum or Portion Thereof)	$	60.00
Failure to Obtain a ROW Permit - Double Fees or $250 whichever is more	$	250.00

FACILITIES MANAGEMENT

Pulliam Community Building:

Community Room:

Deposit	$	300.00
Use fee, nonprofit rate	$	80.00
Use fee, all others	$	150.00

Meeting Rooms #1 or #2:

Deposit	$	50.00
Use fee, nonprofit rate	$	40.00
Use fee, all others	$	60.00

Auditorium:

Deposit	$	100.00

Use Fee:

2 hours, nonprofit	$	80.00
2 hours, all others	$	130.00
Over 2 hours, nonprofit	$	190.00
Over 2 hours, all others	$	240.00

Gertrude B. Scott (Library Multipurpose) Room:

Deposit	$	150.00
Use fee, nonprofit rate	$	40.00
Use fee, all others	$	60.00

Erion Foundation Community Room:

Deposit	$	150.00
Use fee, nonprofit rate	$	40.00
Use fee, all others	$	60.00

CITY OF LOVELAND
SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description	2016 Fee

PUBLIC WORKS CONT'D

FACILITIES MANAGEMENT (CONT'D)

Foote Lagoon Amphitheater (Civic Center Plaza):		
Deposit	$	150.00
Use fee, nonprofit rate	$	90.00
Use fee, all others	$	175.00
Concession-vending machines, % of net sales		**15%**

Cancellations must be made in writing 7 days or more prior to the reservation date and will be subject to a $10 cancellation fee with the remainder of the use fee returned, plus the deposit returned. If the cancellation is less than 7 days before the event, the City will keep 100% of the use fee, but, will return

TRANSIT FARES

Fixed Route:		
Adult (19-59):		
Single Ride	$	1.25
10 day Pass	$	12.50
20 day Pass	$	22.50
Monthly Pass	$	30.00
Annual Pass	$	180.00
Youth (6-18):		
Single Ride	$	0.50
Annual Pass	$	25.00
Seniors and ADA:		
Single Ride	$	0.60
Annual Pass	$	25.00
Paratransit:		
Single Ride	$	2.00
Low Income Fixed Route Fares:		
Single Ride	$	0.60
Low Income Paratransit Fares:		
Single Ride	$	1.00
Tokens: (An in-kind donation to United Way participating agencies)		
25 Tokens, for any agency (full fare)	$	31.25
25 Tokens, for internal City groups	$	15.00
Business Investment Pass:		
Purchased in groups of 50, per pass	$	50.00
For businesses with less than 50 employees, per employee	$	50.00

NOTE: All annual passes shall be valid for one year from the date of purchase. Medicare card holders are eligible for half fare on the fixed route system by showing their card at the time of boarding; this does not

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee
PUBLIC WORKS CONT'D		
SOLID WASTE		
Waste Hauler License Fee:		
Annual Fee, per truck	$	100.00
Single Family Residential:		
Mandatory Monthly Recycling Fee – single-family, duplex, triplex units, with yards	$	4.50
Mandatory Monthly Recycling Fee – town-home and mobile-home units, without yards	$	4.50
Single Family Monthly Yardwaste Fee	$	2.75
32-Gallon Trash Tags, each	$	1.75
17-Gallon Trash Carts, per month	$	3.00
32-Gallon Trash Carts, per month	$	6.00
64-Gallon Trash Carts, per month	$	12.00
96-Gallon Trash Carts, per month	$	18.00
96-Gallon Yard Debris Carts, per month	$	8.00
Multi-Family Residential:		
Monthly Fee, if paid by tenant, per month	$	12.00
Monthly Fee, if paid by landlord:		
@ 2-Yard:		
One dumpster once/week	$	60.00
Each additional dumpster	$	30.00
One dumpster twice/week	$	90.00
Each additional dumpster	$	45.00
One dumpster three times/week	$	120.00
Each additional dumpster	$	60.00
One dumpster four times/week	$	150.00
Each additional dumpster	$	75.00
One dumpster five times/week	$	180.00
Each additional dumpster	$	90.00
@ 3-Yard:		
One dumpster once/week	$	80.00
Each additional dumpster	$	40.00
One dumpster twice/week	$	120.00
Each additional dumpster	$	60.00
One dumpster three times/week	$	160.00
Each additional dumpster	$	80.00
One dumpster four times/week	$	190.00
Each additional dumpster	$	95.00
One dumpster five times/week	$	220.00
Each additional dumpster	$	110.00
Dumpster Overages/Excess, per cubic yard	$	20.00

CITY OF LOVELAND

SCHEDULE OF RATES, CHARGES AND FEES FOR 2016

Description		2016 Fee

PUBLIC WORKS CONT'D

SOLID WASTE (CONT'D)

Other Services:		
2-Yard Dumpster Rental, per empty	$	60.00
3-Yard Dumpster Rental, per empty	$	90.00
10-Yard Roll-Off Box Rental, per empty	$	240.00
20-Yard Roll-Off Box Rental, per empty	$	350.00
30-Yard Roll-Off Box Rental, per empty	$	460.00
Loose Refuse/Rubbish Curbside Collection Service, per cubic yard	$	30.00
Refuse Exemption Administrative Fee, per event	$	6.00
Mosquito Control Services, per month	$	0.80
Cart Replacement Fee - 17 gallon	$	50.00
Cart Replacement Fee - 35 gallon	$	50.00
Cart Replacement Fee - 65 gallon	$	60.00
Cart Replacement Fee - 95 gallon	$	70.00
Cart Pick-Up/Washing [1-3 carts]	$	15.00

STREET MAINTENCE

Fees for Inspection of Streets:		
Single Family Unit	$	75.00
Duplex Unit	$	50.00
Multi-Family Unit	$	25.00
All Other Buildings	$	150.00
Plus Charge per acre for lots over 2 acres	$	50.00
Street Maintenance Utility Fees:		
Residential, per dwelling unit	$	2.10
Industrial, per acre	$	30.20
High Traffic Retail, per acre	$	23.27
Retail, per acre	$	232.69
Miscellaneous Retial	$	91.44
Commercial, per acre	$	59.44
Institutional, per acre	$	30.20

FIRST READING October 6, 2015

SECOND READING October 20, 2015

RESOLUTION #R-67-2015

A RESOLUTION ADOPTING THE 2016 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE STORM WATER ENTERPRISE OF THE CITY OF LOVELAND, COLORADO AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

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 the rates, charges, and fees for the services provided by the Storm Water Enterprise in Resolution #R-69-2014; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees for services provided by the Storm Water Enterprise to more accurately reflect the cost of providing such services to its customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as **Exhibit "A"**, is hereby adopted for services provided by the Storm Water Enterprise of the City of Loveland, Colorado and beginning with billings mailed on or after January 1, 2016.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-69-2014, for all affected billings mailed on or after January 1, 2016.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees as set in Resolution #R-69-2014 shall continue in full force and effect from the date of this Resolution until they are superseded on and after January 1, 2016 as provided herein.

Section 4. 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 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Exhibit A

City of Loveland, Colorado

Schedule of Rates, Charges and Fees for the Storm Water Utility

Effective January 1, 2016

STORM WATER UTILITY – Fund 345

“Monthly fee” means the fee imposed upon a customer for a utility billing cycle, whether or not such cycle is a calendar month.

“Unit” means a lot, tract, or parcel of land containing an impervious surface.

“Unit size” means the area of a unit as shown on the subdivision or annexation map creating the unit. In the case of two-family and multiple-family dwellings on a single unit, unit size shall be the lot, tract or parcel size divided by the number of dwellings. In the case of multiple industrial, institutional, and commercial uses on a single lot, tract or parcel, unit size shall be the lot, tract or parcel; unit size shall be the lot, tract or parcel size pro-rated among the multiple uses in the same proportions as their building floor areas and related outdoor impervious surfaces bear to each other. Outdoor impervious surfaces used in common by such multiple users shall be prorated in the same proportions as the building floor areas and related outdoor impervious surfaces bear to each other.

There shall be excluded from the unit size for all residential units over one acre that portion of any residential unit in excess of two times the total impervious surface.

“Commercial unit” means any unit devoted to any commercial purpose or any other purpose not included within the definitions of industrial unit, institutional unit or residential unit.

“Industrial unit” means any unit devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, research facilities, experimental or testing laboratories, warehouses, distribution and wholesale uses, utility service facilities, aircraft hangars and repair facilities for aircraft, and caretaker's quarters and other accessory buildings reasonably required for maintenance or security of the uses set out in this section.

“Institutional unit” means any unit devoted primarily to schools, hospitals, churches, libraries, and similar public and quasi-public uses.

“Residential unit” means any unit devoted primarily to one-family, two-family or multiple-family dwellings, as such terms are defined in Chapter 18.04 of the Loveland Municipal Code.

STORM WATER UTILITY

Inspection of Storm Drainage Improvements:

Single Family Unit	$75.00
Duplex Unit	$50.00
Multi-Family Unit	$25.00
All other Buildings	$150.00
Plus $50 per acre for lots over two (2) acres, per acre	$50.00

Storm Water Fee:

Residential Lot Size (square feet)	
Less than 4,000	$6.07
4,000-5,999	$7.57
6,000-7,999	$10.93
8,000-9,999	$13.68
Greater than 10,000	$15.18
Non-Residential, per acre	
Commercial	$82.90
Industrial	$69.33
Institutional	$32.65

Adjustments to monthly fee: A non-residential customer may request an adjustment to the regular fee by one of the following methods in order to allow for less impervious surface than the average for the class of use (Method A) or for on-site detention facilities (Method B). The two methods are not cumulative, and only the method resulting in the lower fee shall be used.

Method A: The fee shall be one-half of the regular fee, plus one-half of the regular fee multiplied by the percent of the impervious area multiplied by the class factor. The Commercial class factor is 1.11, the Industrial class factor is 1.174, and the Institutional class factor is 2.49.

Method B: The fee shall be one-half of the regular fee, plus one-half of the regular fee multiplied by the ratio of the stormwater runoff rate calculated to result after construction of the detention facilities to the stormwater runoff rate which would occur in the absence of detention facilities.

Administration: The City Manager or his designee shall implement the provisions of this resolution, and shall have full authority to consider and decide all adjustments to fees.

The fees imposed herein shall be billed in arrears.

Storm Water System Impact Fee:

High Density – more than 11 units per acre	$4,400.00
Medium Density – more than 6 and up to 11 dwellings per acre	$3,300.00
Low Density – more than 1 and up to 6 dwelling units per acre	$2,750.00
Estate – up to 1 dwelling unit per acre	$1,650.00
Commercial, per acre	$4,400.00
Industrial, per acre	$4,950.00
Institution, per acre	$2,750.00

FIRST READING October 6, 2015

SECOND READING October 20, 2015

RESOLUTION #R-68-2015

A RESOLUTION ADOPTING THE 2016 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

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-70-2014; and

WHEREAS, the City Council periodically adjusts the fees for such utility services to more accurately reflect the cost of providing the services to its customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as **Exhibit "A"**, is hereby adopted for services provided by the Water and Power Department of the City of Loveland and beginning with billings mailed on or after January 1, 2016.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-70-2014, for all affected billings mailed on or after January 1, 2016.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees as set in Resolution #R-70-2014, shall continue in full force and effect from the date of this Resolution until they are superseded on and after January 1, 2016 as provided herein.

Section 4. 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 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

CITY OF LOVELAND, COLORADO

Water and Power Department

Schedule of Rates, Charges and Fees

DRAFT

Effective 1/1/16

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DRAFT

SUMMARY

Electric Rates

Annexation Surcharge	5%
Renewable Energy Premium per 100 kilowatt-hour (kWh)	$2.70

	Jan.-June, Oct.-Dec.	July-Sept.
Residential (Schedule R)		
Base Charge per Month	$13.36	$13.36
Energy Charge per kWh	$0.06674	$0.07962
PILT per kWh	$0.00652	$0.00715
Residential Demand (Schedule RD) No new Schedule RD Customers accepted after Dec. 31, 2014		
Base Charge per Month	$21.23	$21.23
Energy Charge per kWh	$0.03802	$0.03696
PILT per kWh	$0.00505	$0.00562
Demand Charge per kW	$7.29	$9.50
Small General Service (Schedule SG)		
Base Charge per Month	$21.38	$21.38
Energy Charge per kWh	$0.07603	$0.08332
PILT per kWh	$0.00656	$0.00695
Plant Investment Fee per kWh	$0.00587	$0.00587
Large General Service (Schedule LG)		
Base Charge per Month	$96.10	$96.10
Energy Charge per kWh	$0.04069	$0.03907
PILT per kWh	$0.00525	$0.00596
Plant Investment Fee per kWh	$0.00587	$0.00587
Demand Charge per kW	$9.93	$14.26
Primary Service with Customer Owned Transformer (Schedule PT)		
Base Charge per Month	$105.07	$105.07
Energy Charge per kWh	$0.03965	$0.03854
PILT per kWh	$0.00452	$0.00501
Plant Investment Fee per kWh	$0.00570	$0.00570
Demand Charge per kW	$9.50	$13.73

Electric Rates Cont'd

Coincident Peak Demand Service (see page 24)
Transmission Voltage by Contract (Schedule TS)

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	Jan.-Dec.
Area Lighting (Schedule AL)	
Rate per watt of bulb	$0.05618
PILT per watt of bulb	$0.00427

Flat Rates (Schedule FR)	Jan.-Dec.
Signal Amplifiers	$33.11
PILT	$2.52
Automatic Sprinkler Controls	$4.92
PILT	$0.36
Bus Shelters	$20.35
PILT	$1.54

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Wastewater Rates

Monthly Flat Rate	Inside City	Outside City
Single-family residential	$23.22	$34.84
Multi-family residential per unit	$13.68	$20.55
Non-residential property (Commercial or Industrial)	$129.41	$194.11
Metered Water Service		
Monthly base charge – single-family residential	$10.42	$15.63
Monthly base charge – multi-family residential per dwelling unit	$2.85	$4.28
Monthly base charge – commercial	$10.42	$15.63
Volume charge per 1,000 gallons – single-family residential	$3.44	$5.16
Volume charge per 1,000 gallons – multi-family residential	$3.55	$5.33
Volume charge per 1,000 gallons – commercial	$3.60	$5.40
High Strength Surcharge		
BOD charge per pound when discharge is greater than 276 mg/l	$0.54	$0.81
TSS charge per pound when discharge is greater than 207 mg/l	$0.35	$0.53

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Water Rates

Metered Rates

The monthly service charge shall be the sum of the base charge and the use fee per 1,000 gallons as set forth below:

Single-Family Residential Base Charge

Tap Size (in inches)	Inside City	Outside City
0.75	$12.40	$18.60
1.00	$15.98	$23.97
1.50	$19.53	$29.30
2.00	$29.36	$44.04
3.00	$101.65	$152.48
4.00	$128.43	$192.65
6.00	$190.91	$286.37

Multi-Family Residential Base Charge

Tap size (in inches)	Inside City	Outside City
0.75	$18.27	$27.41
1.00	$21.83	$32.75
1.25	$23.62	N/A
1.50	$25.40	$38.10
2.00	$35.22	$52.83
3.00	$107.45	$161.18
4.00	$134.20	$201.30
6.00	$196.63	$294.95

Commercial Base Charge

Tap size (in inches)	Inside City	Outside City
0.75	$12.40	$18.60
1.00	$15.98	$23.97
1.50	$19.53	$29.30
2.00	$29.36	$44.04
3.00	$101.65	$152.48
4.00	$128.43	$192.65
6.00	$190.91	$286.37

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Water Rates Cont'd

Irrigation Base Charge

Tap size (in inches)	Inside City	Outside City
0.75	$12.40	$18.60
1.00	$15.98	$23.97
1.50	$19.53	$29.30
2.00	$29.36	$44.04
3.00	$101.65	$152.48
4.00	$128.43	$192.65
6.00	$190.91	$286.37

Charges for larger taps will be set by City Council.

Use Fee per 1,000 gallons	Inside City	Outside City
Single-Family Residential	$2.53	$3.80
Multi-Family Residential	$2.32	$3.48
Commercial	$2.42	$3.63
Irrigation	$3.02	$4.53

Hidden Valley Monthly Base Charge for 0.75 inch tap	149.94
Excess Water Use – Surcharge per 1,000 gallons	$1.01
Fire Hydrant Charge per month	
Residential	$2.70
Commercial	$6.60
Fire Protection Tap Service Fee per month	$1.90
Tank and Hydrant Rate per 300 gallons	$1.31

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Plant Investment Fees - Electric

Residential Service	
Residential over 150 amp service	$1,860.00
Residential 150 amp service or less	$1,450.00
Non-Residential per kWh	
Small General Service	$0.00587
Large General Service	$0.00587
Primary Service w/customer equipment	$0.00570

Coincident Peak Customers see page 25

System Impact Fees – Wastewater

	Inside City	Outside City
Detached one-family dwelling	$2,550.00	$3,830.00
Attached one-family dwelling, per unit	$2,260.00	$3,390.00
Two-family dwelling, per unit	$2,260.00	$3,390.00
Multifamily dwelling containing 3-8 dwelling units, per unit	$2,260.00	$3,390.00
Multifamily dwelling containing 9 or more dwelling units, per unit	$1,760.00	$2,640.00

Nonresidential

Tap size (in inches)	Inside City	Outside City
0.75	$6,700.00	$10,050.00
1.00	$21,740.00	$32,610.00
1.50	$38,210.00	$57,320.00

Nonresidential taps above 1.5-inch pays the capital recovery surcharge

Capital Recovery Surcharge – Wastewater

Inside City per 1,000 gallons of sewer billed	$0.757
Outside City per 1,000 gallons of sewer billed	$1.136

System Impact Fees – Water

	Inside City	Outside City
Detached one-family dwelling	$4,860.00	$7,290.00
Attached one-family dwelling, per unit	$2,920.00	$4,380.00
Two-family dwelling, per unit	$2,920.00	$4,380.00
Multifamily dwelling containing 3-8 dwelling units, per unit	$2,920.00	$4,380.00
Multifamily dwelling containing 9 or more dwelling units, per unit	$2,400.00	$3,600.00

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Nonresidential

Tap size (in inches)	Inside City	Outside City
0.75	$7,000.00	$10,500.00
1.00	$21,870.00	$32,810.00
1.50	$40,420.00	$60,630.00

Irrigation

Tap size (in inches)	Inside City	Outside City
0.75	$14,810	$22,220.00
1.00	$41,600.00	$62,400.00
1.50	$107,490.00	$161,240.00
2.00	$116,960.00	$175,440.00
3.00	$332,020.00	$498,030.00

Tap sizes larger than 3-inch shall be established by City Council. The impact fee for taps larger than 1.5 inch applies only to irrigation meters. Nonresidential taps above 1.5 inch pay the capital recovery surcharge.

Hidden Valley Water Tap Activation Fee:
This fee applies to all water taps applied for on or after January 1, 2010 to serve lots authorized pursuant to Resolutions #R-35-2004 and #R-83-2005. Payment of this fee shall be due upon application for the water tap. The fee shall be calculated as follows: A x B x C = fee.

A = Number of months from July 1, 2005 to the activation fee due date
B = $67.00 per month
C = *Engineering News Record* 20 Cities Construction Cost Index (used to inflate the construction costs to current dollars)

Capital Recovery Surcharge - Water

Inside City per 1,000 gallons of water	$0.750
Outside City per 1,000 gallons of water	$1.125

Fire Tap Plant Investment Fee

Fire Tap Plant Investment Fee (outside City only)	$553.00

Raw Water Development Fee

Detached One-Family Dwelling	$1,026.00
Attached One-Family Dwelling, per unit	$1,026.00
Multifamily dwelling containing 2-24 dwelling units, per unit	$642.00
Multifamily dwelling containing 25 or more dwelling units, per unit	$126.00

Nonresidential

Tap size (in inches)	
0.75	$1,026.00
1.00	$1,744.00

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1.50	$3,386.00
2.00	$5,438.00
3.00	$10,260.00

Tap sizes larger than 3-inch shall be established by City Council. The impact fee for taps larger than 1.5 inch applies only to irrigation meters. Commercial taps above 1.5 inch pay the capital recovery surcharge.

Raw Water Capital Recovery Surcharge Per 1,000 Gallons

Raw Water Capital Recovery Surcharge Per 1,000 Gallons	$0.154

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Electric Fees

Service Turn-On at the meter	$35.00
Service Turn-On at the meter – After Hours	$100.00
Service Turn-Off at the meter resulting from an unauthorized Service Turn-On	$30.00
Disconnect/Reconnect Services	$200.00
Disconnect/Reconnect Services with Engineering	$320.00
Permanent Service Connect (No Disconnect Needed)	$200.00
Permanent Disconnect of Service	$200.00
Charges When Access Denied	
Appointment or Special Trip to Read the Meter	$20.00
Appointment or Special Trip to Read the Meter After Hours	$40.00
Appointment or Special Trip to Change the Meter	$75.00
Appointment or Special Trip to Change Meter After Hours or Weekends	$100.00
Service is disconnected at the junction box or the overhead pole	$200.00
When access to the pole is denied, actual costs will be billed	
Residential Service Installations	
Typical Underground with 1/0 CIC	$600.00
Typical Underground with 4/0 CIC	$810.00
Typical Overhead	$295.00
Multiplex 3-6 Units	$735.00
Multiplex 7 or More Units (deposit, to be billed on actuals)	$810.00

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Electric Fees Cont'd

Field Engineering Deposits	
Residential and duplex single phase installations, 1-2 lots	$830.00
Single commercial buildings, transformer upgrades, raising, lowering, or removing existing power	$1,350.00
Residential subdivision of 3-25 lots, commercial subdivision of 2-10 lots, raising, lowering, or removing existing power	$1,755.00
Residential subdivision of more than 25 lots, commercial subdivision of more than 10 lots, malls, shopping centers, hospitals	$3,310.00
Other Deposits – See Section Fees – Electric "Other Deposits"	
Temporary Residential Connections	$200.00
Termination and energizing electric services to small devices	$270.00
Installation of Area Light	$320.00
Electric Vehicle Charging Station	$1.00/hour
Pole Attachment Fee per attachment	$11.93

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Wastewater Fees

Pretreatment Inspection Fee	$75.00
Pretreatment Significant Industrial User (SIU) Laboratory Analysis	Actual Cost Plus $70.00
Pretreatment SIU Public Notification of Violation	$88.00
Tapping Fees 4 inch or 6 inch Tap	$265.00
4 inch Saddle and Stainless Strap	$65.00
6 inch Saddle and Stainless Strap	$85.00

Water Fees

Construction Water Fee

Tap size (in inches)	
0.75	$39.00
1.00	$64.00
1.50	$129.00
2.00	$205.00
3.00	$383.00
4.00	$638.00

Above 4.00 inch tap will be negotiated with the Water and Power Department

Water Turn-on Fee – Regular Hours	$35.00
Water Turn-on Fee – After Regular Hours	$100.00
Water Turn-off Fee for Unauthorized Service Turn-on	$30.00
Water Meter Appointment Fee – Regular Hours	$20.00
Water Meter Appointment Fee – After Regular Hours	$30.00
Raw Water Cash-in-lieu Fee per Acre-Foot (City Code Sec.19.04.040)	Set by Loveland Utilities Commission
Native Raw Water Storage Fee per Acre-Foot	
Barnes Ditch	$5,900.00
Big Thompson Ditch & Manufacturing Co.	$3,620.00
Buckingham Irrigation Co. (Geo. Rist Ditch)	$7,590.00
Chubbuck Ditch	$7,590.00
Louden Irrigating Canal and Reservoir Co.	$7,030.00
South Side Ditch Company	$6,950.00

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Water Fees Cont'd

Construction Hydrant Meter Deposit	$1,000.00
Hydrant Meter Rental	
Daily Rental	$5.00
Install Fee	$45.00
Remove Fee	$45.00
Moving Meter Fee	$45.00
Water Use	$1.31/300 gallons
Meter Fees	
0.75 inch Meter and Readout	$185.00
1.00 inch Meter and Readout	$255.00
Install Meter and Inspection	
Meter inspect	$45.00
Meter install	$70.00
Water Tapping Fee	
0.75 inch	$295.00
1.00 inch	$310.00
1.50 inch	$315.00
2.00 inch	$325.00
Above 2.00 inch	$400.00

Miscellaneous Fees

Late Payment Penalty	$15.00
Field Collection Fee	$18.00
New Account Fee	$11.00
Reactivation Fee	$10.00
New Account Meter Reading Fee	$10.00
Interfering or Tampering with a Meter – electric or water	$100.00
Return Check (Insufficient Funds) Charge	$25.00
Filing Fee for Unpaid Bills	$80.00

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

I. Rates - Electric

Resale of Electric Current Prohibited

It is unlawful for any consumer who purchases electric service from the City to sell such service to others.

Surcharge

There is imposed a surcharge in the amount of five percent of base charges plus charges for energy, demand, payment-in-lieu-of-taxes (PILT) for the sale of electric power to services that come into existence in all areas annexed to the City after January 31, 1987, which areas were formerly a part of an exclusive service territory granted to a cooperative electric association by the Public Utilities Commission. Such surcharge shall expire ten years after the effective date of annexation of each such area.

Renewable Energy Premium

Availability
The renewable energy premium is available as an option to all residential, commercial, and industrial customers served under Schedules R, RD, SG, LG, PS, PT, and Coincident Peak Demand Service. The renewable energy premium is not available to Transmission Voltage Service, Area Light or Flat Rate customers served under Schedules TS, AL or FE.

Monthly Rate
Premium per each 100 kWh increment of energy $2.70
This charge is in addition to all other regular charges the customer incurs for electric service.

Monthly Minimum
The minimum bill shall be $2.70 for each 100 kWh increment requested by the customer in the service agreement, plus the minimum bill as identified in the principal rate schedule for the customer.

Conditions
Service Restrictions – The supply of renewable energy is limited to the resources made available to the department by its power supplier, Platte River Power Authority (PRPA), and is therefore subject to all terms and conditions identified in PRPA's tariff for Renewable Energy Service.

Service Agreement
The renewable energy premium is an optional charge and requires the customer to sign a service agreement with Loveland Water and Power.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Service Agreement Period
The renewable energy premium for all eligible rate schedules shall be available for a minimum initial period of 12 consecutive months and then continuing month to month thereafter until terminated. After the minimum period, the obligation to purchase or provide renewable energy may be terminated upon 30 day notice by either party. Termination of the principal service shall also terminate the agreement unless the customer chooses to advance the agreement to the new service address.

Service Agreement Amount
Customer may request renewable energy in 100 kWh increments. The billable monthly renewable energy premium will be the number of 100 kWh increments requested by the customer in the service agreement. The actual kilowatt-hours used by the customer in any given month may be more or less than the average.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Self-Generation Rate

Availability
The Self-Generation Rate is available as an option to all electric service customers who own, operate and maintain their own generation equipment.

Monthly Rate – System Size 1-50 kW

	Jan. – June, Oct. – Dec.	**July – Sept.**
Residential		
Base charge	$13.36	$13.36
Energy charge per kWh	$0.06674	$0.07962
Buyback charge per kWh	$0.03980	$0.04666
Monthly minimum bill	$13.36	$13.36
System size range limitation	1-50 kW	1-50 kW
PILT per kWh	$0.00652	$0.00715
Small General		
Base charge	$21.38	$21.38
Energy charge per kWh	$0.07603	$0.08332
Buyback charge per kWh	$0.03980	$0.04666
Monthly minimum bill	$21.38	$21.38
System size range limitation	1-50 kW	1-50 kW
PILT per kWh	$0.00656	$0.00695
Plant Investment Fee per kWh	$0.00587	$0.00587
Large General		
Base charge	$96.10	$96.10
Energy charge per kWh	$0.04069	$0.03907
Demand per kW	$9.93	$14.26
Buyback charge per kWh	$0.03980	$0.04666
Monthly minimum bill	$96.10	$96.10
System size range limitation	1-50 kW	1-50 kW
PILT per kWh	$0.00525	$0.00596
Plant Investment Fee per kWh	$0.00587	$0.00587

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Self-Generation Rate Cont'd

Conditions

The city will net meter all energy consumed by the customer and produced by the customer's generation system. Net metering shall be, for billing purposes, the net consumption as measured at the service meter on a monthly basis. Consumption will be measured monthly and in the event net metering is negative in a given month, such that the customer's generation system production is greater than the customer's consumption, there will not be a monthly cash credit for such production. All such excess energy, expressed in kilowatt-hours, shall be carried forward from month to month and credited against the customer's energy consumption, expressed in kilowatt-hours, in subsequent months. In the event that a negative net consumption balance remains after twelve consecutive months following the effective date of customer's commencing on the Self Generation Rate, or any annual anniversary thereafter, the City will pay the customer for such negative balances at the Self Generation Buyback Charge Rate.

Monthly Rate – System Size 51 – 400 kW

Large General Service	**Jan. – Jun.** **Oct. – Dec.**	**July – Sept.**
Base Energy	$96.10	$96.10
Energy Charge per kWh	$0.04069	$0.03907
PILT per kWh	$0.00525	$0.00596
Plant Investment Fee per kWh	$0.00587	$0.00587
Demand per kW	$9.93	$14.26
Buyback charge per kWh	$0.05062	$0.06658
Monthly Minimum Bill	$96.10	$96.10
System Size Range Limitation	51-400 kW	51-400 kW

The Self-Generating customer must be in compliance with the technical specifications and requirements contained in the Standard for Interconnecting Distributed Resources with the City of Loveland Electric Power System as found in the City's Municipal Code, Section 13.12.240 and must enter into a contract with the City.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Residential Service
Schedule R

Availability
Residential Service is available for single-family dwelling units and individually metered multi-family dwelling units at any location within the area served by Loveland Water and Power. Single-family dwelling units and individually metered multi-family dwelling units shall mean those buildings or units used solely as residences and not used in part for any other purpose. This rate is applicable to existing and new residential customers. Service will be delivered through a single meter per dwelling unit, at one point of delivery.

Monthly Rate
The rate for Residential Service shall consist of the sum of the base charge, energy charge, and PILT in accordance with the following table:

Monthly Rate
The rate for Residential Service shall consist of the sum of the base charge, energy charge, and PILT in accordance with the following table:

	Jan. – June, Oct. – Dec.	**July – Sept.**
Base charge	$13.36	$13.36
Energy charge per kWh	$0.06674	$0.07962
PILT charge per kWh	$0.00652	$0.00715
Monthly minimum bill	$13.36	$13.36

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Residential Demand Service
Schedule RD

No new customers will be added to Schedule RD after December 31, 2014

Availability
Residential Demand Service is available for single-family dwelling units and individually metered multi-family dwelling units at any location within the area served by Loveland Water and Power. Single-family dwelling units and individually metered multi-family units shall mean those buildings or dwelling units used solely as residences and not used in part for any other purpose. Existing accounts may elect service under this schedule by making application to Loveland Water and Power. Service will be delivered through a single meter per dwelling unit, at one point of delivery.

Monthly Rate
The rate for Residential Demand Service shall consist of the sum of the base charge, energy charge, demand charge and PILT in accordance with the following table:

	Jan. – June, Oct. – Dec.	**July – Sept.**
Base charge	$21.23	$21.23
Energy charge per kWh	$0.03802	$0.03696
PILT charge per kWh	$0.00505	$0.00562
Demand charge per kW	$7.29	$9.50
Monthly minimum bill	$21.23	$21.23

Billing Demand
The demand shall be the highest rate of use in kilowatts during any 15 minute interval of the billing period.

Power Factor Charge
Power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Small General Service
Schedule SG

Availability
Small General Service is required for all non-residential customers with a monthly average demand over a consecutive 12-month period of less than or equal to 50 kW. This also includes temporary power for non-permanent non-residential customers (for example: firework stands and holiday lights).

Monthly Rate
The rate for Small General Service shall consist of the sum of the base charge, energy charge and PILT in accordance with the following table:

	Jan. – June, Oct. – Dec.	**July – Sept.**
Base charge	$21.38	$21.38
Energy charge per kWh	$0.07603	$0.08332
PILT charge per kWh	$0.00656	$0.00695
Plant Investment Fee per kWh	$0.00587	$0.00587
Monthly minimum bill	$21.38	$21.38

Conditions
A. Whenever metered demand exceeds a monthly average 50 kW in a consecutive 12-month period, Loveland Water and Power will notify the customer and further service provided to such customer shall be furnished at the Large General Service Rate. The department may install such meters as it deems necessary in order to determine the metered demand.
B. For single-phase, three-wire service, the customer's equipment shall be connected so that the current carried by the neutral conductor shall be not greater than 15 percent of the maximum current in either of the two conductors. For three-phase wye or delta service, the customer's equipment shall be connected so that the current carried by any one-phase conductor shall be no greater than 115 percent of the current in either of the two-phase conductors.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Large General Service
Schedule LG

Availability
Large General Service is required for all non-residential customers with a monthly average demand over a consecutive 12-month period exceeding 50 kW.

Continuation for Certain Customers
Customers on the Large General Service rate on January 31, 1999, with a monthly average demand over a consecutive 12-month period of 50 kW will be grandfathered into the LG rate.

Monthly Rate
The rate for Large General Service shall consist of the sum of the base charge, energy charge, demand charge and PILT in according with the following table:

	Jan. – June, Oct. – Dec.	**July – Sept.**
Base charge	$96.10	$96.10
Energy charge per kWh	$0.04069	$0.03907
PILT charge per kWh	$0.00525	$0.00596
Plant Investment Fee per kWh	$0.00587	$0.00587
Demand charge per kW	$9.93	$14.26
Monthly minimum bill	$96.10	$96.10

Billing Demand
The demand shall be the highest rate of use in kilowatts during any 15-minute interval of the billing period.

Power Factor Charge
Power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Primary Service with Transformer
Schedule PT

Availability
Primary Service is available to all non-residential customers with a monthly average demand over a consecutive 12-month period exceeding 50 kW where service is delivered and metered at the available primary voltage and all serving facilities on the customer's side of the metering point are owned, operated and maintained by the customer.

Monthly Rate
The rate for Primary Service where the customer owns the transformers shall consist of the sum of the base charge, energy charge, demand charge and PILT in accordance with the following table:

	Jan. – June, Oct. – Dec.	**July – Sept.**
Base charge	$105.07	$105.07
Energy charge per kWh	$0.03965	$0.03854
PILT charge per kWh	$0.00452	$0.00501
Plant Investment Fee per kWh	$0.00570	$0.00570
Demand charge per kW	$9.50	$13.73
Monthly minimum bill	$105.07	$105.07

Billing Demand
The demand shall be the highest rate of use in kilowatts during any 15-minute interval of the billing period.

Power Factor Charge
A power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

Conditions
Transformer ownership and maintenance is the responsibility of the customer receiving service under this rate schedule. The customer requesting this rate schedule is solely responsible for all costs associated with the installation and maintenance of the primary metering equipment and facilities. See the Water and Power Department's *Contractor Construction Standards* for equipment specifications.

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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; and (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;
- 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.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Transmission Voltage Service Cont'd

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.

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Coincident Peak Demand Service

Availability

1) Coincident Peak Demand Service is required for non-residential customers where the monthly average distribution facilities demand exceeds 1,400 kW over 12 consecutive months. For a customer with two or more meters located on a campus, the average monthly distribution facilities demand will be determined by adding the distribution facilities demand for each meter on the campus.
2) The Coincident Peak Demand rate classification will be applicable to all new customers without an annual billing history based on the following:

    a. The new customer must present sufficient information to the City indicating that the operating schedule and electrical equipment are such that the monthly distribution facilities demand would qualify it for the rate.
    b. The City reserves the right to analyze and verify all information provided. If the City is satisfied that the monthly distribution facilities demand of the new customer will exceed 1,400 kW, such customer will be placed on the Coincident Peak Demand rate.
    c. If the monthly distribution facilities demand during the first two months indicate that the customer does not qualify for the Coincident Peak Demand rate, the City will immediately transfer such new customer to the appropriate rate classification.
3) Once qualified, each such customer shall remain on the Coincident Peak Demand rate for a minimum of twelve consecutive months. After twelve months, the City will use the twelve-month running average distribution facilities demand to determine applicability of the Coincident Peak Demand rate.

Monthly Rate

Rates shall be developed for each individual customer subject to the Coincident Peak Demand rate classification. The rates shall be based on the cost of service to each individual customer and will apply only to such customer. Rates will be updated annually to reflect the cost of service to the individual customer, and shall include the following:

1. Base Charge: Based on customer cost of service and energy usage profile.
2. Energy Charge: All kWh consumed, per kWh, based on customer cost of service and energy usage profile.
3. Coincident Demand Charge: All coincident demand, per kW, based on customer cost of service and energy usage profile.
4. Distribution Facilities Demand Charge: All distribution facilities demand, per kW, based on customer cost of service and energy usage profile
5. Plant Invest Fee: $0.00570 per kWh for customers whose service is delivered at the available primary voltage and all serving facilities on the customer's side of the metering point are owned, operated and maintained by the customer. $0.00587 per kWh for all other customers.

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Coincident Peak Demand Service Cont'd

The Water and Power Department Director shall be authorized to develop the rate for each individual customer subject to the Coincident Peak Demand rate classification in accordance with this rate definition.

Power Factor Charge
Power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

For the purposes of the Coincident Peak Demand Rate, the following definitions shall apply:

1. Campus:
   One parcel, or two or more contiguous parcels, where each parcel is owned or leased by a single customer.

2. Coincident Demand:
   The 60 minute integrated demand recorded during the Platte River Power Authority's system peak hour and day in the billing period.

3. Distribution Facilities Demand:
   The highest rate of use in kilowatts during any 15-minute interval of the billing period.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Area Lighting
Schedule AL

Availability
Area lights will be furnished to customers who request this service for the purpose of lighting private property or alleys or other areas where City street lighting would normally not be installed. Decisions for location of the lights shall be in the discretion of the City. Applications for area lights should be made at the City of Loveland Water and Power Department.

Monthly Rate (Jan.-Dec.)
The rate per watt for area lights shall be.....$0.05618
The PILT charge per watt for area lights shall be.....$0.00427

Conditions
All area lights shall be high pressure sodium vapor units.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Flat Rate Service
Schedule FE

Availability
Small devices attached to the City's electric distribution system for the purpose of amplifying cable TV and telephone signals or operating automatic sprinkler controls in remote locations after June 1, 1992, will not require metering and will be billed on a flat monthly rate. Accounts existing prior to June 1, 1992, shall continue to be metered and billed at their present rate unless the customer requests conversion to the flat rate set forth in this schedule.

Monthly Rates (Jan.-Dec.)

Signal amplifiers	$33.11
Signal amplifiers PILT charge	$2.52
Automatic sprinkler controls	$4.92
Automatic sprinkler controls PILT charge	$0.36
Bus shelters	$20.35
Bus shelters PILT charge	$1.54

Conditions
A. Signal amplifiers can be no greater than 5 amps per device.
B. Automatic sprinkler controls can be no greater than 1.0 amp per device.
C. The department may randomly install meters as it deems necessary in order to monitor the actual consumption.
D. A customer with multiple device locations existing prior to June 1, 1992, requesting a conversion of said devices to the Flat Rate Schedule, must convert all devices existing prior to June 1, 1992, to the Flat Rate Schedule.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
RATES - ELECTRIC

Public Electric Vehicle Charging Station Service User Fees

Availability
Designated electric vehicle charging stations will be made available by the City for public use within the corporate limits of the City at the user fees set forth below. The fees set forth below shall apply to all public electric vehicle charging stations owned and operated by the City.

User Fees
Public electric vehicle charging station service user fees (including payment in lieu of taxes and franchise) will be provided and billed on a session basis as follows:

Level 2 – 240 Volt Charging: $1.00 per hour of charging. The minimum charge is $1.00.

Payment of Fees
Payment for electric vehicle charging station services will be collected directly from the customer at the point of service (the charging station) through credit card or other electronic payment processing service.

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II. Fees - Electric

Applications for Electric Service

Every person desiring a supply of electric current from the City, or an upgrade or other change in existing service, shall make application therefore to the City upon forms furnished for that purpose.

Plant Investment Fee

Plant Investment Fees provide for the additional electric transmission, substation and distribution facilities made necessary by the extension of electric service to new connections. The Plant Investment Fee provided herein shall be, in addition to, all of the rates and charges made in connection with the furnishing by the City of electric service, and shall be payable as provided for in this section.

A. Schedule R – Residential Service and Schedule RD – Residential Demand Service. At the time application is made for any dwelling unit to be built within the corporate boundaries of the City, or at the time of application for electric service for any dwelling unit to be built outside the corporate boundaries of the City, there shall be paid to the City a Plant Investment Fee in the amount of $1,860.00 for each electric meter to be installed in connection with the dwelling unit with a service size of greater than 150 amps and $1,450.00 for each electric meter to be installed in connection with the dwelling unit with a service size of 150 amps or less. (Each dwelling unit within a structure containing more than one dwelling unit shall be separately metered). No energization of a permanent connection to any dwelling unit served by the City shall occur unless and until the Plant Investment Fee is paid.

For the purpose of this section, “dwelling unit” means one or more rooms and a kitchen area designed for or occupied as a unit for living and cooking purposes, which is located within a single family, multiple family or mobile home, but excluding congregate care facilities, as those terms are defined in Municipal Code Chapter 18.04. A congregate care facility may receive service under Schedules R, RD, SG, LG, PT, or Coincident Peak Demand Service

Upon application, the Water and Power Department may allow a single meter to serve a multiple family dwelling if such multiple family dwelling is a federally assisted and federally supervised project and the project sponsor is required by the federal agency having jurisdiction thereof to include the provision of electric service within the rent structure for the project. Such project may receive service under Schedules R, RD, SG, LG, PT, or Coincident Peak Demand Service. If any such projects should cease to be federally supervised, then the project shall revert to the requirement of individual metering, the Plant Investment Fee for residential service shall be paid and a credit shall be applied against such Plant Investment Fee in the amount of the Plant Investment Fees paid while receiving service under another class.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Plant Investment Fee Cont'd

B. Schedule SG – Small General Service. The Plant Investment Fee for accounts receiving small general service shall be collected in each billing period. The amount of the Plant Investment Fee to be billed in each period shall be equal to $0.00587 per kWh used by the account during the billing period.

In establishing the Plant Investment Fees in 1979, customers served prior to May 1, 1979, are exempt from the Plant Investment Fee at the existing location only. Customers who have paid the five-year Plant Investment Fee for a particular location are exempt from the fee at the location covered.

C. Schedule LG – Large General Service. The amount of Plant Investment Fee to be billed in each billing period shall be equal to $0.00587 per kWh used by the account during the billing period.

D. Schedule PT– Primary Service with Transformer. The amount of Plant Investment Fee to be billed in each billing period shall be equal to $0.00570 per kWh used by the account during the billing period.

E. **Coincident Peak Demand Service**. The amount of Plant Investment Fee to be billed in each billing period shall be equal to $0.00570 per kWh used by the account during the billing period for customers whose primary voltage and all serving facilities on the customer's side of the metering point are owned operated and maintained by the customer. A Plant Investment Fee of $0.00587 per kWh to be billed in each billing period for all other customers.

F. Discontinuance of Service. In addition to all of the remedies available to the City, electric service may be discontinued for failure to pay the Plant Investment Fee provided for in this section, and such discontinuance shall be in accordance with the notice procedures set forth in Municipal Code Section 13.02.070.

Service Turn-On Fee at the Meter

During regularly scheduled work hours, there is imposed a fee in the amount of $35.00 for each service turn-on where power is energized at the meter.

After regularly scheduled work hours, there is imposed a fee in the amount of $100.00 for each service turn on where the power is energized at the meter.

After hours fees apply to all requests received during non-business hours Monday through Friday, anytime Saturday or Sunday, and all holidays observed by the City of Loveland. Regular business hours are Monday through Friday 7 a.m. to 4 p.m.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Disconnect and Reconnect Services

Water and Power will perform a typical service disconnect/reconnect where power is energized or de-energized on the line side of the meter, on a flat fee basis.

There is imposed a fee in the amount of $200.00 for each typical service disconnect/reconnect and $320.00 for each typical service disconnect/reconnect with engineering.

A typical service disconnect/reconnect is defined as one where there is no increase in wire size or length and the disconnect/reconnect service is performed during regular business hours between 7 a.m. and 4 p.m. Monday through Friday.

All other service disconnect/reconnects will be billed at Water and Power's actual cost.

Permanent Disconnect and Removal of Service

Where a request for permanent disconnection and removal of single-phase service has been requested, there is imposed a flat fee of $200.00.

Where a request for permanent termination of three-phase service has been requested, charges will be billed at Water and Power's actual cost.

Charges When Access Denied

There is imposed a charge as set forth in this section, that shall be due and payable when billed, to cover the additional costs and expenses incurred by the City whenever clear access to the meter location is denied. Clear access shall be deemed to be denied whenever, because of locked gates, animals confined in the same space as the meter location, or for any other reason, and after making a reasonable attempt to locate a person upon the premises to gain access, an authorized representative of the City is unable to read the meter, change the meter, or perform such other function as such representative is lawfully authorized to perform. The amount of such charge shall be as follows (regular business hours defined as 7 a.m. to 4 p.m. Monday through Friday, off-duty hours defined as hours outside of this regular business hours and all holidays observed by The City of Loveland):

A. When clear access is denied for two successive meter readings, and an appointment is made with the consumer or a special trip is made for reading the meter, a charge of $20.00 is imposed for such appointment or special trip occurring during regular business hours, and $40.00 for such appointment occurring during off-duty hours and weekends.
B. When clear access is denied and a special trip is made to change a meter during regular business hours, on the department's regular maintenance program, a $75.00 charge is imposed, and $100.00 for such appointment occurring during off-duty hours.
C. When service is disconnected at the junction box or overhead pole, a charge of $200.00 is imposed. When clear access is denied for the purpose of disconnecting service, actuals will be charged.
D. When clear access is denied for the purpose of disconnecting service at the junction box or overhead pole, the actual costs will be billed.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Residential Service Installations and Upgrades for Single Family and Duplex Dwellings

A. A typical new residential service installation will be performed by the Water and Power Department on a flat fee basis. A typical new underground service is defined as having a trench length of 100 feet or less; trenching to be performed in normal soil conditions.
   1. For a service using 1/0 triplex CIC with a panel size of 150 amps or less, the fee is $600.00 and the Plant Investment Fee, as described in the Resolution Schedule of Rates, Charges and Fees as adopted by City Council, shall also be collected.
   2. For a service using 4/0 triplex CIC with a panel size of 200 amps, the fee is $810.00 and the Plant Investment Fee, as described in the Resolution Schedule of Rates, Charges and Fees as adopted by City Council, shall also be collected.

   A typical new overhead service is defined as a service length of 80 feet of less, does not require setting a pole or transformer, is #2 triplex with a panel size of 150 amps or less, or 1/0 triplex with panel size of 200 amps. The fee for such service is $295.00.

   A service not meeting the above criteria shall be billed at the Water and Power Department's actual cost of installation.

   Within the city limits of the City of Loveland, the fees shall be collected by the department issuing the building permit for the residence. If outside the city limits, the fee will be collected by the Water and Power Department before work can proceed.

B. Residential service upgrades resulting in services larger than 150 amps and no larger than 200 amps shall require a deposit of $300.00 for overhead, and $800.00 for underground. This deposit will be applied to the actual costs billed by the Water and Power Department upon completion of work performed.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Residential Service Installations and Upgrades for Multiplex Service Installations

A. For purposes of this Resolution, a "multiplex" is defined as a structure containing not less than three and not more than six dwellings.

B. A "typical" multiplex electric service installation will be provided by and installed by the contractor per National Electric Code. It will be energized by the Water and Power Department on a flat fee basis.

A 3-6 unit multiplex service installation will be provided by the contractor in which an electrical secondary source is already in existence. The fee for installation of an electric service in a 3-6 unit multiplex project is $735.00 for the project and the Plant Investment Fee, as described in the current Schedule of Rates, Charges and Fees as adopted by the City Council, shall also be collected for each unit.

A 7 unit or more multiplex service termination and meter set service installation requires a deposit of $810.00 to be made at the Water and Power Department. The contractor is to provide and install all materials. This deposit will be applied to the actual costs billed by the Water and Power Department upon completion of work performed.

Multiplexes requiring an underground service in an overhead service area will have an underground service provided by and installed by the contractor per National Electric Code. They will be billed the actual costs incurred by the Water and Power Department.

If there is no existing source for electric service and an extension of secondary power is necessary, the customer shall pay the actual costs incurred by the Water and Power Department to extend the secondary power source.

Requests for overhead multiplex service installations will be evaluated for feasibility by the Water and Power Department. If overhead service is deemed appropriate, it will be installed and billed at the actual cost incurred by the Water and Power Department.

All services to multiplexes will be installed as described in the National Electric Code pertaining to commercial services. NOTE: Duplexes will be billed as outlined in the "Residential Service Installations and Upgrades for Single and Duplex Dwellings" section in the current Schedule of Rates and Charges – Electric.

Field Engineering Deposits

A customer requesting a new or modified electric service, relocation of facilities, or other work requiring engineering and construction, must make a deposit with the department. If the project is cancelled, the deposit will be applied to the actual charges incurred, any resulting credit or debit will be

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refunded or billed to the customer. Upon completion of engineering, the customer will deposit with the department the total deposit required.

ENGINEERING DEPOSITS

A. Residential and duplex single phase installations, 1-2 lots.....$830.00
B. Single commercial buildings, transformer upgrades, raising, lowering, or removing existing power.....$1,350.00
C. Residential subdivision of 3-25 lots, commercial subdivision of 2-10 lots, raising, lowering, or removing existing power.....$1,755.00
D. Residential subdivision of more than 25 lots, commercial subdivision of more than 10 lots, malls, shopping centers, hospitals $3,310.00

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Other Deposits

The following jobs are standard in nature, and specific deposits have been established for them. In all cases actual costs will be tracked and any resulting credit or debit will be refunded or billed to the customer.

A. Install and terminate secondary riser up to 100 feet (no transformer required)
   - Residential to 200 amps $1,060.00
   - Commercial (cable supplied and installed by customer) $680.00

B. Open transformer to pull in secondary and terminate cable up to 130' $535.00

C. Single phase padmount transformer upgrade (no other customers)
   - Upgrade one transformer size $1,925.00
   - Upgrade two transformer sizes $2,470.00
   - Upgrade three transformer sizes $3,015.00

D. Single phase padmount transformer upgrade (other customers)
   - Upgrade one transformer size $2,455.00
   - Upgrade two transformer sizes..... $3,000.00
   - Upgrade three transformer sizes $3,280.00

E. Single phase overhead transformer upgrade (no other customers)
   - Upgrade one transformer size $1,625.00
   - Upgrade two transformer sizes $2,135.00

F. Single phase overhead transformer upgrade (other customers)
   - Upgrade one transformer size $2,155.00
   - Upgrade two transformer sizes $2,665.00

Note: Work tickets (not work orders) will be opened for these jobs and the actual costs will be billed. The cutoff for work tickets is $1,000.00 except for transformer upgrades.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Temporary Extensions

The following requirements apply to all temporary extensions/connections necessary to serve customers such as transient shows, carnivals, fairs, circuses, concessions, residential construction work, or others of a temporary nature, excluding commercial development construction as defined in the *Contractor Construction Standards*.

A. The customer shall pay a flat rate of $200.00 for the cost of installation and removal of the temporary extension as defined in the *Contractor Construction Standards*, under "Temporary Construction Service". Customers with extensions not meeting these standards will be billed for the actual costs.
B. The customer shall pay for electric consumption monthly under the applicable rate.
C. No temporary service shall continue beyond the time of building occupancy, or eighteen months from connection of such temporary service, whichever occurs sooner, without the consent of the City.
D. The City may refuse to connect additional customers to temporary extensions until the temporary extensions have become permanent.

Area Lighting

A 100-watt high pressure sodium vapor fixture will be furnished and installed by the City at a fixed one time charge. Any fixture other than a 100-watt fixture, poles, secondary conductor and other apparatus, if required, will be provided at an additional charge based on actual costs incurred by the Water and Power Department. Decisions for location of the lights shall be at the discretion of the City. Applications for area lights should be made at the City of Loveland Water and Power Department. The fee for the installation of a 100-watt high pressure sodium vapor fixture is $320.00.

Energizing of Electric Service to Small Devices Qualifying for Flat Rate Service

There will be a flat fee for the energizing of electric service to small devices attached to the City's electric distribution system for the purpose of amplifying cable TV and telephone signals or operating automatic sprinkler controls in remote locations. A fee of $270.00 shall be charged to the customer for the actual installation of the service. No outlets will be permitted, nor shall there be lighting of any kind connected to this type of service. If there is no existing source and an extension of secondary power is necessary, the customer will pay for actual costs to energize the device

Pole Attachment Fee

Each attachment by a non-City utility to a City of Loveland power pole will be charged $11.93 per year.

Public Electric Vehicle Charging Station Service User Fees

Level 2 – 240 Volt Charging: $1.00 per hour of charging.

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III. Fees - Miscellaneous

After Hours

After hours fees apply to all requests received after 4:00 p.m. Monday through Friday, anytime Saturday or Sunday, and all holidays observed by the City of Loveland.

Fire Hydrant and Fire Protection Tap

A charge of $2.70 per residence and $6.60 per business per month shall be paid by water users outside the city who are located within one thousand feet of a fire hydrant, measured along roads or streets, and $6.60 per month per tap for each fire protection tap serving premises outside the city. If fire protection tap service is the only city utility service received by the premises, an administrative fee of $1.90 per month shall also be paid.

Hydrant Meter Guidelines

General: Fire hydrants are installed for the main purpose of fire protection. Whenever a hydrant meter is placed on a hydrant, that hydrant is, for all practical purposes, out of service and the chances of causing damage to that hydrant are increased. For these reasons and the potential for problems involved with providing hydrant meters on a rental basis, it has become necessary to establish more clearly defined guidelines for the use of hydrant meters.

Intent: The use of fire hydrant meters is intended for only those situations when a large volume of water is needed in a short period of time. These meters shall not be used as a temporary substitute for a permanent water service connection or a permanent irrigation tap. Examples of acceptable and unacceptable uses are as follows:

Acceptable:

- Providing water for increasing moisture during earthmoving.
- Filling swimming pools.
- Filling tanks on water truck (No chemicals allowed in tank).

Unacceptable

- Masonry work
- Car washes
- Irrigation
- Water for concrete saws
- Washing streets or parking lots

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Hydrant Meter Guidelines Cont'd

Guidelines & Procedures: The following guidelines shall be used for regulating the use of fire hydrant meters:

1. Requests for hydrant meters must be received a minimum of 48 hours prior to the time needed. All requests should be made by contacting the Water and Power Department at 970-962-3701. The applicant must sign the Hydrant Meter Request Form at the Water and Power Department, 200 N. Wilson Avenue, and post a deposit of $1,000.00 (money order or cashier's check) before the meter will be set. The deposit shall be held until all costs associated with the hydrant rental are paid in full and may be used to offset any such costs not paid within 30 days of issuance of the final invoice.
2. Each request will be reviewed to determine if the proposed use meets the intent of these guidelines. The use of the water from a hydrant meter for other than the stated purposes or misrepresentation of that use will result in the loss of the convenience of obtaining water in this manner.
3. The City will determine on a case-by-case basis whether or not a particular hydrant is acceptable for the installation of a meter. Not all hydrants are available for use with a meter. If the requested hydrant is not available, alternate hydrants will be suggested.
4. Water Utility personnel will install the meter, secure it to the hydrant, and operate the hydrant. Customer shall control flow of water with valve provided on meter assembly. Customer is responsible for securing this valve to prevent the unauthorized use of water by others. Removal of the handle or hand wheel from the control valve is not an acceptable method of securing the valve. ONLY trained City employees will be authorized to operate fire hydrants.
5. During the winter months, hydrant meters will be issued only on a day-to-day basis when outside temperatures are above freezing and are expected to remain above freezing for most of the day. Meters will be installed as soon after 8:00 a.m. as practical, and will be picked up at approximately 3:00 p.m. or earlier if outside temperatures drop below freezing, or if requested.
6. Meters will be issued with a male 2½" National Standard thread connection. No hoses or adapters will be provided.
7. Customer is responsible for all rental fees and other charges. A copy of the current fees is attached. These fees will include charges for all water use.
8. Customer is responsible for any and all damage to the meter and/or fire hydrant while meter is installed. If damage occurs, an invoice will be issued to cover all repair or replacement costs, and customer shall promptly pay the invoiced amount.
9. Number of hydrant meters is limited; therefore the meters are available on a first-come/first-served basis. A separate request form must be submitted for each location and/or time period requested.
10. In accordance with the City Code, it is unlawful to waste water. Every effort should be made to conserve this valuable resource. Wasteful uses will not be allowed.
11. Failure to comply with these guidelines, or illegally obtaining water from, or in any way tampering with a fire hydrant, is in violation of the City Code, and upon conviction is punishable by a fine or imprisonment.

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City of Loveland, Colorado
Water and Power Department
2016 Schedule of Rates, Charges and Fees
FEES - MISCELLANEOUS

Hydrant Meter Guidelines Cont'd

Alternate Source of Water: For building construction projects, water is also available through permanent water taps at a construction billing rate. This source of water is handled by the Building Division, 500 E. 3rd Street, 962-2504, and typically issued along with a building permit.

Summary of Hydrant Meter Fees and Charges

Installation of meter	$45.00*
Moving meter	$45.00*
Removal of meter	$45.00*
Meter rental	$5.00/day
Water used	$1.31/300 gallons

*After hour services (normal hours are Monday through Friday, 7:30 a.m. to 4:00 p.m.) will be charged for overtime labor rates in addition to the $45.00 charge.

New Account or Reactivation Fee and New Account Meter Reading Fee

Connection fees in the following amounts are hereby imposed, to be collected with the first utility bill rendered after utility service has been established or a customer account or utility service is reactivated following voluntary or involuntary termination:

Activation or establishment of a customer account for a service address $11.00
Meter reading charge for service address if read by Utility Billing Division.....$10.00
Reactivation of a customer account for a service address $10.00
Interfering or Tampering with a Meter $100.00

Please see Section 13.02.130 of the Loveland Municipal Code for more information on additional fines regarding interfering or tampering with utility meters.

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FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5965

AN ORDINANCE ADOPTING THE 2015 MILL LEVY FOR THE GENERAL FUND OF THE CITY OF LOVELAND, COLORADO

WHEREAS, the City Council desires, for 2015, to maintain the gross mill levy rate at the same level set for 2014, without any increase in the mill levy rate; and

WHEREAS, the 2015 mill levy rate impacts 2015 taxes, due and payable in 2016.

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

Section 1. That the mill levy rate of 9.564 mills is hereby adopted as the tax rate to be levied upon every dollar of the assessed valuation of all taxable property within the City of Loveland, Colorado, for the year 2015.

Section 2. That the City Clerk of the City of Loveland be and is hereby authorized and directed to send a certified copy of this Ordinance to the Board of County Commissioners of Larimer County, Colorado.

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

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5966

AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE CITY OF LOVELAND, COLORADO

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

Section 1. That the 2016 Budget, which has been filed with the City Clerk's Office and is incorporated herein by reference, for all funds for the fiscal year beginning January 1, 2016 and ending December 31, 2016, with revenues and an estimated fund balance in the amount of $462,725,989 and expenditures of $294,568,386 for capital and departmental operations, is hereby adopted as the budget for all funds of the City of Loveland, Colorado for the year 2016.

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 20th day of October, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

IRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5967

AN ORDINANCE MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 FOR THE CITY OF LOVELAND, COLORADO

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

Section 1. That out of estimated revenues to be derived from all sources, as set forth in the 2016 Budget, to be received from the funds listed below, which together with an estimated fund balance on January 1, 2016, make a total of estimated resources listed below of $468,776,884, there is hereby appropriated to each such fund for the fiscal year beginning January 1, 2016 the amount listed:

Fund Name	Estimated Revenue	Estimated Fund Balance	Total Resources	Appropriation	Fund Balance
GENERAL FUND	86,509,445	42,602,551	129,111,996	91,845,089	37,266,907
CITY OF LOVELAND TRANSIT	1,771,840	-	1,771,840	1,771,840	-
ECONOMIC INCENTIVES	450,000	940,226	1,390,226	-	1,390,226
CAPITAL PROJECTS	5,618,310	1,910,291	7,528,601	5,618,310	1,910,291
PERPETUAL CARE	102,670	2,737,039	2,839,709	-	2,839,709
PARKS & RECREATION IMPROVEMENT	76,520	1,533,490	1,610,010	310,000	1,300,010
CONSERVATION TRUST	790,460	4,183,668	4,974,128	1,421,689	3,552,439
LARIMER COUNTY OPEN SPACE	2,214,810	9,782,371	11,997,181	4,907,854	7,089,327
COM. DEV. BLOCK GRANT (CDBG)	322,471	-	322,471	322,471	-
ART IN PUBLIC PLACES	377,111	203,803	580,914	327,407	253,507
LODGING TAX	883,207	665,527	1,548,734	940,523	608,211
POLICE SEIZURES & FORFEITURES	-	45,270	45,270	-	45,270
PEG FEE	73,483	239,996	313,479	190,000	123,479
TRANSPORTATION	13,872,298	-	13,872,298	13,872,298	-
PARKS CEF	1,393,694	2,755,431	4,149,125	1,951,760	2,197,365
RECREATION CEF	746,354	6,327,519	7,073,873	300,000	6,773,873
TRAILS CEF	212,110	826,730	1,038,840	706,330	332,510
OPEN LANDS CEF	372,284	1,599,442	1,971,726	-	1,971,726
FIRE CEF	318,670	636,385	955,055	-	955,055
POLICE CEF	400,122	4,269,784	4,669,906	737,500	3,932,406
LIBRARY CEF	283,839	771,179	1,055,018	-	1,055,018
CULTURAL SERVICES CEF	260,539	2,934,285	3,194,824	2,400,000	794,824
GEN. GOVT. CEF	459,231	1,192,576	1,651,807	-	1,651,807
STREETS CEF	1,326,263	239,912	1,566,175	1,424,000	142,175
FIBER NETWORK	300,000	147,208	447,208	-	447,208
WATER	15,252,020	11,897,447	27,149,467	15,129,527	12,019,940
WATER SIF	1,986,110	8,250,854	10,236,964	771,862	9,465,102
RAW WATER	1,367,640	10,587,328	11,954,968	3,476,900	8,478,068
WASTEWATER	27,201,860	3,213,874	30,415,734	26,769,571	3,646,163
WASTEWATER SIF	10,407,220	15,686,016	26,093,236	10,739,384	15,353,852
POWER	61,920,650	18,227,761	80,148,411	67,852,222	12,296,189
POWER PIF	3,611,830	8,616,130	12,227,960	4,542,360	7,685,600
STORMWATER	5,821,150	6,801,950	12,623,100	7,828,654	4,794,446
SOLID WASTE	7,740,652	2,096,814	9,837,466	7,385,806	2,451,660
GOLF	3,977,755	2,293,200	6,270,955	4,150,247	2,120,708
CITY FLEET	1,503,412	5,481,047	6,984,459	975,000	6,009,459
FLEET MANAGEMENT	4,357,377	27,191	4,384,568	4,276,636	107,932
RISK MANAGEMENT	2,516,685	4,316,667	6,833,352	3,238,210	3,595,142
EMPLOYEE BENEFITS	16,178,692	1,757,138	17,935,830	14,435,830	3,500,000
TOTAL	**282,978,784**	**185,798,100**	**468,776,884**	**300,619,280**	**168,157,604**

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

ADOPTED this 20th day of October, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5968

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR CAPITAL AND OPERATIONAL FUNDING FOR TRANSPORTATION PROJECTS

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for capital and operational funding for transportation projects; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for capital and operational funding for transportation projects, 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 $1,790,000 from fund balance in the Streets Capital Expansion Fee Fund are available for appropriation. That reserves in the amount of $210,000 from fund balance in the General Fund are available for appropriation. Revenues in the total amount of $2,000,000 are hereby appropriated for capital and operational funding for transportation projects. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
General Fund 100

Revenues		
Fund Balance		210,000
Total Revenue		**210,000**
Appropriations		
100-91-999-0000-47211	Transfer to Transportation Fund	210,000
Total Appropriations		**210,000**

Supplemental Budget
Transportation Fund 211

Revenues		
211-23-232-1701-37269	Transfers From Street CEF	1,790,000
211-23-232-0000-37100	Transfers From General Fund	210,000
Total Revenue		**2,000,000**
Appropriations		
211-23-232-1701-49360	Construction	1,790,000
211-23-232-1701-41011	Salaries-Benefited Emp	157,600
211-23-232-0000-48244	Motor Vehicle	50,000
211-23-232-0000-42899	Other Supplies	2,400
Total Appropriations		**2,000,000**

Supplemental Budget
Streets Capital Expansion Fee Fund 269

Revenues		
Fund Balance		1,790,000
Total Revenue		**1,790,000**
Appropriations		
269-23-232-1701-47211	Transfer to Transportation Fund	1,790,000
Total Appropriations		**1,790,000**

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 6th day of October, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

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

AGENDA ITEM: **6**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: Brent Worthington, Finance Department

TITLE:
Ordinance Adopting The 2016 Budget For The Fort Collins-Loveland Municipal Airport

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

SUMMARY:
This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
The 2016 appropriation for the Ft. Collins-Loveland Municipal Airport is $1,098,558. The funding is for the operations and capital improvement program at the Airport. Operations expenses of $931,890 include funding for the Airport staff and day to day operating costs, funded through Airport Revenues. The capital program with appropriations of $166,668 to continue airport improvements is funded by a Federal Aviation Administration grant, a grant from the State of Colorado, and contributions from the two cities.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:
Ordinance

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5969

AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT.

WHEREAS, the Intergovernmental Agreement (IGA) between the Cities of Loveland and Fort Collins related to ownership and operation of the Fort Collins-Loveland Municipal Airport (the "Airport") provides that the City of Loveland serves as the staff support for administrative services. Under the IGA, both cities budget for their share of the Airport Annual Operating Budget and Capital Budget (collectively, the "Airport Budget"), and the City of Loveland includes the Airport Budget in its City Budget Document for reference purposes; and

WHEREAS, the City of Loveland 2016 Budget appropriated Loveland's contribution to the 2016 Airport Budget of $177,500 and included the 2016 Airport Budget in the City's 2016 Budget Book (pages 4-45 and pages 20-5 through 20-6) for reference purposes; and

WHEREAS, for transparency to the Council and the public and for governance, management, and audit of the Airport Budget, and to provide a mechanism to track and approve changes to the Airport Budget, it is appropriate for the City of Loveland, as a part of its administrative duties under the IGA, to approve the 2016 Airport Budget as whole and any subsequent changes.

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

Section 1. That the 2016 Airport Budget as set forth on **Exhibit "A"** attached hereto and incorporated herein by this reference is hereby adopted and the City's share of the 2016 Airport Budget is hereby appropriated;

Section 2. That out of monies and revenues to be derived from all sources, as set forth in the 2016 Airport Budget, to be received into the Fort Collins-Loveland Municipal Airport during the year 2016, with revenues and an estimated fund balance as of January 1, 2016, make a total of estimated revenue and cash in the sum of $1,298,669, there is hereby appropriated $1,098,558 to the Fort Collins-Loveland Municipal Airport Fund 600.

Section 3. That the 2016 Airport Budget, which has been filed with the City Clerk's Office, setting forth expenditures of $1,098,558 which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance

has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Exhibit A

Airport Fund

The Airport Fund receives revenue for operating and capital expenses primarily from revenues generated by airport operations. Additional revenues are provided by the airport partners, the Cities of Loveland and Fort Collins, and, for approved projects, from the FAA and Colorado Department of Transportation. Use of money in the Fund is restricted to the airport. The Fund is managed by the Public Works Department. Details on the expenditures are in the Other Entities chapter.

Airport Fund Summary

	'13 Actual	'14 Adopted Budget	'14 Revised Budget as of June	'15 Budget	'15 Budget / '14 Adopted Change
Airport	**$3,760,259**	**$2,298,710**	**$2,704,460**	**$1,729,530**	**(24.8%)**
REVENUE					
Beginning Balance	**$901,961**	**$1,045,630**	**$1,121,979**	**$863,640**	
AIRPORT REVENUE	692,794	580,380	580,380	652,980	12.5%
INTERGOVERNMENTAL	3,296,287	1,769,960	1,855,030	905,000	(48.9%)
INTEREST	(8,804)	10,710	10,710	10,710	-
Total Revenue	**$3,980,277**	**$2,361,050**	**$2,446,120**	**$1,568,690**	**(33.6%)**
Total Resources	**$4,882,238**	**$3,406,680**	**$3,568,100**	**$2,432,330**	
EXPENSE BY CATEGORY					
PERSONNEL SERVICES	350,939	373,800	407,080	389,380	4.2%
SUPPLIES	23,645	37,700	37,700	49,700	31.8%
PURCHASED SERVICES	330,304	372,250	663,640	405,860	9.0%
CAPITAL	3,055,371	1,514,960	1,596,040	885,000	(41.6%)
Total Expense	**$3,760,259**	**$2,298,710**	**$2,704,460**	**$1,729,940**	**(24.7%)**
Ending Balance	**$1,121,979**	**$1,107,970**	**$863,640**	**$702,390**	

Airport Fund

The Airport Fund receives revenue for operating and capital expenses primarily from revenues generated by airport operations. Additional revenues are provided by the airport partners, the Cities of Loveland and Fort Collins, and, for approved projects, from the FAA and Colorado Department of Transportation. Use of money in the Fund is restricted to the airport. The Fund is managed by the City Managers Office. Details on the expenditures are in the Other Entities chapter.

Airport Fund Summary

	'14 Actual	'15 Adopted Budget	'15 Revised Budget as of June	'16 Budget	'16 Budget / '15 Adopted % Change
Airport	**$ 2,352,581**	**$ 1,729,940**	**$ 3,427,542**	**$ 1,098,558**	**-36.5%**
REVENUE					
Beginning Balance	**$ 3,132,110**	**$ 863,640**	**$ 2,004,810**	**$ 145,958**	
INTERGOVERNMENTAL	545,022	905,000	905,000	513,340	-43.3%
AIRPORT REVENUE	648,438	637,280	637,280	624,978	-1.9%
INTEREST	22,291	10,710	10,710	6,185	-42.3%
OTHER	9,530	15,700	15,700	8,208	-47.7%
Total Revenues	**$ 1,225,281**	**$ 1,568,690**	**$ 1,568,690**	**$ 1,152,711**	**-26.5%**
Total Resources	**$ 4,357,391**	**$ 2,432,330**	**$ 3,573,500**	**$ 1,298,669**	**-46.6%**
EXPENSES BY CATEGORY					
PERSONNEL SERVICES	367,987	389,380	434,556	481,216	23.6%
SUPPLIES	32,270	49,700	49,700	53,200	7.0%
PURCHASED SERVICES	524,382	405,860	567,209	397,474	-2.1%
DEPRECIATION	1,407,642	-	-	-	-
CAPITAL	20,300	885,000	2,376,077	166,668	-81.2%
Total Expense	**$ 2,352,581**	**$ 1,729,940**	**$ 3,427,542**	**$ 1,098,558**	**-36.5%**
Ending Balance	**$ 2,004,810**	**$ 702,390**	**$ 145,958**	**$ 200,111**	

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

AGENDA ITEM: **7**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Brent Worthington, Department
PRESENTER: Brent Worthington, Department

TITLE:
Ordinance Adopting The 2016 Budget For The Loveland Special Improvement District #1

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

SUMMARY:
This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. The 2016 requested budget is $1,060,650. On October 6, 2015, the Board of Directors of the Loveland Special Improvement District #1 unanimously approved this ordinance on first reading.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible
This action adopts the budget and appropriates funds for the 2016 expenditures of the District.

BACKGROUND:
The appropriation is for debt service on bonds issued by the district; supported by the special assessments to the property owners within the district.

The Special Improvement District #1 (SID) was established to allow for the collection of assessments from property owners in the district to back bonded debt used to construct infrastructure improvements located within the district. The District is in east Loveland north of Eisenhower Boulevard along Rocky Mountain Avenue, extending north above Houts Reservoir.

The City does not have any legal obligation for payment of this debt.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5970

AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ACTING AS THE EX-OFFICIO BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1:

Section 1. That out of monies and revenues to be derived from all sources, as set forth in the 2016 budget, to be received into the Loveland Special Improvement District #1 during the year 2016, with revenues and cash on hand as of January 1, 2016, make a total of estimated revenue and cash in the sum of $1,178,664 there is hereby appropriated $1,060,650 to the Loveland Special Improvement District #1.

Section 2. That the budget for the Loveland Special Improvement District #1 for the year 2016, which has been filed with the City Clerk's Office and is incorporated herein by reference, setting forth expenditures of $1,060,650 and providing revenues from assessments, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

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

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

CITY OF LOVELAND
BUDGET OFFICE
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AGENDA ITEM: **8**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: Brent Worthington, Finance Department

TITLE:

Ordinance Of The Board Of Commissioners Of The Loveland Urban Renewal Authority Adopting The 2016 Budget For The Loveland Urban Renewal Authority

RECOMMENDED CITY COUNCIL ACTION:

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

SUMMARY:

This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes.
The adoption of this budget is necessary for the downtown area due to the timing of the Downtown Development Authority (DDA) election. If the DDA mill levy increase is approved in the November election, LURA will be abolished and the budget will be amended to reverse this appropriation. On October 6, 2015, The Board of Commissioners for the Loveland Urban Renewal Authority unanimously approved this ordinance on first reading.

BUDGET IMPACT:

☐ Positive
☐ Negative
☒ Neutral or negligible

This action adopts the budget and appropriates funds for the 2016 expenditures of the Authority.

BACKGROUND:

Currently there are three project areas within the Authority; the Downtown Project Area, the Finley Block Project Area, and the U.S. 34 Crossroads Project Area. The recommended LURA Budget is $11,155,960, broken down as follows: Within the Downtown Project Area, $10,000 is appropriated for developer reimbursements based on existing agreements and $45,960 is appropriated for payment of interest expenses for internal loans between LURA, CEFs and the General Fund. Within the U.S. 34/Crossroads Project area, $50,000 is appropriated for City

administrative costs, $997,190 is appropriated to be paid to the school fund, and $10,052,810 is appropriated for the transfer of revenue collected within the U.S. 34 Crossroads Project Area to the Centerra Metropolitan District #1 to meet contractual obligations between the Authority and the District under the Master Financing Agreement.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5971

AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ACTING AS THE COMMISSIONERS OF THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY:

Section 1. That out of monies and revenues to be derived from all sources, as set forth in the 2016 budget, to be received into the Loveland Urban Renewal Authority Fund 603 during the year 2016, with anticipated revenues and an estimated fund balance as of January 1, 2016, make a total of estimated revenue and cash in the sum of $26,033,467, there is hereby appropriated $11,155,960 to the Loveland Urban Renewal Authority Fund 603.

Section 2. That the budget for the Loveland Urban Renewal Authority for the year 2016, which has been filed with the City Clerk's Office and is incorporated herein by reference, setting forth expenditures of $11,155,960 and providing revenues from taxes, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

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

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

CITY OF LOVELAND
BUDGET OFFICE
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AGENDA ITEM: **9**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: Brent Worthington, Finance Department

TITLE:

1. Ordinance Adopting the 2016 Budget for the Loveland General Improvement District #1; and
2. Ordinance Adopting the 2015 Mill Levy for the Loveland General Improvement District #1.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinances 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

SUMMARY:

The ordinance adopting the budget is an administrative action. The ordinance adopting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. On October 6, 2015, The Board of Directors for the Loveland General Improvement District #1 unanimously approved these ordinances on first reading.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

These items establish a budget and appropriate funds for District expenses in 2016, and set the mill levy rate for the property tax collections.

BACKGROUND:

The 2015 appropriation for the District is $24,500. The funding is for parking lot repair and maintenance and landscaping maintenance within the District. The mill levy will be the same as in 2013.

The District encompasses the downtown area with boundaries of 3rd Street on the south, 7th Street on the north, Railroad Avenue on the west and Jefferson Avenue to the east, except along 4th Street where Washington Avenue is the eastern boundary.

The 2015 mill levy applied to the 2015 Assessed Valuation determines the 2015 Property taxes. These taxes are due and payable in 2016, and the revenue funds the 2016 budget.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Ordinance Adopting the 2016 Budget for the Loveland General Improvement District #1.
2. Ordinance Adopting the 2015 Mill Levy for the Loveland General Improvement District #1.

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5972

AN ORDINANCE ADOPTING THE 2015 MILL LEVY FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1

WHEREAS, the City Council, acting as the ex-officio Board of Directors of the Loveland General Improvement District #1, desires to maintain the 2015 mill levy rate at the same level as 2013; and

WHEREAS, the 2015 mill levy rate impacts 2015 taxes, due and payable in 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ACTING AS THE EX OFFICIO BOARD OF DIRECTORS OF THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1:

Section 1. That the mill levy rate of 2.684 mills is hereby adopted as the rate of levy upon every dollar of the valuation for assessment of taxable property within the Loveland General Improvement District #1, for the year 2015.

Section 2. That the City Clerk of the City of Loveland be and is hereby authorized and directed to send a certified copy of this ordinance to the Board of County Commissioners of Larimer County, Colorado.

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

ADOPTED this 20th day of October, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

FIRST READING October 6, 2015

SECOND READING October 20, 2015

ORDINANCE NO. 5973

AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1

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

Section 1. That out of monies and revenues to be derived from all sources, as set forth in the 2016 budget, to be received into the Loveland General Improvement District #1 Fund 602 during the year 2016, with revenues and cash on hand as of January 1, 2016, make a total of estimated revenue and cash in the sum of $119,997, there is hereby appropriated $24,500 to the Loveland General Improvement District #1 Fund 602.

Section 2. That the budget for the Loveland General Improvement District #1 for the year 2016, which has been filed with the City Clerk's Office and is incorporated herein by reference, setting forth expenditures of $24,500 and providing revenues from taxes, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

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

ADOPTED this 20th day of October, 2015.

_____
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: **10**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Alan Krcmarik, Development Services
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:
Ordinance Suspending Annual Increases In Capital Expansion Fees, Excepting The Street Capital Expansion Fee, Pursuant To Loveland Municipal Code Section 16.38.110 For 2016

RECOMMENDED CITY COUNCIL ACTION:
Conduct a Public Hearing and adopt the Ordinance on First Reading.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action. If the Ordinance is not adopted, the City Code provides for an annual adjustment using the Denver Construction Cost Index.
3. Adopt a modified action. None are suggested for consideration at this time.
4. Refer back to staff for further development and consideration. At the September 22, 2015 study session, Council members suggested that staff continue to explore alternative levels for the capital expansion fees. Staff intends to provide a progress report to Council during the first quarter of 2016.

SUMMARY:
This is an administrative item. Using master plans prepared by City departments, BBC Research & Consulting and city staff completed a study demonstrating the results of using a “plans-based” approach to set capital expansion fees. Based on Council discussion at the September 22, 2015 study session the proposed Ordinance suspends the annual inflationary increase provided for in the City Code section 16.38.100. The suspension of the annual inflationary increase does not apply to the streets capital expansion fee; this fee is already determined on a plans-based approach. Cost of materials for street construction and repair have been rising. The Colorado Department of Transportation inflation adjustment is 8.66%.

BUDGET IMPACT:
☒ Positive The inflationary increase for the Streets capital expansion fee will help the Public Works Department maintain sufficient funding to meet future street project costs.
☒ Negative The suspension of fee increases for the other nine capital expansion fees will decrease the amount of funding that otherwise would be available to meet the cost of projects related to the growing community.
☐ Neutral or negligible

BACKGROUND:

The City of Loveland has utilized impact fees, more specifically Capital Expansion Fees, as a method to fund capital improvements since 1984. The fees were based on a cost of services study and the equity buy-in approach to setting fees was adopted. The CEFs are updated every few years and after the last major review in 2012, Council requested more study of an alternative method to determine the fees, the Plans Based approach. Based on master plans prepared for the departments, projections of growth for the next 25 years, and updated capital improvement plans, calculations for CEFs have been made. The plans-based fees were presented to Council at the September 22, 2015, study session.

After lengthy discussion, it was determined that Council was not yet ready to move to the plans-based approach to setting Capital expansion fees. The City Code provides for an annual adjustment based on the September Engineering News Record Construction Cost Index for the Denver region. The inflationary adjustment from the current fees would be 0.48%. This level of adjustment is far below what has been observed in Northern Colorado. Again, based on comments from the Council, it was determined that the annual inflationary adjustment should not be made.

Staff has prepared the attached ordinance which provides for a suspension the annual fee increased. If this ordinance is adopted the capital expansion fees for Police, Fire-Rescue, General Government, Library, Cultural Services-Museum, Parks, Recreation, Trails, and Open Lands will remain at the levels they have been in 2015. Exhibit A. Schedule of Capital Expansion Fees is attached to the Ordinance.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance with Exhibit A

Exhibit A. Schedule of Capitial Expansion Fees
Annual Inflationary Adjustment Suspended

	2015 Fee	2016 Fee
Residential Single Family		
Per unit of housing		
Fire-Rescue	$ 895.00	$ 895.00
Law Enforcement	881.00	881.00
General Government	1,092.00	1,092.00
Library	728.00	728.00
Cultural Services/Museum	607.00	607.00
Parks	3,556.00	3,556.00
Recreation	1,584.00	1,584.00
Trails	531.00	531.00
Open Lands	891.00	891.00
Total	$ 10,765.00	$ 10,765.00
Residential Multi-family		
Per unit of housing		
Fire-Rescue	$ 622.00	$ 622.00
Law Enforcement	613.00	613.00
General Government	759.00	759.00
Library	506.00	506.00
Cultural Services/Museum	422.00	422.00
Parks	2,471.00	2,471.00
Recreation	1,101.00	1,101.00
Trails	369.00	369.00
Open Lands	619.00	619.00
Total	$ 7,482.00	$ 7,482.00
Commercial		
Per square foot		
Fire-Rescue	$ 0.30	$ 0.30
Law Enforcement	0.39	0.39
General Government	0.42	0.42
Total	$ 1.11	$ 1.11
Industrial		
Per square foot		
Fire-Rescue	$ 0.03	$ 0.03
Law Enforcement	0.05	0.05
General Government	0.06	0.06
Total	$ 0.14	$ 0.14
Oil & Gas Facility		
Per square foot "disturbed area"		
Fire-Rescue	$ 0.06	$ 0.06
Law Enforcement	0.05	0.05
General Government	0.06	0.06
Total	$ 0.17	$ 0.17

FIRST READING October 20, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE SUSPENDING ANNUAL INCREASES IN CAPITAL EXPANSION FEES FOR 2016, EXCEPTING THE STREET CAPITAL EXPANSION FEE, PURSUANT TO LOVELAND MUNCIPAL CODE SECTION 16.38.110

WHEREAS, pursuant to City Code Section 16.38.020, certain capital expansion fees ("CEFs") are imposed on development within the City to provide a source of funding for new and expanded capital facilities associated with growth; and

WHEREAS, CEFs are adjusted annually effective January 1 of each year on the basis of the percentage change in specified indices pursuant to City Code Section 16.38.110; and

WHEREAS, the CEFs effective for 2015 (the "2015 CEFs") and CEFs as adjusted pursuant to City Code Section 16.38.110 to be effective January 1, 2016 (the "2016 CEFs") are set forth on **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, City Council desires, with the exception of the streets capital expansion fee, to suspend the annual adjustment of the CEFs that would otherwise occur on January 1, 2016 pursuant to City Code Section 16.38.110, to leave the CEFs in effect at the level of the 2015 CEFs, without adjustment for 2016.

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

Section 1. The Street Capital Expansion Fees for 2016 shall be set according to City Code Section 16.38.110.A which provides for an adjustment equal to the most current preceding eight quarters average annual percentage change in the construction costs as determined by the Colorado Department of Transportation Construction Cost Index.

Section 2. That the Council finds that suspension of adjustment of all other CEFs, with the exception of the streets CEF, for 2016 will help to make development in Loveland more competitive with communities in the surrounding area and provide incentives for real property development within the City, thereby providing jobs in Loveland and increasing tax revenues.

Section 3. That notwithstanding the provisions of City Code Section 16.38.110 to the contrary, the annual adjustment of CEFs, with the exception of the streets CEF, that would otherwise occur on January 1, 2016 pursuant to City Code Section 16.38.110.A shall be suspended

for calendar year 2016, leaving the 2015 CEF levels, with the exception of the streets CEF, in effect, without adjustment, for 2016.

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

ADOPTED this _____ day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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: 10/20/2015
TO: City Council
FROM: Marcie Erion, Economic Development
PRESENTER: Marcie Erion, Economic Development, Chris Conrardy, EWI

TITLE:

1. A Resolution Approving An Agreement Between The City Of Loveland And Edison Welding Institute, Inc. d/b/a EWI

2. An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase II Pilot Operation For Program And Facility Design Of The EWI Project

RECOMMENDED CITY COUNCIL ACTION:

1. Adopt the resolution.
2. 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

SUMMARY:

These are administrative actions. At a study session on September 22nd, City Council asked staff to bring back a resolution and ordinance for consideration. The City of Loveland is being asked to invest in the development, construction and initial operation of EWI Colorado which will be located at the Rocky Mountain Center for Innovation and Technology. The total investment requested is $2MM and would be paid out on the following timeline with all payments made by the end of 2017:

$500K 2015 Economic Development Incentive Fund
$500K 2016 Economic Development Incentive Fund
$500K 2016 City Council Special Projects Fund
$500K 2017 City Council Special Projects Fund

BUDGET IMPACT:

☐ Positive

☒ Negative

☐ Neutral or negligible

The ordinance is funded with available Economic Development Department Incentive funds and City Council Special Project funds that reduce the flexibility to fund other projects. Currently the balance in the Economic Development Incentive Fund is $1,055,221. If approved, the new

balance would be $555,221 after the initial $500K payment. Additional distributions will be paid as performance measures defined in the contract are met.

BACKGROUND:

Staff received unanimous direction at the September 22nd Study Session to bring this back to an official City Council meeting for consideration.

The City of Loveland staff and partners across the state have been working with EWI for the past three to explore the feasibility and sustainability of an EWI Colorado facility. After thorough due diligence, research, and completion of a statewide manufacturing assessment, EWI feels confident that they can sustain a physical presence in the region and their intent is to establish EWI Colorado at the Rocky Mountain Center for Innovation and Technology. They are a 501 ©3 nonprofit and thus need help capitalizing the initial operations. They have been working with the city and partners across the state

The City of Loveland is being asked to provide $2MM for the execution of the business plan and the construction of an EWI Colorado operation at RMCIT. The overall project budget is $6MM and the gap funding is filled through The Four Front initiative and the Office of Economic Development and International Trade. Staff is seeking adoption of the resolution and approval of the supplemental budget and appropriation for the initial $500K payment.

This is a significant request with significant benefits when successful over the long-term:

- While it appears to incent only one organization/program, it would really serve as an incentive for multiple companies starting in Loveland and spreading through the region and the state. A similar programmatic investment was the Tech Transfer program. The private sector creates the job and revenue growth as a result of the resources and capabilities provided through the program. In the case of EWI, it is an equipment intensive operation and this level of high tech equipment comes with a higher price tag.

- EWI Colorado would be a major attraction mechanism for Loveland and for the RMCIT campus. Companies, individuals, organizations, and educational institutions will all travel to the facility. They will be exposed to the amazing community assets as well as to the RMCIT property and the redevelopment opportunities there and throughout Loveland.

- In most cases the incentives council has approved meet one of the Strategic Plan goals. In this rare case it meets all four goals that the Economic Development Department uses to guide its work. (listed below)

- It is important to support sales tax and property tax generators, but it is also key to a strong economy to support primary jobs which can be created through the private sector and their engagement with EWI Colorado

- Lastly, staff and all the relevant stakeholders involved in the process, feel that this program will put Loveland on the map, throughout the state and the country, in the area of manufacturing and innovation. As the United States focuses on bringing manufacturing back, companies will need the technical capabilities to compete. EWI's technologies are differentiating and cross cutting serving a wide variety of sectors through the EWI Colorado facility.

The contract with EWI is structured to provide payment, a total of $2MM, by December 31, 2017. The first payment of $500K would be released in 2015 but no further payments would be made until the formal agreements with CAMA and OEDIT are executed. The contract with CAMA is currently being developed and the OEDIT contract work will commence when OEDIT Deputy Director Michelle Hadwiger is back in the office in late October. She is our point of contact for the OEDIT investment. The City of Loveland 2015 distribution would allow EWI to continue its work on program/facility development and engagement with stakeholders. The anticipated payment schedule is shown in Exhibit A of the agreement and reflects EWI's preference for distributions. However, the agreement does provide some flexibility should EWI determine a different distribution schedule would better meet the needs of the project.

Support for this incentive is consistent with all four goals of the City Economic Development Strategic Plan

Goal #1- Make Loveland the Heart of Innovation and Creativity in Colorado
Goal #2- Make Loveland a Destination which attracts businesses, visitors and consumers
Goal #3- Make the Right Investment easy to come, stay and grow
Goal #4- Make the Right Connections

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Resolution (Exhibit A Agreement)
2. Ordinance
3. Letter of Request from EWI
4. Conrardy Power Point Presentation
5. Organization information ewi.org

RESOLUTION #R-73-2015

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LOVELAND AND EDISON WELDING INSTITUTE, INC. d/b/a EWI

WHEREAS, Edison Welding Institute, Inc. d/b/a EWI ("EWI") is a non-profit corporation and is the leading engineering and technology organization in North America, providing research, manufacturing support, and strategic services to leaders in the aerospace, automotive, consumer products, electronics, medical, energy and chemical, government, and heavy manufacturing industries; and

WHEREAS, after completion of a statewide manufacturing assessment, EWI desires to establish an EWI Colorado business operations site at the Rocky Mountain Center for Innovation and Technology, located at 815 14th Street SW in Loveland, Colorado ("Project Location") at the Project Location in Loveland, Colorado ("Project"); and

WHEREAS, the Colorado Office of Economic Development and International Trade ("OEDIT") and Colorado Advanced Manufacturing Alliance ("CAMA") have given their verbal commitment to endorse funding of the Project through two distinct avenues: infrastructure funding through the Advanced Industries Accelerator Program in the amount of Two Million Dollars ($2,000,000) over two years, and funding through the Department of Defense's FourFront Initiative in the minimum amount of Two Million Dollars ($2,000,000); and

WHEREAS, EWI has requested financial assistance from the City to execute its business plan and help capitalize initial operations, with such City incentive to fund a portion of the Project in an amount not to exceed $2,000,000 (the "Incentive") to assist with the Project at the Project Location; and

WHEREAS, the City desires to provide assistance in the form of the Incentive for the Project at the Project Location, and finds that such assistance is in the best interests of the City and serves the public purposes of providing significant economic, cultural, and social benefits to the citizens of Loveland, in the form of (i) economic development; (ii) stimulating development and attracting capital investment; (iii) additional jobs; and (iv) increased sales and property tax revenues; and

WHEREAS, the City Council desires to approve the agreement on behalf of the City.

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

Section 1. That the Agreement, attached hereto as **Exhibit A** and incorporated herein by reference ("Agreement"), is hereby approved.

Section 2. That the City Manager is hereby 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 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City.

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

ADOPTED this 20th day of October, 2015.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

AGREEMENT

This agreement ("Agreement") is made and entered into this ___ day of _____, 2015, by and between the **CITY OF LOVELAND, COLORADO**, a home rule municipality (the "City"), and **EDISON WELDING INSTITUTE, INC. d/b/a EWI**, a _____ non-profit corporation ("EWI"), both of which may also be referred to herein individually as a "Party" or collectively as the "Parties."

WHEREAS, EWI is a non-profit corporation and is the leading engineering and technology organization in North America, providing research, manufacturing support, and strategic services to leaders in the aerospace, automotive, consumer products, electronics, medical, energy and chemical, government, and heavy manufacturing industries; and

WHEREAS, after completion of a statewide manufacturing assessment, EWI desires to establish an EWI Colorado business operations site at the Rocky Mountain Center for Innovation and Technology, located at 815 14th Street SW in Loveland, Colorado ("Project Location") at the Project Location in Loveland, Colorado ("Project"); and

WHEREAS, the Colorado Office of Economic Development and International Trade ("OEDIT") and Colorado Advanced Manufacturing Alliance ("CAMA") have given their verbal commitment to endorse funding of the Project through two distinct avenues: infrastructure funding through the Advanced Industries Accelerator Program in the amount of Two Million Dollars ($2,000,000) over two years, and funding through the Department of Defense's FourFront Initiative in the minimum amount of Two Million Dollars ($2,000,000); and

WHEREAS, EWI has requested financial assistance from the City to execute its business plan and help capitalize initial operations, with such City incentive to fund a portion of the Project in an amount not to exceed $2,000,000 (the "Incentive") to assist with the Project at the Project Location; and

WHEREAS, the City desires to provide assistance in the form of the Incentive for the Project at the Project Location, and finds that such assistance is in the best interests of the City and serves the public purposes of providing significant economic, cultural, and social benefits to the citizens of Loveland, in the form of (i) economic development; (ii) stimulating development and attracting capital investment; (iii) additional jobs; and (iv) increased sales and property tax revenues.

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

1. Incentive

Subject to the conditions and upon the terms provided for in this Agreement, the City agrees to provide the Incentive to EWI for the Project at the Project Location in an aggregate amount not to exceed $2,000,000.00 for the actual costs of the Project in accordance with the following:

a. "Project Costs" associated with the Project shall include the following:

i. Execution of lease at Project Location;
ii. Contracts to secure matching funds with CAMA and OEDIT for infrastructure funding through the Advanced Industries Accelerator Program in the amount of Two Million Dollars ($2,000,000) over two years, and funding through the Department of Defense's FourFront Initiative in the minimum amount of Two Million Dollars ($2,000,000) ("Matching Fund Agreements");
iii. Initial facility design plans and building permit application fees submitted for the Project as the Project Location;
iv. Conducting a search for a Project Director;
v. Execution of a contract with Next Street for program development;
vi. Progression towards securing additional grants and funding sources;
vii. Engagement with potential Founder's Council members for the Project;
viii. Establishment of partnerships with selected Colorado non-profits corporations;
ix. Developed and current marketing campaigns, including, but not limited to marketing materials, creation of new website and new marketing materials specific to EWI Colorado and direct market plan for private company contracts;
x. Equipment purchases , furnishings and tenant finish; and
xi. Other related Project Costs as approved by the City Manager.

b. The City agrees to pay Five Hundred Thousand Dollars ($500,000.00) of the Incentive ("Initial Incentive Payment") to EWI within fifteen (15) business days of execution of this Agreement by the City and EWI. EWI shall make a good faith effort to substantially achieve, by no later than December 31, 2016, those Project Costs identified in paragraph a. subsection i thought ix, above, of this Section 1. It is anticipated that the remaining $1,500,000.00 of the Incentive will be paid to EWI not later than December 31, 2017, for actual approved Project Costs incurred and as requested by EWI in writing, for ongoing Project Costs identified in paragraph a., above, of this Section 1, which written request for payment will include a statement of Project Costs to be paid ("Requests for Payment"). Requests for Payment shall be made no more frequently than monthly by EWI. All Requests for Payment are subject to final review and approval by the City Manager within ten (10) business days of such request ("Approval of Request for Payment"), which approval shall not be unreasonably withheld, with payment to be made to EWI within fifteen (15) business days after receipt of the Approval of Request for Payment.

c. An anticipated payment schedule will be as set forth in **Exhibit "A"** attached to this Agreement and incorporated by reference for the Incentive. After the Initial Incentive Payment, it is anticipated that there will be Requests for Payment equaling One Million Dollars ($1,000,000) of the Incentive, not sooner than March 1, 2016, but not later than December 31,

2016, and a Request for Payment of the remaining Five Hundred Thousand Dollars ($500,000) of the Incentive by December 31, 2017. Notwithstanding the foregoing provisions of paragraph c. of this Section 1, after the Initial Incentive Payment, but not earlier than March 1, 2016, the Parties agree that EWI can draw down any amount of the remaining amount of the Incentive for Project Costs, at any time from March 1, 2016 through December 31, 2017, subject to paragraph b., above, of this Section 1.

d. EWI hereby indemnifies and agrees to hold the City, its Council members, employees, and agents harmless from and against any cost or liability whatsoever, including, but not limited to, any fines, penalties, attorneys' fees and other costs arising out of the Project, the City's payment of the Incentive, and/or EWI's characterization of such payments for tax purposes, it being the intent of the Parties that the City shall have no responsibility whatsoever for the characterization of such payments made pursuant to this Agreement.

e. As a condition of disbursing any portion of the Incentive requested under a Request for Payment, the appropriate parties shall furnish to the City the following documents:

i. Request for Payment shall specify the amount of the requested disbursement and the related Project Costs and certify, as of the date of the Request for Payment, that:

a) the total amount of each Request for Payment represents the actual amounts incurred or to be incurred by EWI for Project Costs;

b) no default, condition or event of which condition would constitute a default, exists under this Agreement; and

c) all proceeds of the Incentive disbursed to EWI to date have been applied to payment of the Project Costs.

f. For purposes of assuring compliance with this Agreement and the verification of Project Costs, representatives from the City shall have reasonable rights of access to the Project during normal work hours. Access shall include the right of inspection of documentation and field verification of Project Costs for which Requests for Payment are submitted. The City shall have the right to request reimbursement of Incentive amounts included in any Request for Payment if the City is unable to verify the existence or payment of reimbursed Project Costs. Representatives of the City shall be identified in writing to EWI.

g. The total Incentive from the City under this under this Agreement shall not exceed Two Million Dollars ($2,000,000) for actual Project Costs incurred by EWI and approved by the City Manager. All costs in excess of the Incentive incurred by EWI in completion the Project shall be borne by EWI. Notwithstanding any provision in this Agreement to the contrary, the City shall not be obligated to pay EWI any amount of the Incentive in excess of the Initial Incentive Payment of $500,000, until such time as EWI provides fully executed copies of its Matching Fund Agreements with CAMA and OEDIT for the Project.

2. EWI's Covenants

In consideration for the Incentive, EWI, in addition to any other obligation herein, covenants and agrees to:

a. diligently pursue and use its best efforts to obtain agreements for all necessary funding for completion of the Project at the Project Location; and

b. pay only approved Project Costs with Incentive funds; and

c. use its best efforts to complete and operate the Project at the Project Location.

3. Applicable Law and Venue

This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, EWI acknowledges that there are legal constraints imposed upon the City by the constitutions, statutes, rules and regulations of the State of Colorado and of the United States, and the City's Charter and Code, and that, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provisions of this Agreement to the contrary, in no event shall any of the Parties hereto exercise any power or take any action which shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall be in the District Court for Larimer County, Colorado.

4. Time is of the Essence

Time shall be of the essence for the performance of all obligations under this Agreement.

5. Assignment

EWI shall not assign or transfer this Agreement to any entity without the prior written consent of the City.

6. Construction

This Agreement shall be construed according to its fair meaning and as if it was prepared by both of the Parties and shall be deemed to be and contain the entire Agreement between the Parties. There shall be deemed to be no other terms, conditions, promises, understandings, statements, or representations expressed or implied, concerning this Agreement, unless set forth in writing and signed by the City and EWI.

7. Headings

Section headings used in this Agreement are used for convenience of reference only and shall in no way define, control, or affect the meaning or interpretation of any provision of this Agreement.

8. Notices

Any written notice given under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three days after being sent by certified mail, return receipt requested, to the following addresses:

If to the City:
Bill Cahill
City Manager
City of Loveland
500 East Third Street, Suite 330
Loveland, CO 80537

With a copy to:
City Attorney
City of Loveland
500 East Third Street, Suite 330
Loveland, CO 80537

If to EWI:

With a copy to:

Either Party hereto may at any time designate a different address or person receiving notice by so informing the other Party in writing.

9. Binding Effect

This Agreement shall be binding upon and, except as otherwise provided in this Agreement, shall inure to the benefit of the successors and assigns of the respective Parties hereto.

10. No Waiver

In the event the City waives any breach of this Agreement, no such waiver shall be held or construed to be a waiver of any subsequent breach hereof.

11. Severability

If any provision of this Agreement, or the application of such provision to any person, entity, or circumstance, shall be held invalid, the remainder of this Agreement, or the application of such provision to persons, entities, or circumstances other than those in which it was held invalid, shall not be affected.

12. Additional Provisions

a. The City shall have the right to review and audit EWI's financial books and records related to the Project, the Project Costs, and EWI's financial statements at any time with a 30-day notice. The City shall exercise this clause reasonably.

b. EWI agrees to reimburse the City all amounts of the Incentive not expended by EWI in the event of the Project's destruction, in whole or in part, due to fire or any other casualty.

c. In the event that EWI is unable to come to agreement with CAMA and/or OEDIT regarding their funding of the Project, this Agreement shall automatically terminate and any unexpended amount from the Incentive as of the date of termination shall be returned to the City. EWI shall be under no obligation to reimburse the City for funds expended prior to such termination as described herein this Section 12(c).

13. <u>Default</u>

a. If EWI, subject to force majeure and any other delays beyond the reasonable control of EWI:

(i) fails to commence and pursue the Project as required in this Agreement for a period of ninety (90) days after written notice thereof from the City (or such longer period as is reasonably necessary provided EWI commences and pursues the same using commercially reasonable efforts); or

(ii) abandons or substantially suspends construction of improvements at the Project Location for a period of ninety (90) days after written notice thereof from the City; or

(iii) fails to obtain the Certificate of Occupancy for the Project Location, if required by the City pursuant to the City code; or

(iv) abandons or substantially suspends the Project at the Project Location for a period of ninety (90) days after written notice thereof from the City; or

(v) fails to perform any other obligation under this Agreement for a period of ninety (90) days after written notice thereof from the City (or such longer period as is reasonably necessary provided EWI commences and pursues the same using commercially reasonable efforts),

then any such occurrence shall constitute a material default and the City shall be entitled to all remedies available at law or in equity, including but not limited to reimbursement of all Incentive amounts. Failure to obtain necessary funding for completion of the Project at the Project Location shall not constitute a material default under this Agreement, provided EWI has complied with Section 2(a) herein.

b. In no event shall the City, its Council members, employees or agents be liable to EWI, in contract, tort or otherwise, with respect to any direct, indirect, consequential, special, exemplary or incidental damages arising from or relating to this Agreement or the Project.

c. If any Party commences an action to enforce or interpret any portion of this Agreement, the prevailing party in such action shall recover the prevailing party’s costs and such reasonable attorneys’ fees as may be awarded by the Court.

14. Multi-Year Fiscal Obligation

To the extent the City's obligation to provide the Incentive under this Agreement is considered a multi-year fiscal obligation under Article X, Section 20 of the Colorado Constitution and the City's Charter Section 11-6, such obligations are subject to annual appropriation by the Loveland City Council. The City shall have no obligation to make any payment sought or to be paid on or after December 31 of any year, unless the necessary appropriation has been made by the City Council to authorize such provision or payment in the subsequent year, provided that the City Manager will take all actions reasonably necessary to include any required appropriation in the annual budgets presented to Council for adoption. The City represents that it presently intends to present for appropriation the Incentive under this Agreement to the fullest extent permitted by law.

15. Signatures & Effective Date

For purposes of this Agreement, there may be any number of counterparts, each of which shall be deemed as originals. Facsimile and electronically transmitted signatures, for purposes of this Agreement, shall be deemed as original signatures. The "Effective Date" of this Agreement shall be the later of the date this Agreement is approved by City Council and signed by the City Manager and the date this Agreement is approved by the EWI board and signed by a person with signature authority for EWI, and until such approvals and signatures have been made, this Agreement is of no force or effect.

16. Delegation of Authority for City Approvals

The City Manager or his designee is hereby authorized to:

a. review and approve or disapprove, as permitted by this Agreement, each Request for Payment and other matters to be approved by the City under this Agreement; and

b. grant requests for extensions of time to satisfy requirements set forth in this Agreement, for good cause shown.

17. Third Party Beneficiaries

This Agreement is solely for the benefit of EWI and the City and their respective members, principals, partners and successors and no third party shall be entitled to the benefit of any provision of this Agreement.

18. Disclosure

EWI understands and acknowledges that under the Colorado Open Records Act, C.R.S. §§ 24-72-201 et al., ("CORA") this Agreement is subject to public inspection. In addition to the public inspection requirements of CORA, EWI also understands and acknowledges that the Colorado Open Meetings Law, C.R.S. § 24-6-402, ("COML") may also require a disclosure of the terms and conditions of this Agreement at public meetings of the City Council. Therefore, any

such disclosures of the terms and conditions of this Agreement under CORA or COML are permitted under this Agreement and shall not be considered a breach of any provision of this Agreement. Additionally, EWI understands and acknowledges that if and to the extent the disclosure under CORA or COML requirements are in conflict with this Agreement, then the disclosure requirements under CORA and/or COML shall be deemed to control.

[*Remainder of Page Intentionally Left Blank*]

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

EDISON WELDING INSTITUTE, INC.
d/b/a EWI

By:_____
Its:_____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, as _____ of **EDISON WELDING INSTITUTE, INC. d/b/a EWI**, _____ a non- profit corporation.

Witness my hand and official seal. My commission expires: _____

_____
Notary Public

(S E A L)

CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill, City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____day of ____, 2015, by William D. Cahill as City Manager of the City of Loveland, Colorado, and by Teresa Andrews as City Clerk of the City of Loveland, Colorado.

Witness my hand and official seal. My commission expires: _____.

_____
Notary Public

(S E A L)

EXHIBIT A
ANTICIPATED INCENTIVE SCHEDULE

Incentive Schedule:

Total Incentive Amount: $2,000,000

	Payment
2015	$500,000
2016	$1,000,000
2017	$500,000
TOTAL	$2,000,000

FIRST READING October 20, 2015

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2015 CITY OF LOVELAND BUDGET FOR PHASE II PILOT OPERATION FOR PROGRAM AND FACILITY DESIGN OF THE EWI PROJECT.

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2015 City budget for Phase II Pilot Operation for program and facility design of the EWI project; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2015 City budget for Phase II Pilot Operation for program and facility design OF the EWI project, 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 $500,000 from fund balance in the Economic Incentives Fund are available for appropriation. Revenues in the total amount of $500,000 are hereby appropriated for Phase II Pilot Operation for program and facility design of the EWI project. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
Economic Incentives Fund 106

Revenues		
Fund Balance		500,000
Total Revenue		**500,000**
Appropriations		
106-18-180-1500-43155 EDEWI	Economic Incentives	500,000
Total Appropriations		**500,000**

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 ___ day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EWI
We Manufacture Innovation

1250 Arthur E. Adams Drive, Columbus, Ohio 43221
614.688.5000 • ewi.org

September 11, 2015

Bill Cahill, Loveland City Manager and
Loveland City Council Members
500 East 3rd Street, Suite 330
Loveland, Colorado 80537

Dear Bill and Loveland City Council Members,

I am writing to you to request $2M in funding to help EWI establish an operation in the Rocky Mountain Center for Innovation and Technology.

Manufacturing is important to Northern Colorado, and technical innovation is essential to the competitiveness of Colorado manufacturers. EWI is non-profit organization that helps manufacturers improve their products and business performance through the application of advanced manufacturing technologies. While operating for more than 30 years, EWI has served a wide range of manufacturing sectors and has developed a unique, financially sustainable manufacturing innovation model that does not require ongoing operating subsidies from the government.

To increase our impact, EWI has a strategy to establish new locations across the nation. Over the past eight months, EWI staff have engaged Colorado industry and partners to develop a business plan for a financially sustainable operation in Loveland. The plan requires a minimum of $6M to invest in facility improvements, capital equipment, and talent acquisition to establish the nation's leading center for manufacturing quality measurement technology applied R&D. With capital from state and federal sources, the City of Loveland's investment would be leveraged by more than two to one. Additionally, the operation would leverage a wide range of technical and business capabilities available at other EWI locations, valued at over $1M in-kind support during the first four years of operation.

We value the partnership that has emerged with the City of Loveland over the past three years, and we look forward to establishing a permanent presence in your community.

Sincerely,

Henry J. Cialone, Ph.D.
President and CEO

HJC/psm

c: File



Creating a World-Class Manufacturing Technology Center in Loveland

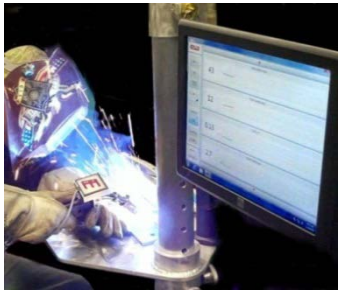
September 22, 2015

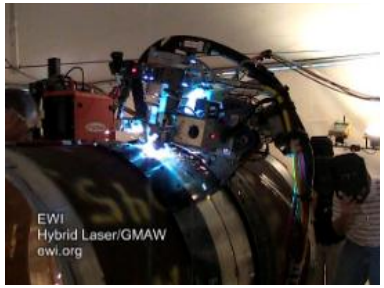
Chris Conrardy
CTO and VP Strategic Initiatives
cconrardy@ewi.org
614-688-5191

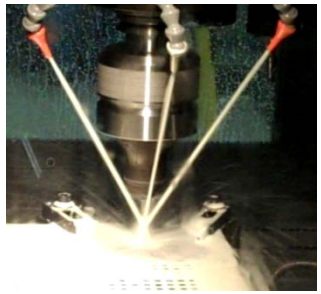
EWI®
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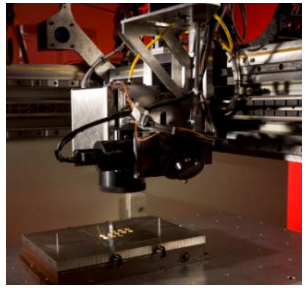
Executive Summary

- **Manufacturing is important to Northern Colorado**
- **Manufacturing technology is evolving very rapidly**
- **Innovative companies use new technologies to become more competitive**
- **EWI helps companies adopt technologies to achieve business goals**
- **A plan for an EWI operation in RMCIT has been developed with extensive involvement of manufacturers and regional partners**
- **The EWI Colorado operation will be a critical catalyst for the technology ecosystem in Loveland and Colorado**
- **The City's investment would be highly leveraged from existing commitments and the facility achieve financial sustainability within 5 years**









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EWI Overview



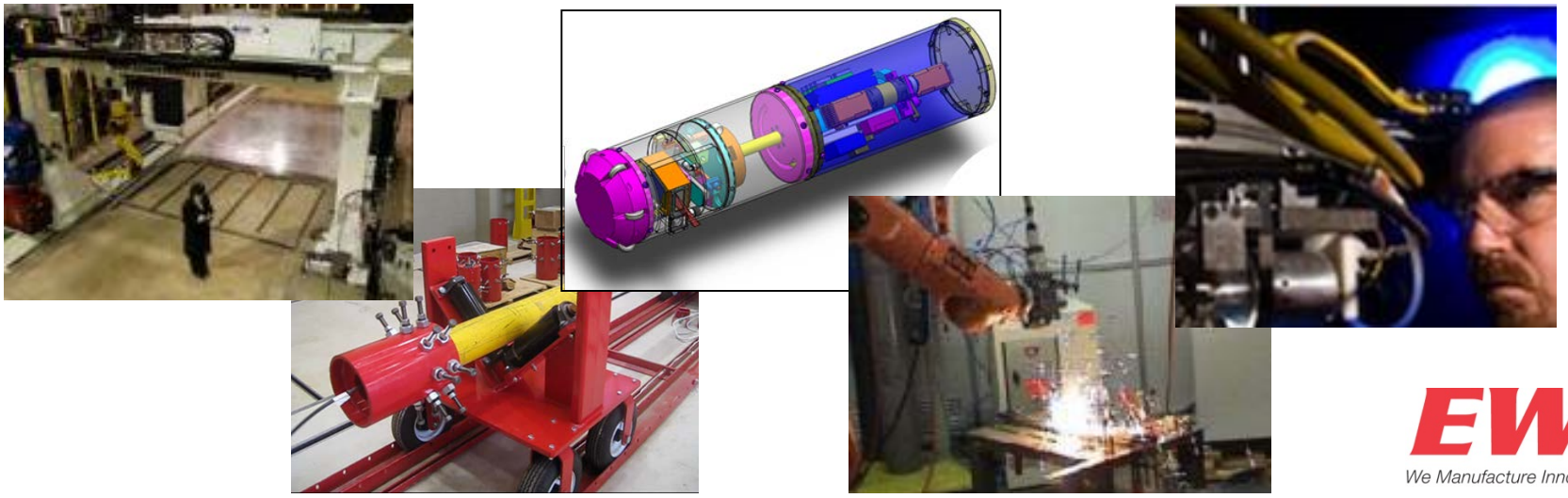
- **Sustainable nonprofit manufacturing innovation model**
- **Thought-leader in many cross-cutting technologies**
- **Market driven by clients' emerging technology needs**
- **Intermediary between industry and academia**
- **Commercializes technologies to deliver solutions**
- **Expanding locations and relationships to increase impact**



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EWI Maintains Deep Technical Capabilities to Help Industry

- **<u>Leading edge:</u> unique national resource in our manufacturing technology areas**
- **<u>Cross cutting:</u> impact a wide range of manufacturing sectors and client applications**
- **<u>Applied:</u> full-scale equipment and manufacturing technology application expertise**



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EWI Colorado Approach

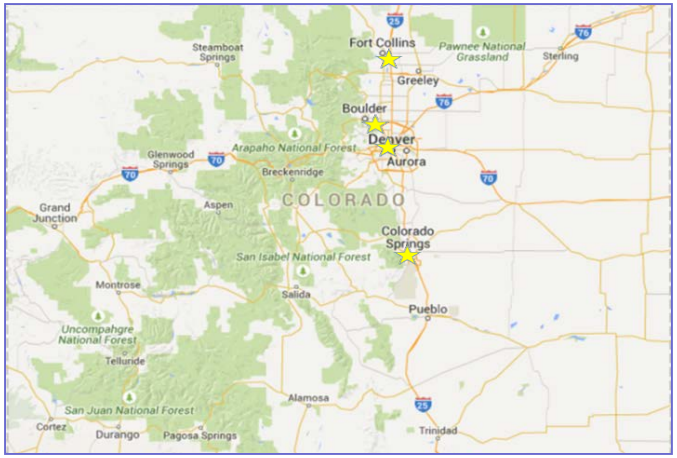
- **Objective - Maximize impact by:**
  - Targeting **needs** of manufacturing technology services
  - Integrating **EWI's existing capabilities** in the region
  - Building **community support** to align available resources
  - Achieving **financial sustainability** without ongoing public funding
  - Creating a unique asset to support **business attraction** activities

- **Approach - 3 phase approach mitigates risk:**
  - **Phase 1:** Identify technology areas, build partnerships, and determine investment requirements
  - **Phase 2:** Establish a pilot operation with initial core capabilities
  - **Phase 3:** Scale up to financial sustainability

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Deep Community Involvement in Developing the Plan

- **>90 company visits**
- **>20 collaborator visits**
- **>10 regional events**
- **4 focus group exercises**
- **4 Advisory Group meetings**



Advisory Group

- *Heidi Hostetter - Fauston*
- *Darren Pape - Wolf Robotics*
- *Noel Ginsburg - Intertech Plastics*
- *Tony Wampler - Springs Fab*
- *Joe Potter – Woodward*
- *Zach Loftus – LM Space*
- *John Martin – Ball Aerospace*
- *Tony Feltman – SPIRE EMS*
- *Tom Bugnitz - Manufacturers Edge*
- *Tim Heaton - CAMA*
- *Harry Horowitz - OEDIT*
- *Marcie Erion - City of Loveland*
- *Mark Wdowik - CSU*
- *Vicky Lea - Metro Denver EDC*

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RMCIT Facility Vision



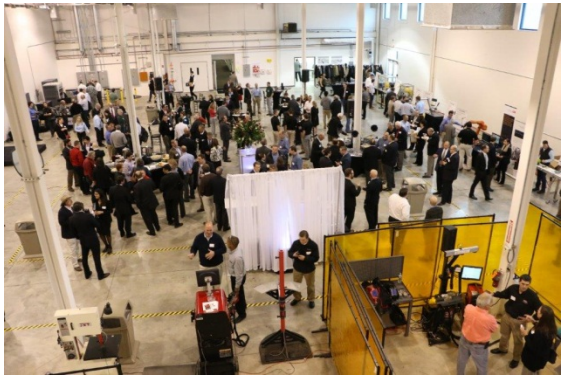
Rocky Mountain Center for Innovation & Technology



Engineering & Design



Confidential video-conferences



Technology demonstration



Client funded technology development



New Technology Training

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NREL composite center (IACMI) may co-locate in the RMCIT

Initial Technology Focus: Quality Measurement

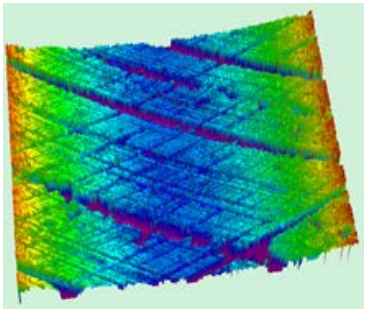
- **Opportunity for Colorado to become national leader**
- **Broad industrial relevance in Colorado and nationally**
- **Leverages >$3M EWI existing technical capabilities**
- **Diverse suite of advanced technologies**



Non-destructive evaluation



Manufacturing process monitoring



Advanced Metrology



Structural health monitoring

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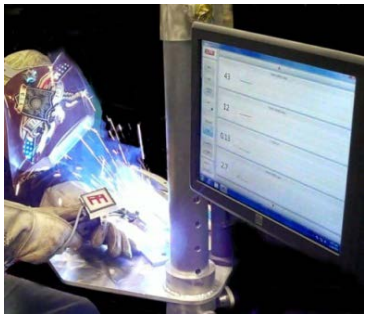
Connecting FourFront Colorado to EWI's Capabilities

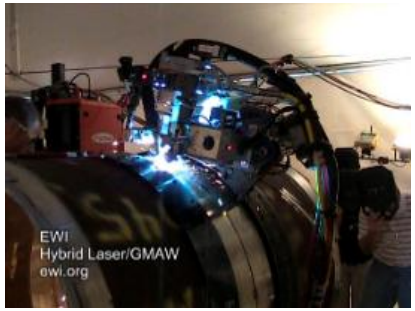


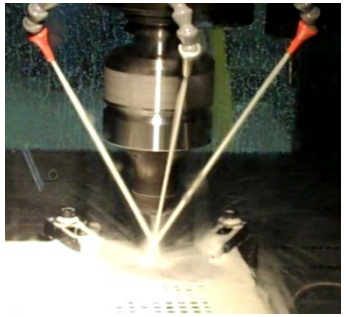
- FourFront Mfg Advancement Centers
- EWI centers of excellence

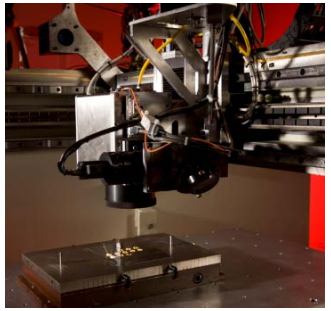
EWI Capabilities:

- **2 full-scale test labs**
- **>$40M in state of the art capital equipment**
- **>160 engineers, technicians, industry experts**
- **Broad industry / R&D connections**









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Go To Market Summary

1 Fundraise Capital

- $6M in startup funding
  - $500k for facility improvements
  - $3M for laboratory equipment
  - Remainder for working capital
- Loveland's investment would be **highly leveraged through other commitments**

2 Formalize Local Partnerships

- Establish **Founders' Council**
- Formalize **agreements** with collaborators including universities, labs, and business associations

3 Leverage EWI's Capabilities for Fast Start

- **Broad and deep technical capabilities** at existing Ohio and Buffalo facilities
- **Leverage back-office and marketing** support services

4 Clear Path to Financial Sustainability

- **Diverse Sources of Service Revenue**
  - Member Services
  - Commercial Services
  - Government Programs
  - Commercialization of EWI IP
- Revenue starting in year 1 with **secured commitments**
- Operations **financially sustainable by Year 5,**
  - Breakeven in Year 4
- A **unique and stable asset** in technology ecosystem that would require no additional public operating subsidy

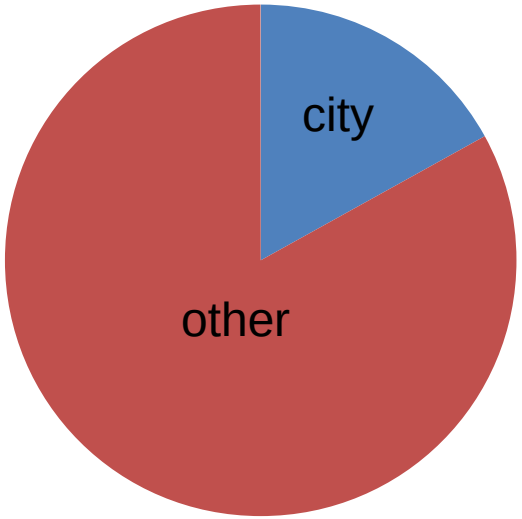
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Funding Request

- **Seeking $2M in funding commitment through 2020 from the City of Loveland**

Sources of Start-up Funding

Public Funding Requests		
City of Loveland Request	2,000,000	6 yrs
FourFront Federal Request	2,000,000	1 yr
State of Colorado Request	2,000,000	2 yrs
Additional economic value will be created through private investments:		
Anticipated Private Sources		
EWI Back Office Leverage	1,500,000	4 yrs
C&W Rent Abatement	400,000	4 yrs
Client Funding	3,900,000	4 yrs



Loveland's investment in EWI would be significantly leveraged

Note: Does not include $600K costs for business plan development shared by City of Loveland and EWI

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Build-Out Plan (market demand leads investment)

Staffing

- **2016**
  - 1 Operation manager / business development lead
  - 1 Technology Leader
  - 2 Engineers
  - 1 Technician
- **2017**
  - 1 Sales lead
  - 2 Engineers
  - 1 Technician
  - 1 Project Manager
  - 1 Office Manager
- **2018**
  - 1 Engineer

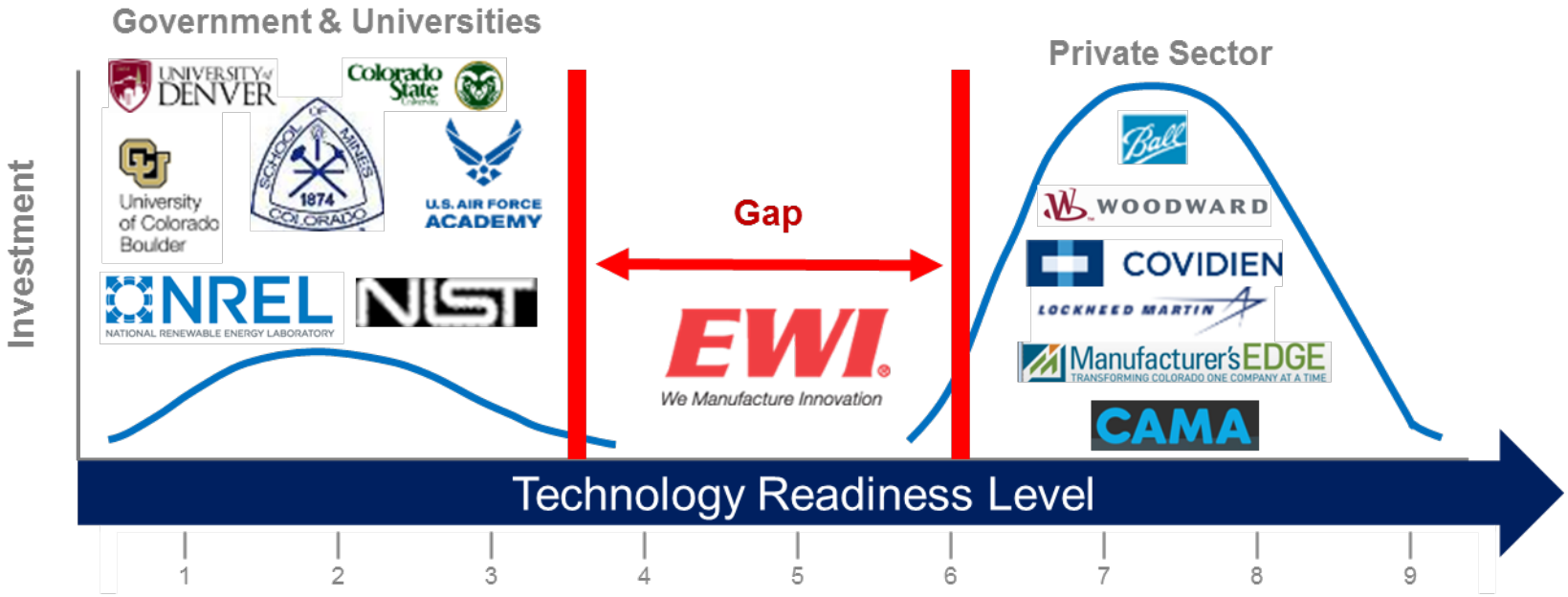
Facility / Equipment

- **2016**
  - Facility improvements
  - Ultrasonics: Matrix phased array, Full matrix capture, Total focusing method
  - X-ray: CT, Photo counting, dual energy
- **2017**
  - Process monitoring
  - Thermography
  - Array eddy current
  - Metrology
- **2018**
  - Structural health monitoring
  - Laser UT

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Formalizing Partnerships

- **Non-Profits**
  - Universities: CSU, UCCS, CSM
  - Associations: CAMA, Bioscience
  - MEP: Manufacture's Edge
  - Economic Development: Metro Denver
  - Incubator / accelerator: Warehouse, RMI
  - Labs: NREL, NIST
  - Etc.
- **Industry "Founders Council"**
  - Small, medium, large Colorado manufacturers
  - Meet regularly to guide the decision making
  - Make financial commitment to purchase services



Leveraging Existing EWI Capabilities for a Fast Start

Technical

- **Design**
- **Testing**
- **Materials**
- **Simulation**
- **Structural analysis**
- **Automation / controls**
- **Manufacturing processes: joining, forming, AM, laser processing, machining, etc.**
- **Quality Measurement: ultrasonic, eddy current, X-ray, sensors / monitoring, metrology**

Business

- **Contracts / legal**
- **Member services**
- **Federal programs**
- **Commercialization**
- **Finance / accounting**
- **IT infrastructure support**
- **National sales & marketing**
- **HR recruiting / benefits admin**
- **Intellectual property management**
- **Technical library staff / databases**
- **Technology innovation investments**





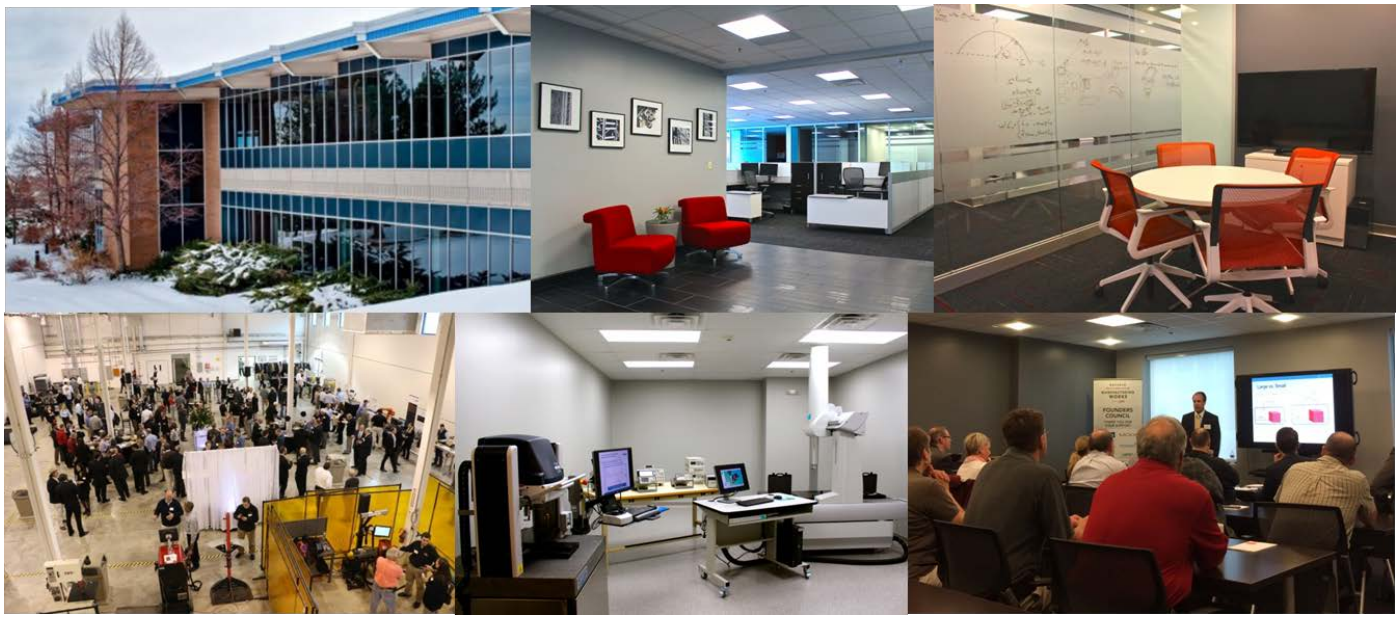
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Launch Timeline

- **Business plan feedback (Sept 2015)**
- **Align resources needed for launch (Aug-Oct 2015)**
- **EWI Board approval of business plan (Oct 2015)**
- **Formalize partner agreements (Oct-Nov 2015)**
- **Initiate national marketing campaign (Dec 2015)**
- **Begin to implement (Jan 2016)**
- **Establish industrial "founders council" (Feb 2016)**
- **Facility operational (June 2016)**
- **Grow capabilities, develop business, build brand, create customer impacts (2016-2019)**
- **Achieve financial sustainability (2020)**
- **Expand into new technology areas (2020+)**

EWI
We Manufacture Innovation

Thank you!



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

AGENDA ITEM: **12**
MEETING DATE: 10/20/2015
TO: Mayor and City Council
FROM: Rod Wensing, Assistant City Manager
PRESENTER: Rod Wensing

TITLE:
A Resolution Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland And The Thompson School District Number R2-J For Identification Of Designated Access Provider And Allocation Of Access Funds

RECOMMENDED CITY COUNCIL ACTION:
Adopt the Resolution as recommended to authorize the City Manager to execute the Intergovernmental Agreement on behalf of the City.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action. (If denied, need cable broadcast equipment will not be purchased)
3. Adopt a modified action. (please specify any changes in the motion)
4. Refer back to staff for further development and consideration. (Any referral back to staff will delay the needed TSD cable broadcast equipment upgrades)

SUMMARY:
This is an administrative action seeking approval of a motion to approve an intergovernmental agreement (IGA) with Thompson School District to begin the implementation of a 5-year cable broadcast equipment replacement plan for the District, for a total not to exceed $342,000 over a five year period. The attached IGA has been unanimously approved by the Thompson School District Board of Education on September 16, 2015 and TSD staff will also be in attendance at the meeting to answer any related questions.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

The cost of implementing this 5-Year Equipment Replacement Plan will be a maximum of $342,000. This phased funding will come from the current 2015 budget, existing unassigned reserves of $240,000 as well as future revenue within the City's Public, Educational and Government Fees (PEG) account. Since 2008, annual PEG Fee revenue has averaged around $65,000. Please see Exhibit A that is attached to the proposed IGA for more details on what and when equipment will be replaced over the next 5 years.

BACKGROUND:

In 2008 the current Cable Franchise Agreement with Comcast authorized the collection of PEG Fees for the first time in the amount of 50 cents per month on each local cable statement. The first PEG Fees payment from Comcast came in a one-time capital contribution advance payment of $100,000. The City shared $25,000 with the Thompson School District as a Designated Access Provider via their cable broadcasting channel. The City's portion of this money was used to complete an overhaul of the outdated and problematic video equipment in the Council Chambers that provided a more stable video system and numerous other benefits including but not limited to: moving from Standard Definition to Digital video; two-year video retention of City Council and Planning Commission meetings, improved audio and increased capability for automated programming on government cable access Channel 16. Unfortunately, Thompson School District has not been able to find the budget needed for technology investment in this area for several years and now finds itself at a critical point in upgrading broadcast equipment for educational cable access Channel 14 that has reached its end-of-life cycle. The District is requesting limited assistance from the City to make a dramatic improvement to the quality of cable broadcasts that are shown to citizens.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. Intergovernmental Agreement

RESOLUTION #R-74-2015

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE THOMPSON SCHOOL DISTRICT NUMBER R2-J FOR IDENTIFICATION OF DESIGNATED ACCESS PROVIDER AND ALLOCATION OF ACCESS FUNDS

WHEREAS, the City of Loveland ("City") has a Franchise Agreement with Comcast of Colorado II, LLC ("Comcast") that requires Comcast to provide Capital Contribution ("Access Funds"), the cost of which Comcast has elected under federal law to pass through to its residential subscribers (known as "PEG Fee"); and

WHEREAS, the City and its Designated Access Providers may use the Access Funds for capital facilities and equipment supporting all permissible Government, Educational, and Public Access programming; and

WHEREAS, the City has the sole discretion to designate other Access Providers and allocate Access resources; and

WHEREAS, the City desires to identify the Thompson School District No. R2-J ("School District") as a Designated Access Provider and to allocate a portion of the Access Funds to the School District for certain Eligible Expenditures and the School District desires to accept and use said Access Funds; and

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

WHEREAS, a copy of the Intergovernmental Agreement (IGA) is attached (Exhibit A); and

WHEREAS, the City Council desires to approve the Intergovernmental Agreement on behalf of the City.

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

Section 1. The City Council identifies and designates the School District as a Designated Access Provider within the Comcast Franchise Area for purposes of receiving Access Funds and utilizing Access resources.

Section 2. That the Intergovernmental Agreement is hereby approved.

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

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

ADOPTED this 20th day of October, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

INTERGOVERNMENTAL AGREEMENT
For Identification of Designated Access Provider and Allocation of Access Funds

THIS INTERGOVERNMENTAL AGREEMENT ("**Agreement**") is entered into this _____ day of _____, 2015, by and between the **CITY OF LOVELAND, COLORADO**, a municipal corporation (the "**City**"), and **THOMPSON SCHOOL DISTRICT NO. R2-J**, a political subdivision of the State of Colorado (the "**School District**") (each a "**Party**" and together, the "**Parties**").

WHEREAS, the City entered into with Comcast of Colorado II, LLC ("**Comcast**") a Cable Franchise Agreement effective May 1, 2007 (the "**Franchise Agreement**"); and

WHEREAS, under the Franchise Agreement, Comcast is obligated to provide a capital contribution ("**Access Funds**"), the cost of which Comcast has elected under federal law to pass through to its residential subscribers as a "PEG Fee," to be used by the City and those entities identified by the City as Designated Access Providers for capital facilities and equipment supporting all permissible Public, Educational, and Government Access programming, as those terms are defined in the Franchise Agreement, to the extent carried on Comcast's cable system within the jurisdictional boundaries of the City ("**Eligible Expenditures**"); and

WHEREAS, the Franchise Agreement further provides that the City has sole and exclusive responsibility for identifying Designated Access Providers and for allocating the Access Funds to Designated Access Providers for Eligible Expenditures; and

WHEREAS, the City desires to identify the School District as a Designated Access Provider and to allocate a portion of the Access Funds to the School District for certain Eligible Expenditures, and the School District desires to accept and use said Access Funds, on the terms and conditions set forth below; and

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

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

1. **Definitions; Receipt of Franchise Agreement.** As used in this Agreement, all words and phrases shall be defined in accordance with the Franchise Agreement. In the event of any conflicts between this Agreement and the Franchise Agreement, the Franchise Agreement shall control. The School District hereby acknowledges that it has received a copy of the Franchise Agreement.

2. **Identification of Designated Access Provider.** The City hereby identifies and designates the School District as a Designated Access Provider within the Franchise Area for purposes of receiving Access Funds pursuant to the Franchise Agreement. This designation shall

continue until the termination of this Agreement. This designation is not exclusive, and nothing herein shall be construed to prohibit the City from identifying additional Designated Access Providers during the term of this Agreement.

3. **Allocation and Disbursement of Access Funds.**

a. The City hereby agrees to allocate to the School District Access Funds for those projected Eligible Expenditures identified in **Exhibit A**, attached hereto and incorporated herein by reference, in the amounts set forth in Exhibit A, or as otherwise amended as provided herein.

b. The City's obligation to provide the School District with Access Funds under this Agreement after December 31, 2015 shall be subject to annual appropriation pursuant to City of Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. The City shall have no obligation to provide Access Funds to the School District under this Agreement in any fiscal year in which no such appropriation is made.

c. The City shall disburse said Access Funds to the School District as reimbursement for those Eligible Expenditures identified below upon sufficient evidence that the School District has incurred such expense as reasonably determined by the City.

d. Exhibit A may be modified by written amendment to include other and additional expenses, provided that said expenses are Eligible Expenditures under the Franchise Agreement, and provided further that the total amount of Access Funds to be paid by the City to the School District under this Agreement does not exceed $342,000. The City hereby authorizes the City Manager to execute any such amendments.

4. **Eligible Expenditures.** The School District shall only use Access Funds allocated to it under this Agreement for those Eligible Expenditures identified in **Exhibit A**, attached hereto and incorporated herein by reference, or as amended as provided herein. The School District understands and agrees that any expenses incurred by it for items other than those listed in Exhibit A shall not be eligible for reimbursement. Use of Access Funds to purchase items other than Eligible Expenditures ("**Ineligible Expenditures**") shall be a material breach of this Agreement.

5. **Records; Audit.** The School District shall keep written records of all items purchased and expenses incurred for which reimbursement under this Agreement is requested. The City shall have the right, but not the obligation, to audit the School District's books and inspect such items during regular business hours upon three (3) working days' prior written notice. In the event an audit reveals that the School District has been reimbursed for Ineligible Expenditures, the School District shall return to the City an amount equal to the Access Funds received for said Ineligible Expenditures within thirty (30) calendar days' of the City's written notice thereof. Failure to do so shall be a material breach of this Agreement.

6. **Access Programming; Access Channels.** The School District shall provide Public, Educational, and Government Access programming, as those terms are defined in the Franchise Agreement ("**Access Programming**"), and utilize any channel, or portion thereof, dedicated by Comcast and the City for the School District's Access Programming ("**Access Channel**"), in accordance with the Franchise Agreement and all applicable federal, state, and local laws and regulations, including those rules and regulations promulgated by the City regarding use of the Access Channels, if any. Failure to do so shall be a material breach of this Agreement.

7. **Notices.** Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three (3) business days after being sent by certified mail, return receipt requested:

If to the City:
City Manager
City of Loveland
500 E. Third Street, Suite 330
Loveland, CO 80537
Bill.Cahill@cityofloveland.org

If to the District:
District Superintendent
Thompson School District No. R2J
800 S. Taft Avenue
Loveland, CO 80537

8. **Term.** This Agreement shall be effective from the date set forth above and shall continue until terminated as provided herein.

9. **Termination.**

a. Either Party may terminate this Agreement without cause by giving ninety (90) calendar days' prior written notice of termination to the other Party.

b. The City may terminate this Agreement for cause upon the School District's material breach of this Agreement and its failure to cure within fifteen (15) calendar days' after written notice is received by the School District from the City specifying the grounds for the alleged material breach. For purposes of this paragraph, "material breach" shall mean a breach of the School District's obligations set forth in paragraphs 4 through 6.

c. This Agreement shall automatically terminate, effective immediately, upon expiration or termination of the Franchise Agreement; provided, however, that this Agreement shall continue in full force and effect if the Franchise Agreement is replaced by a new franchise agreement that provides for Access Funds to be distributed to Designated Access Providers for Eligible Expenditures, regardless of whether the defined terms employed herein and in the Franchise Agreement are employed in the new franchise agreement so long as their meanings are substantially the same and do not materially alter the Parties obligations under this Agreement. The City shall provide the School District with written confirmation of any such expiration or termination and the execution of a replacement franchise agreement, as applicable.

d. In the event this Agreement is terminated, for any reason, the City shall not be liable to pay the School District any portion of the Access Funds that have not been spent or committed under any contract with third parties by the School District for Eligible Expenditures prior to the effective date of termination. The School District shall not be entitled to reimbursement for purchases made or expenses incurred after the date on which it receives written notice from the City of the City's intent to terminate this Agreement.

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

11. Legal Constraints. The Parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon Loveland by its Charter and Municipal Code, and, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision in this Agreement to the contrary, in no event shall either of the Parties exercise any power or take any action which shall be prohibited by applicable law.

12. Miscellaneous. This Agreement contains the entire agreement of the Parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the Parties. This Agreement is for the benefit of the Parties, and there is no third party or other intended beneficiaries to this Agreement. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement. The School District shall not assign this Agreement without the City's prior written consent. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

13. Signature. This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same agreement. This Agreement may be executed by electronic signature in accordance with C.R.S 24-71.3-101 *et seq.*

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date set forth above.

CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill, City Manager

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

THOMPSON SCHOOL DISTRICT NO. R2-J

By:

Title: PRESIDENT BOARD OF EDUCATION

ATTEST:

Secretary

APPROVED AS TO FORM:

Caplan and Earnest LLC
School District Attorneys

EXHIBIT A

School District Projected 5-Year Equipment Replacement Plan

Year	Area	Items	Objectives	Est. Cost
2015	Audio	Microphones, amplifiers, speakers, processors, control boards	Move to HD format for recording and broadcast. Improve lingering audio difficulties	$32,000
2016	Control Room	Switcher, CG, Channel Programmer, signal quality monitors, line testers, computer	Replace critical equipment at end-of-life cycle. Continue migration to HD standards.	$70,000
2017	All	Studio cameras (x7), camera controllers, monitors, Control Room Studio microphones, HD monitors, Cabling, camera monitors, broadcast recorder	Replace critical equipment at end-of-life cycle. Continue migration to HD. Enable live video/audio feed of board room to other study rooms	$120,000
2018	Board of Education Room, Control Room	Lighting, microphones, projector, graphics converter, media controller, projector, HDTV monitors	Enable board room for multiple setups. Replace video monitors and projectors in Board Room	$70,000
2019	Control Room, Board of Education Room	Satellite receivers, satellite dishes, media storage servers, video converters, camera controllers	Replace video and audio equipment at end of life cycle. Replace satellite receivers and dishes.	$50,000
			Total	$342,000

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: **13**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Julia Holland, Human Resources
PRESENTER: Julia Holland, HR Director

TITLE:

A Motion Setting A Special Meeting Of City Council On October 27, 2015 In The City Manager's Conference Room To Conduct An Executive Session For The Purposes Of The Presiding Municipal Judge's Six Month Evaluation. Council Waives The Requirement Of Notice Of The Meeting Delivery To Their Homes

RECOMMENDED CITY COUNCIL ACTION:

Adopt the motion.

OPTIONS:

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

BUDGET IMPACT:

☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

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

BACKGROUND:

This is an administrative action to call a special meeting and conduct an executive session on October 27, 2015, in the City Manager's Conference Room for the purposes of conducting and completing the six month evaluation for the Presiding Municipal Judge.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

None

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: **14**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Kerri Burchett, Principal Planner and Steve Adams, Director of Water and Power

TITLE:

An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In A Portion Of Tract "C", Vanguard-Famleco Section Addition, City Of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

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

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The property would remain zoned Meadowbrook Ridge PUD and the above ground substation and solar facility would not be a permitted use.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the special review process for the substation and solar facility and could jeopardize meeting the necessary completion date for the project, which is a condition for securing FEMA funding.

SUMMARY:

This is a quasi-judicial action to rezone 52.6 acres of City property from a residentially zoned PUD to DR –Developing Resource. The property is located between West 22nd Street and West 29th Street, just west of Mehaffey Park. The property is currently zoned Meadowbrook Ridge PUD and is designated for single family and townhome uses. The City's Power Division recently purchased the property and is requesting the rezoning to construct a new substation and solar facility. This project would replace the Idylwilde Hydroelectric Facility that was significantly damaged during the 2013 flood. On September 28, 2015, the Planning Commission recommended approval of the rezoning request by a vote of 5-3.

BUDGET IMPACT:

☐ Positive

☒ Negative

☐ Neutral or negligible

The Power Division purchased the 52.6 acres on April 28, 2015 for $833,000. Funding for the purchase was from the Power Division's 2015 budget. United Civil Design Group, LLC has been contracted with to provide assistance on the site development planning process. That contract is for $67,760 and is being paid by the Power Division. The FEMA Project Worksheet for the alternate project totals $9,068,018. On July 7, 2015, City Council approved a supplemental appropriation on second reading to appropriate money from the power reserve funds to the project accounts, creating a budget for these projects. The City can expect to receive 87.5% or

$7,934,516 in project reimbursements for the planned substation and solar facility on this site. The remaining $1,133,502 will come from other available power utility funds.

BACKGROUND:

During the flood of the Big Thompson River in September of 2013, the City sustained significant damage to the Idylwilde hydroelectric facility located in the Big Thompson Canyon. In May of 2014, the City was awarded a FEMA grant of $9,068,018 for damage sustained to the Idylwilde Dam and the penstock. The City accepted the grant and elected to participate in the FEMA Alternate Project Program. The Power Division, with concurrence from the Loveland Utilities Commission, determined that a good use of the FEMA grant would be to produce renewable energy from a source less prone to natural disasters. Solar was identified as a good option since it would produce more energy than the Idylwilde facility, could be built in more locations than a new hydroelectric facility, and would help the City reach the Colorado Renewable Energy Standards.

The Water and Power Department purchased the 52.6 acres in Meadowbrook Ridge in April of 2015. The property was selected as a desired location for the development of a new substation and solar facility as part of the FEMA Alternate Project Program. The substation and solar facility uses require a rezoning of the property and subsequent approval of a special review application. The special review is currently under review by City staff. The procedures will include a neighborhood meeting and provide an opportunity for public input.

Public outreach for this project has included a neighborhood meeting, which was attended by 99 citizens, and the establishment of a project website that contains information on frequently asked questions, reports and timelines. Additional outreach efforts are underway with meetings being scheduled with the Meadowbrook Ridge, Quail Run and Hunter's Run home owners associations. A neighborhood meeting will also be held as part of the special review process. The initial decision made by the Current Planning Manager on the special review may be appealed to the Planning Commission and, ultimately, to City Council.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memorandum
3. Staff power point presentation
4. Planning Commission minutes dated September 28, 2015
5. Exhibit from the Planning Commission hearing
6. Planning Commission staff report

FIRST READING: October 20, 2015
SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN A PORTION OF TRACT "C", VANGUARD-FAMLECO SECOND ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

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

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

A parcel of land being a portion of Tract C, Vanguard-Famleco Second Addition to the City of Loveland as recorded May 5, 1982 at Book 2166 Page 658 as Reception No. 456846 of the Records of Larimer County, situate in the Northwest Quarter (NW1/4) of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado (the "Property"), being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 9 and assuming the East line of the NW1/4 of said Section 9, as monumented by a #6 rebar with a 2.5" Aluminum Cap stamped LS 34174 on the South end and a #6 rebar with a 2.5" Aluminum Cap stamped LS 38479 on the North end, as bearing North 00°10'56" West a distance of 2619.00 feet with all other bearings contained herein being relative thereto;

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

THENCE North 00°10'56" West along said East line of the NW1/4 a distance of 30.00 feet to the Northeast corner of the Vanguard-Famleco Twelfth Subdivision recorded October 17, 2003 as Reception No. 2003-0132285 of the records of Larimer County and to the **POINT OF BEGINNING**;

THENCE along the North line of said Vanguard-Famleco Twelfth Subdivision the following Thirteen (13) courses and distances:

THENCE South 89°13’46” West a distance of 98.23 feet to a Point of Curvature (PC);
THENCE along the arc of a curve concave to the Northeast a distance of 18.85 feet, said curve has a Radius of 12.00 feet, a Delta of 90°00’00”, and is subtended by a Chord bearing North 45°46’14” West a distance of 16.97 feet;
THENCE South 89°13’46” West a distance of 66.00 feet to a non-tangent PC;
THENCE along the arc of a curve concave to the Northwest a distance of 18.85 feet, said curve has a Radius of 12.00 feet, a Delta of 90°00’00”, and is subtended by a Chord bearing South 44°13’46” West a distance of 16.97 feet;
THENCE South 89°13’46” West a distance of 188.00 feet to a PC;
THENCE along the arc of a curve concave to the Northeast a distance of 18.85 feet, said curve has a Radius of 12.00 feet, a Delta of 90°00’00”, and is subtended by a Chord bearing North 45°46’14” West a distance of 16.97 feet;
THENCE South 89°13’46” West a distance of 50.00 feet to a non-tangent PC;
THENCE along the arc of a curve concave to the Northwest a distance of 18.85 feet, said curve has a Radius of 12.00 feet, a Delta of 90°00’00”, and is subtended by a Chord bearing South 44°13’46” West a distance of 16.97 feet;
THENCE South 89°13’46” West a distance of 68.13 feet to a PC;
THENCE along the arc of a curve concave to the Northeast a distance of 299.25 feet, said curve has a Radius of 245.00 feet, a Delta of 69°58’54”, and is subtended by a Chord bearing North 55°46’47” West a distance of 280.99 feet;
THENCE North 20°47’20” West a distance of 601.12 feet;
THENCE North 69°12’40” East a distance of 10.00 feet to a non-tangent PC;
THENCE along the arc of a curve concave to the Southwest a distance of 393.03 feet, said curve has a Radius of 315.00 feet, a Delta of 71°29’16”, and is subtended by a Chord bearing North 56°31’58” West a distance of 368.02 feet;
THENCE departing said North line North 22°02’05” West a distance of 83.31 feet;
THENCE North 57°29’45” West a distance of 44.91 feet to the West line of the East Half of the Northwest Quarter (E1/2NW1/4) of said Section 9;
THENCE North 00°01’39” West along the West line of the E1/2NW1/4 of said Section 9 a distance of 1541.33 feet to the Northwest corner of said E1/2NW1/4;
THENCE North 88°50’29” East along the North line of said E1/2NW1/4 of said Section 9 a distance of 238.17 feet to the Northwest corner of Tract B, Vanguard-Famleco Second Addition to the City of Loveland;
THENCE along the West, South and East lines of said Tract B and Tract D, Vanguard-Famleco Second Addition to the City of Loveland the following Five (5) courses and distances:
THENCE South 01°09’51” East a distance of 620.05 feet;
THENCE North 88°50’43” East a distance of 309.86 feet;
THENCE North 01°10’01” West a distance of 290.13 feet;
THENCE North 88°49’04” East a distance of 299.84 feet;
THENCE North 01°09’51” West a distance of 329.82 feet to the North line of said Section 9;

THENCE North 88°50’29” East along said North line a distance of 111.43 feet to the Northwest corner of the Amended Plat of Parcels 1 and 2, Mehaffey Park First Addition; Tract B, Vanguard-Famleco First Addition and a Portion of Tract C, Vanguard-Famleco Second Addition recorded August 22, 2013 as Reception No. 2013-0064633 of the records of Larimer County;
THENCE along the West line of said Amended Plat the following Seven (7) courses and distances:
THENCE South 27°00’31” West a distance of 35.50 feet to a PC;
THENCE along the arc of a curve concave to the Southeast a distance of 118.99 feet, said curve has a Radius of 242.00 feet, a Delta of 28°10’23”, and is subtended by a Chord bearing South 12°55’20” West a distance of 117.80 feet;
THENCE South 01°09’51” East a distance of 572.61 feet to a PC;
THENCE along the arc of a curve concave to the Northeast a distance of 179.66 feet, said curve has a Radius of 242.00 feet, a Delta of 42°32’06”, and is subtended by a Chord bearing South 22°25’54” East a distance of 175.56 feet;
THENCE South 43°41’58” East a distance of 449.08 feet to a PC;
THENCE along the arc of a curve concave to the Southwest a distance of 33.41 feet, said curve has a Radius of 308.00 feet, a Delta of 06°12’55”, and is subtended by a Chord bearing South 40°35’30” East a distance of 33.39 feet to the East line of said NW1/4;
THENCE South 00°10’56” East along said East line a distance of 1350.37 feet to the **POINT OF BEGINNING**,

which is now included within the boundaries designated “**MEADOWBROOK RIDGE PLANNED UNIT DEVELOPMENT (# P – 67)** shall be removed therefrom and included within the boundaries of the district designated as follows:

"DR – DEVELOPING RESOURCE DISTRICT”

The Property contains 52.60 acres (2,291,230 sq. ft.) more or less, and is subject to any rights-of-way or other easements of record or as now existing.

Section 2. That the **MEADOWBROOK RIDGE GENERAL DEVELOPMENT PLAN – SECOND AMENDMENT,** which Amendment modifies the Meadowbrook Ridge General Development Plan to reflect the removal of the Property (also designated as Parcel D, F and G therein) from the Plan and is on file in the Building Division and incorporated herein by this reference, is hereby approved.

Section 3. That the Property shall be subject to all applicable zoning regulations for the City of Loveland.

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

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

Section 5. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this ___ day of November, 2015.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN A PORTION OF TRACT "C", VANGUARD-FAMLECO SECOND ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

City of Loveland

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

MEMORANDUM

TO: City Council

FROM: Kerri Burchett, Principal Planner

DATE: October 20, 2015

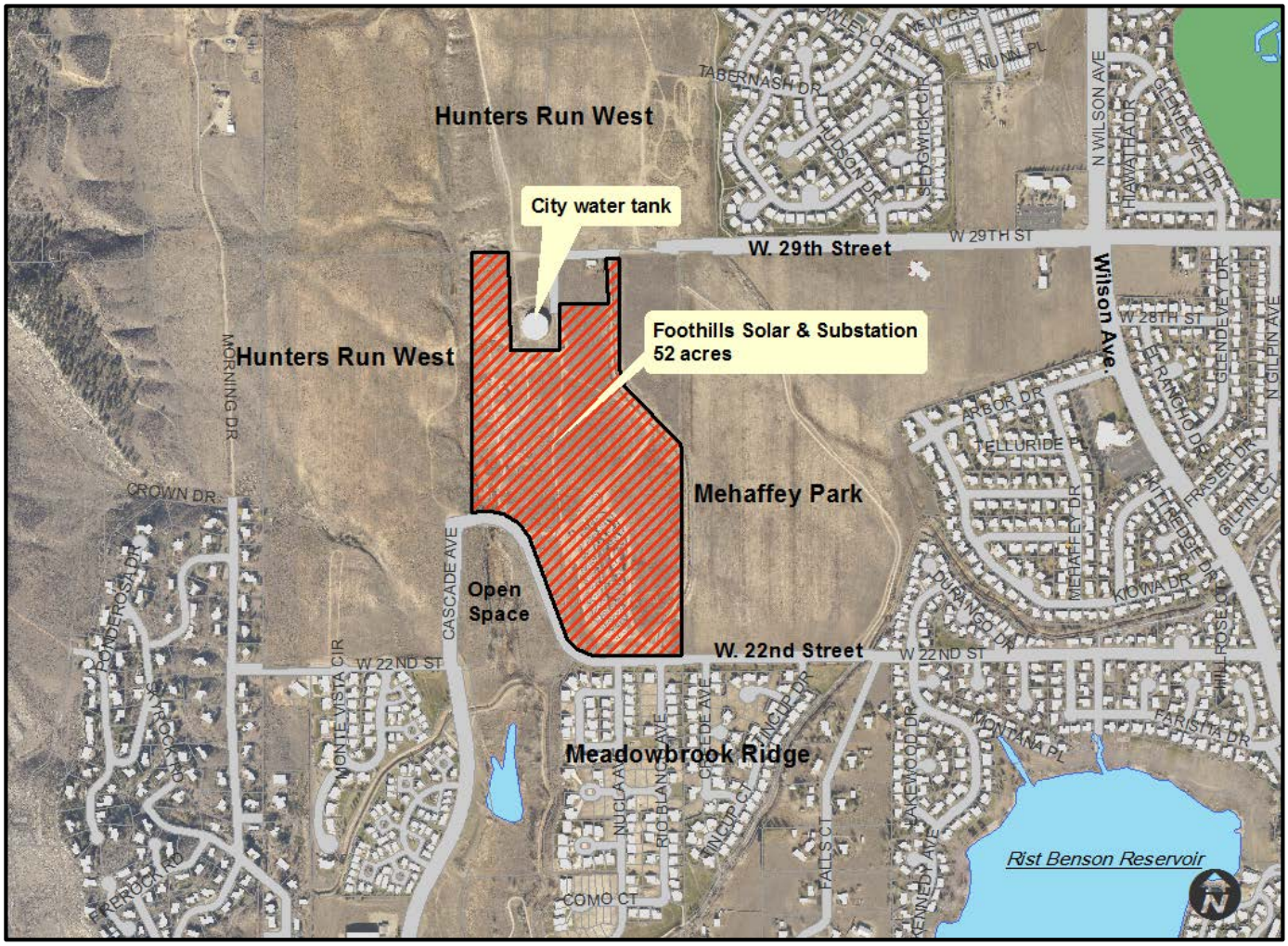
RE: Meadowbrook Ridge General Development Plan Amendment and Rezoning

I. EXECUTIVE SUMMARY

A. Project Description

The City Council public hearing is to consider a rezoning of 52.6 acres of city owned property located between West 22nd Street and West 29th Street, west of Mehaffey Park. The applicant, the City Power Division, is proposing to develop a 2.4 acre substation and an 18 acre solar facility on the property. The western approximately 18 acres of the site would be preserved as open space. The property is currently vacant and is zoned Planned Unit Development within the Meadowbrook Ridge General Development Plan. The 52.6 acres is the last developable portion of the PUD. The property was zoned to allow 257 residential single family and townhome units. The proposal would amend the PUD to exclude the city property from its boundaries and rezone the property to DR – Developing Resource District. The DR zone district matches the zoning of the city's water tank property adjacent to the north. In the DR district, the substation and solar facility use would require approval of a special review. The special review is currently under review by city staff and the procedures will include a neighborhood meeting, which is anticipated to be held towards the end of this year, and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission and, ultimately, to City Council.

Figure 1: Vicinity Map



B. Project Background

During the flood of the Big Thompson River in September of 2013, the City sustained significant damage to the Idylwilde hydroelectric facility located in the Big Thompson Canyon. The plant generated and distributed electricity to the western portion of the city and provided a renewable energy source. In May of 2014, the city was awarded a FEMA grant of $9,068,018 for damage sustained to the Idylwilde Dam and the penstock. The city accepted the grant and elected to participate in the FEMA Alternate Project Program. It had been determined that the hydroelectric facility should not be replaced since it had also sustained damage during the flood in 1976.

West Substation, situated north of the Big Thompson River on Namaqua Road, was also affected during the September 2013 flood. The Big Barnes Ditch that runs along the upper bank immediately north of West Substation overtopped and water flooded the access road to the substation. Without access, the Power Division took the substation offline during the flood in order to mitigate damage in the event the Big Barnes ditch continued to fail. West Substation is vulnerable for multiple reasons; it is the only substation serving

the electric customer load in the canyon and it serves 1/6th of the City's electric load. The Power Division explored options to expand and improve West Substation. Based on the location of the substation, it was determined it could not be expanded and that improvements to the site would not be cost effective. West Substation is the oldest substation in the system and would have needed extensive upgrades along with additional property to accommodate the upgrades.

After the 2013 flood, the Power Division, with concurrence from the Loveland Utilities Commission, determined that a good use of the FEMA grant would be to produce renewable energy from a source less prone to natural disasters. Solar was identified as a good option since it would produce more energy than the Idylwilde facility, it could be built in more locations than a new hydroelectric facility, and it would help the city reach Colorado Renewable Energy Standards. With this option in mind, the City's Water and Power Department purchased the 52.6 acres in Meadowbrook Ridge in April of 2015. The property was selected as a desired location for the development of a new substation and solar facility as part of the FEMA Alternate Project Program. With the expected growth in the northwestern portion of the city, the Power Division considered the location and acreage of the property in Meadowbrook Ridge ideal to construct a new substation and solar facility. This new substation will help the Power Division achieve a long range master plan goal of retiring West Substation in the future. Funding for the purchase of the property was from the Power Division's 2015 budget. On July 7, 2015, City Council approved a supplemental appropriation on second reading to appropriate money from the power reserve funds to the project accounts, creating a budget for these projects.

In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA's regulations for implementing NEPA, the President's Council on Environmental Quality regulations for implementing NEPA, and in the spirit of Unified Review as outlined in the Sandy Recovery Improvement Act of 2013, FEMA prepared a draft Programmatic Environmental Assessment (PEA) to evaluate the potential environmental impacts resulting from the different types of utility projects. The draft PEA evaluated four project alternatives for utility projects:

- No action;
- Replacement;
- Relocation; and
- Combination of replacement and relocation.

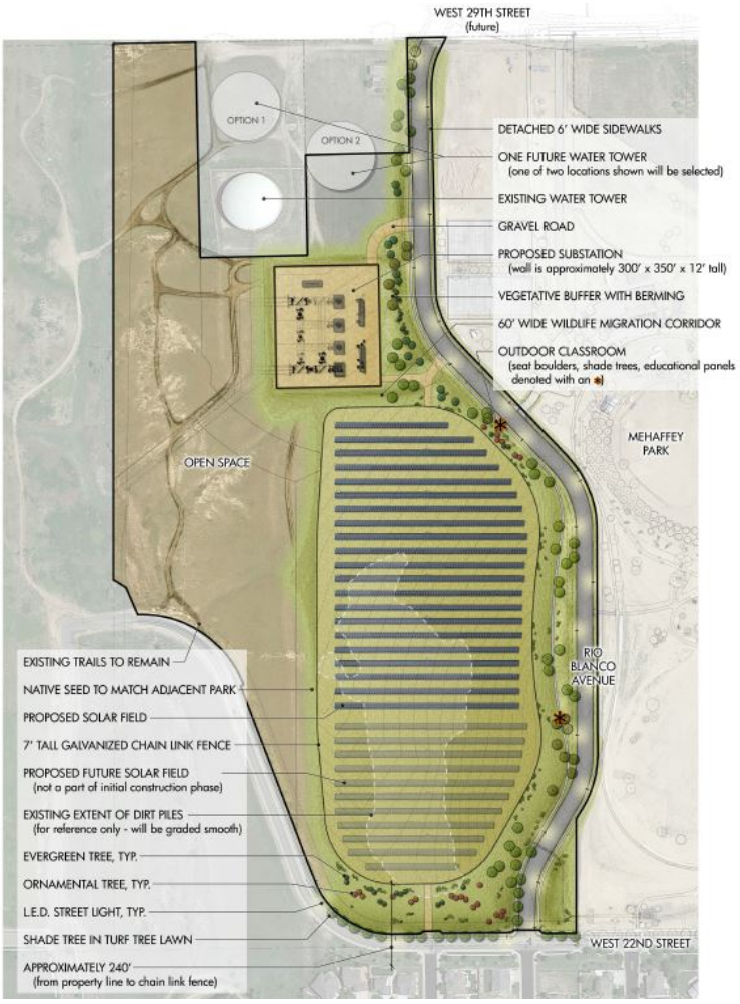
In the final approved PEA, FEMA has identified the conditions that federally funded utility projects must adhere to in order to keep FEMA's determination that the four project alternatives associated with utility restoration, replacement, and relocation in the state of Colorado, will not have significant impacts to the quality of the human environment. With no significant impacts to the quality of the human environment, an Environmental Impact Statement (EIS) will not be required. Compliance with the Final PEA will necessitate that the utility project adheres to the conditions of the Final PEA (including, but not limited to, acquiring any necessary permits prior to commencing construction at the proposed site, compliance with applicable stormwater pollution requirements, proper management of hazardous materials in accordance with applicable regulations, ensuring that the project is in compliance with the National Historic Preservation Act (NHPA), monitoring and controlling construction traffic in accordance with OSHA requirements, submitting any project scope changes to FEMA for re-evaluation and determination of the applicability of the Final PEA, etc.) as well as completion of the Utilities PEA Checklist (which is a 25 page document requesting information including, but not limited to information about geology, soils,

land use, air quality, noise, water resources, cultural resources, public outreach concerning the project, environmental permits, threatened and endangered plant and species habitat surveys, and mitigation measures).

Based on previous discussions with FEMA concerning the Alternate Project for the Hydroelectric Plant, City staff believes that the Final PEA conditions and Utilities PEA checklist can be satisfied. Non-compliance with the Final PEA and conditions would necessitate the preparation of an Environmental Impact Statement (EIS), which could take the better part of nine (9) months. Completion of the Final PEA for utility restoration, replacement, or relocation in the state of Colorado, is anticipated to take City staff about ninety (90) days.

C. **<u>Foothills Substation and Solar Facility Proposal</u>**

The specific design and development of the substation and solar facility is not a component of the zoning and GDP amendment request. However, a conceptual plan for the facility is currently being designed and the site plan, shown to the right, was presented at the neighborhood meeting and Planning Commission hearing for informational purposes. The plan shows the location of the substation near the existing water tank on W. 29th Street. The solar facility would be situated south of the substation, buffered from the nearest residential house by 240 feet. A new future water tank, located near the existing tank on 29th Street, is also shown, however the tank is not included in the special review proposal at this time. The remaining property along the western portion of the site, which constitutes approximately 50% of the site, would remain as open space. Development of the site would include the construction of Rio Blanco Avenue, a major collector road on the east side of the property. This road will serve as a north and south fairway between W. 22nd and W. 29th Streets. It will consist of two lanes, one going each direction with bike lanes, sidewalks and parallel parking available on each side of the road. Rio Blanco will also provide an entrance to Mehaffey Park as well as on-street parking for the park.



The substation and solar facility will require approval of a special review. If the rezoning request is approved, the special review process will proceed and it is anticipated that a neighborhood meeting will be held towards the end of 2015.

II. PUBLIC OUTREACH AND PLANNING COMMISSION HEARING

A. **Public Website:** A public website has been created where citizens can access information regarding the Foothills Substation and Solar Facility project. The website address is www.cityofloveland.org/Foothills. This website will be updated with new information as the project continues. The informational items included on this site are:

- Public meeting schedules
- Meadowbrook Ridge General Development Plan documents
- Foothills annexation and rezoning documents
- Foothills site Development Plan and Special Review documents
- Substation and solar facility documents
- Items from Loveland Utilities Commission meetings
- Items from City Council meetings
- Project timelines
- Frequently asked questions on the projects

B. **Neighborhood Meeting:** A neighborhood meeting was held at 5:30 p.m. on September 10, 2015 in the Public Works Administration Building. The meeting was attended by 99 neighbors and interested parties along with City staff and consultants. A conceptual site plan for the project and elevations were presented to the neighborhood. Questions on the project centered on site planning components, such as landscaping, berms, and the visual aspects of the facility, along with questions about the solar panels, energy components, effects on wildlife, and construction timing. Planning staff explained the process and public involvement with the special review application, which will be the next step in the development of the substation and solar facility. Overall, the neighborhood appeared to favor the solar and substation facility over the additional homes that were approved in the Meadowbrook Ridge PUD. A commitment was made by the Power Division to work with the neighborhoods on the landscaping, street edge treatments and other visual aspects of the project through the special review process. There were no objections voiced to the GDP amendment and rezoning requests. Specific comments and questions received from the neighborhood are included as **Attachment 4** in the Planning Commission staff report.

C. **Planning Commission Public Hearing:** The Planning Commission held a public hearing regarding the proposal on September 28, 2015. Seven neighborhood residents and one member of the Loveland Utilities Commission spoke at the hearing. Several of the residents supported the development of the facility and the clean-up of the trash that has accumulated on the site. The residents wanted to make sure that quality landscaping and berms would be incorporated into the project design. There was a concern voiced that an environmental study had not be performed yet. Staff clarified that a very detailed environmental study would be performed as part of the special review and FEMA process. Concerns from residents attending the meeting also included a lack of detail on the actual site planning and landscaping for the site. At the hearing, staff explained that the development plans including fencing, landscaping and screening will be reviewed as part of the special review process. The Power Division also committed to meet with the three homeowners associations surrounding the property so that they could better understand the

neighborhood's desires for landscaping, screening and fencing around the property. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission and, ultimately, to City Council.

The Planning Commissioners voted 5-3 to recommend approval of the zoning requests. Those voting in opposition expressed concerns that the project felt piecemealed by requesting a zone change without detailed special review plans being completed, a concern that the special review plans would not automatically be brought to the Planning Commission for their approval, and a concern that the site chosen and purchased by the Water and Power Department was in the middle of a residential community and not appropriate for the development of a solar and substation facility. Based on concerns voiced by Commissioners regarding the administrative process for the special review, the Planning Division committed to inform the Commission of any administrative action taken on the special review and notify them of the appeal period. The minutes from the hearing are included as Exhibit B.

III. RECOMMENDED CONDITION

There are no conditions for the GDP amendment and rezoning recommended by the Planning Commission and City staff.

CITY OF LOVELAND

Foothills Solar and Substation

MEADOWBROOK RIDGE PUD AMENDMENT & REZONING REQUEST

CITY COUNCIL MEETING, OCTOBER 20, 2015

ATTACHMENT B

Presentation Outline

- PUD Amendment & Rezoning Request
- General Description and Background
- Solar and Substation Facility Conceptual Site Plan
- Planning Commission/Staff Recommendation and Next Steps

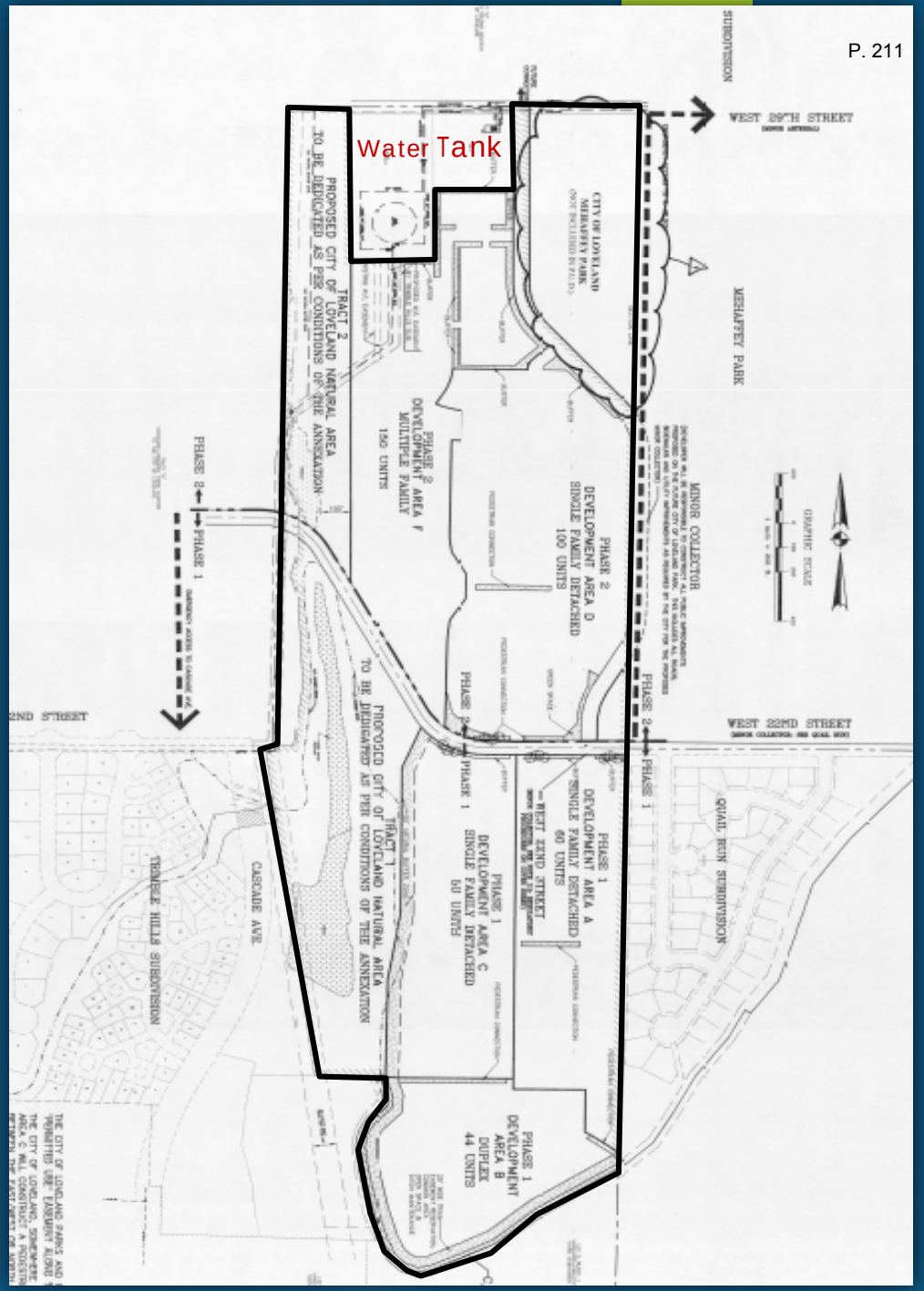
Property Location and Proposal

- 52 acres purchased by the City Water & Power Department in April 2015
- Intent to develop an 18 acre solar facility & 2.4 acre substation, remaining acreage open space
- Property zoned Meadowbrook Ridge PUD (257 townhomes and single family dwellings)
- Proposal to remove property from PUD and rezone to Developing Resource



Meadowbrook Ridge Planned Unit Development

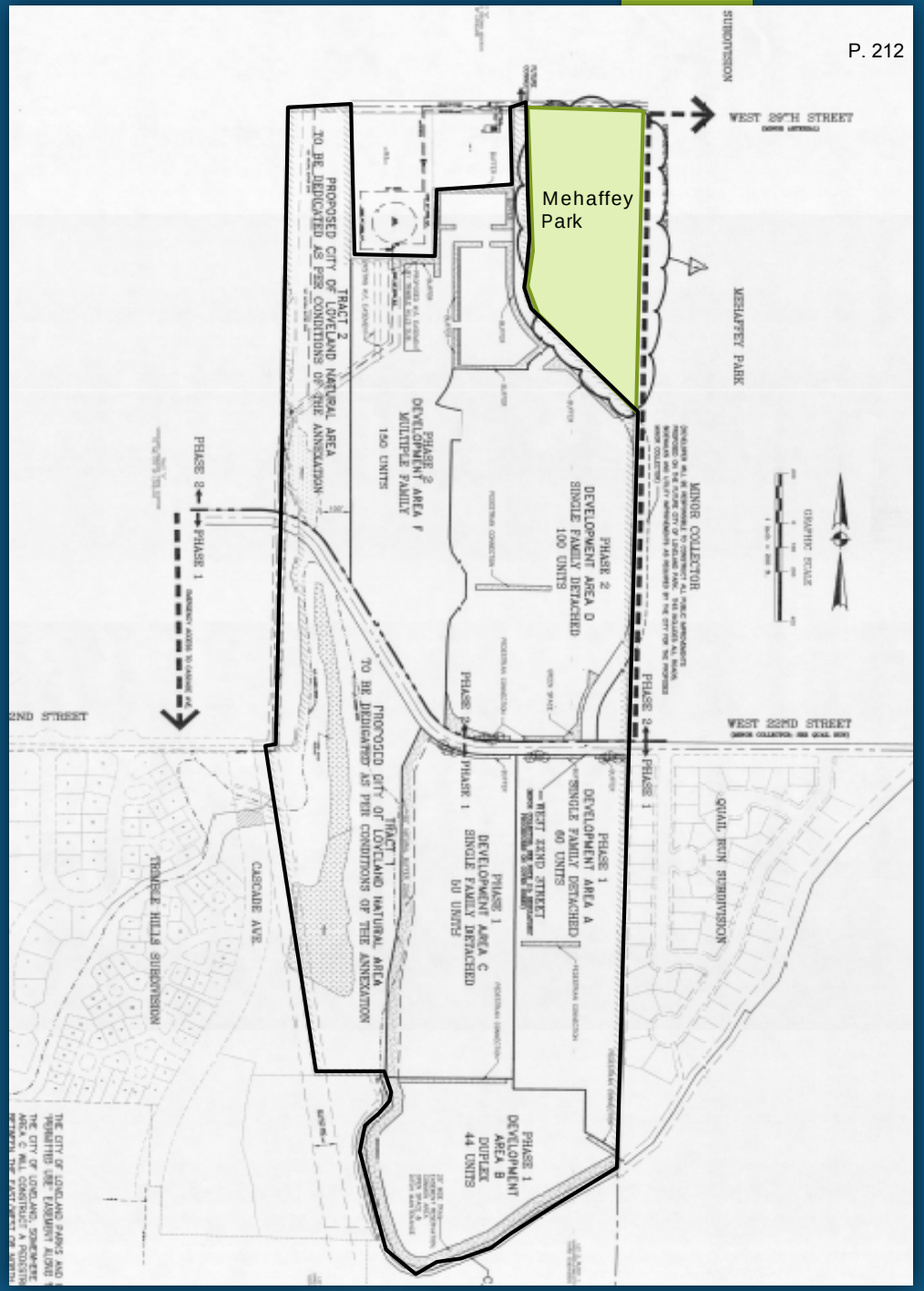
- 122 acre PUD: 461 residential units
- 2 Phases
  - ❖ Phase 1 south of 22nd Street, 154 units (SF & Duplex)
  - ❖ Phase 2 north of 22nd Street, 307 units (MF, SF, Duplex)



Meadowbrook Ridge Planned Unit Development

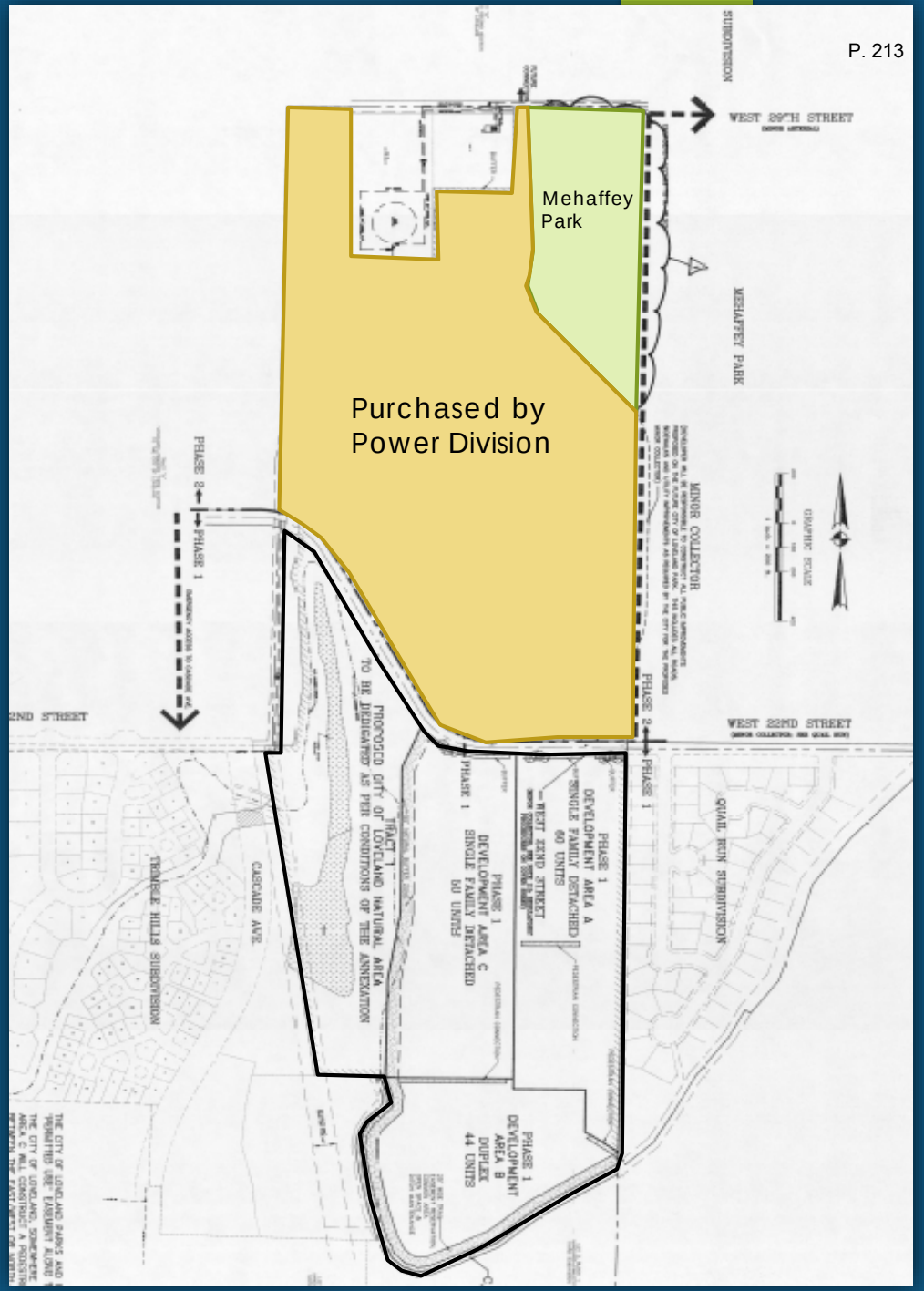
- 2013 City Parks & Rec purchased 9 acres zoned for 50 duplex units. Rezoned to Public Park.

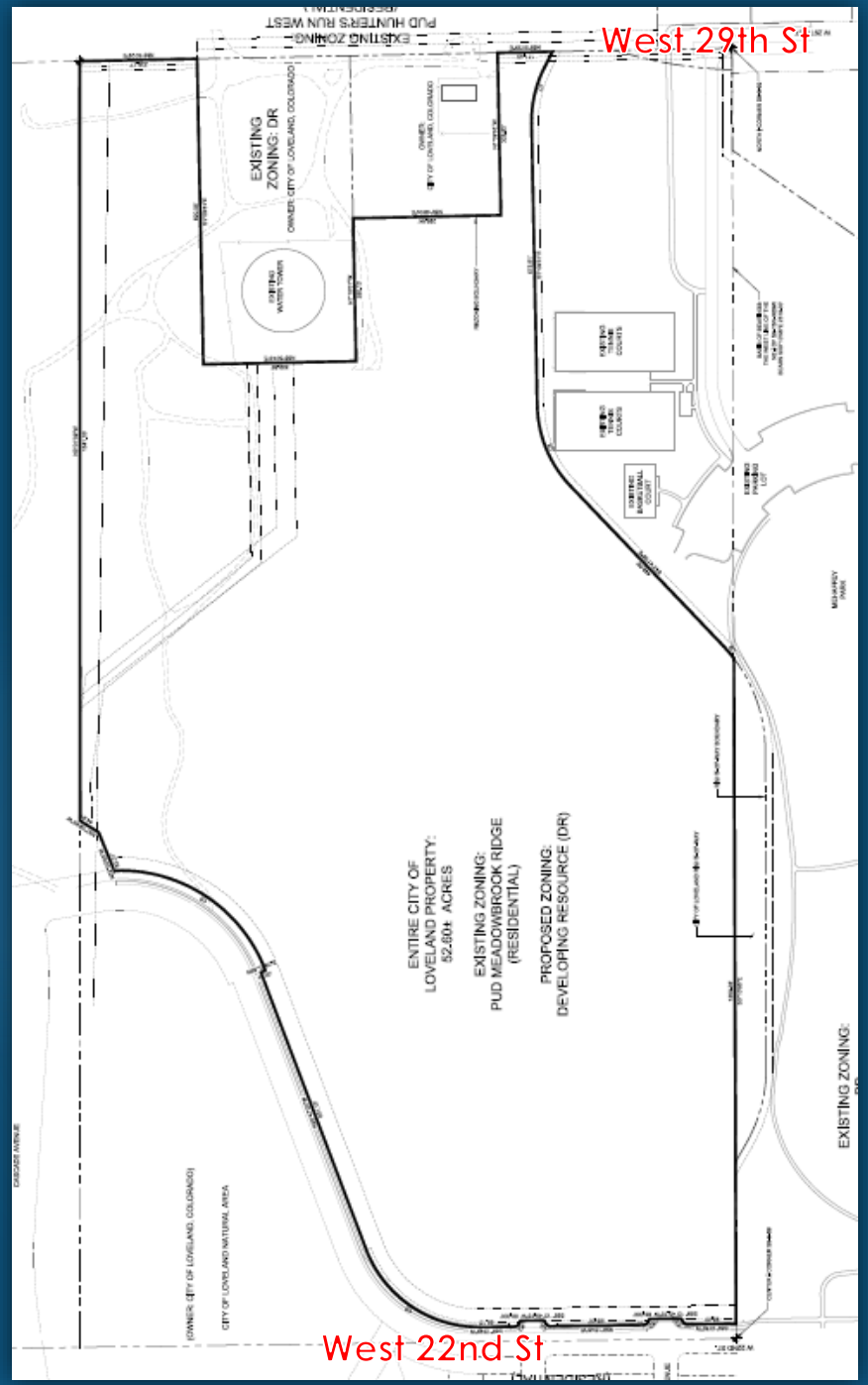
- Phase 2 : 52 acres and 257 units
- 150 MF townhomes, 107 single family detached



Meadowbrook Ridge Planned Unit Development

- Power Division purchase 52.6 acres
- Last developable property in PUD
- Intent is to construct a new substation and solar facility to replace the city's Idylewilde hydroelectric facility
- GDP Amendment would remove the property from the PUD boundaries.





Rezoning

- Developing Resource
- Consistent with property around the existing water tank
- Special review uses: farming, agriculture, garden uses, public utilities, & extraction of minerals
- Solar and substation facility requires a special review

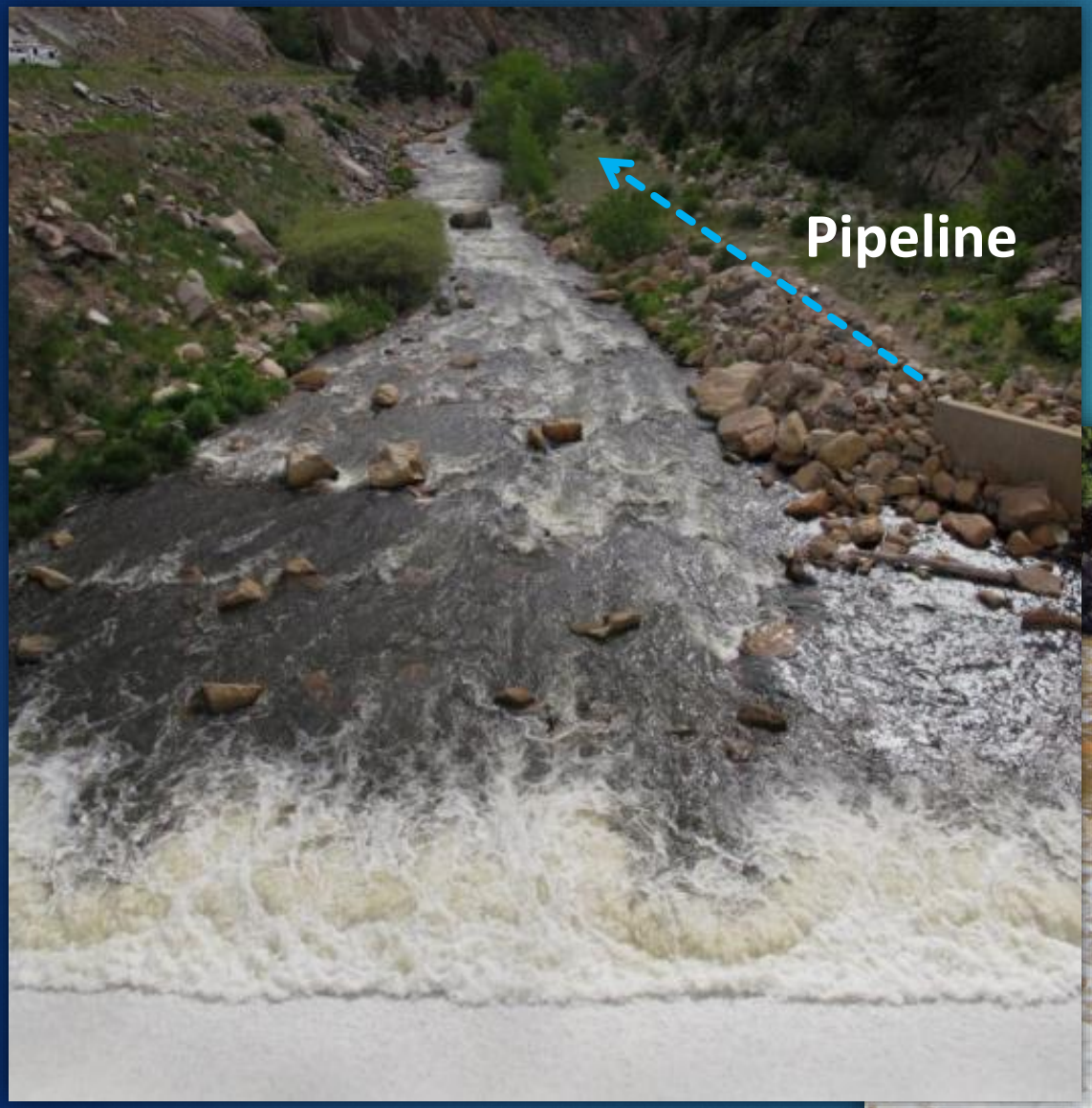
Idylwilde Flood Damage



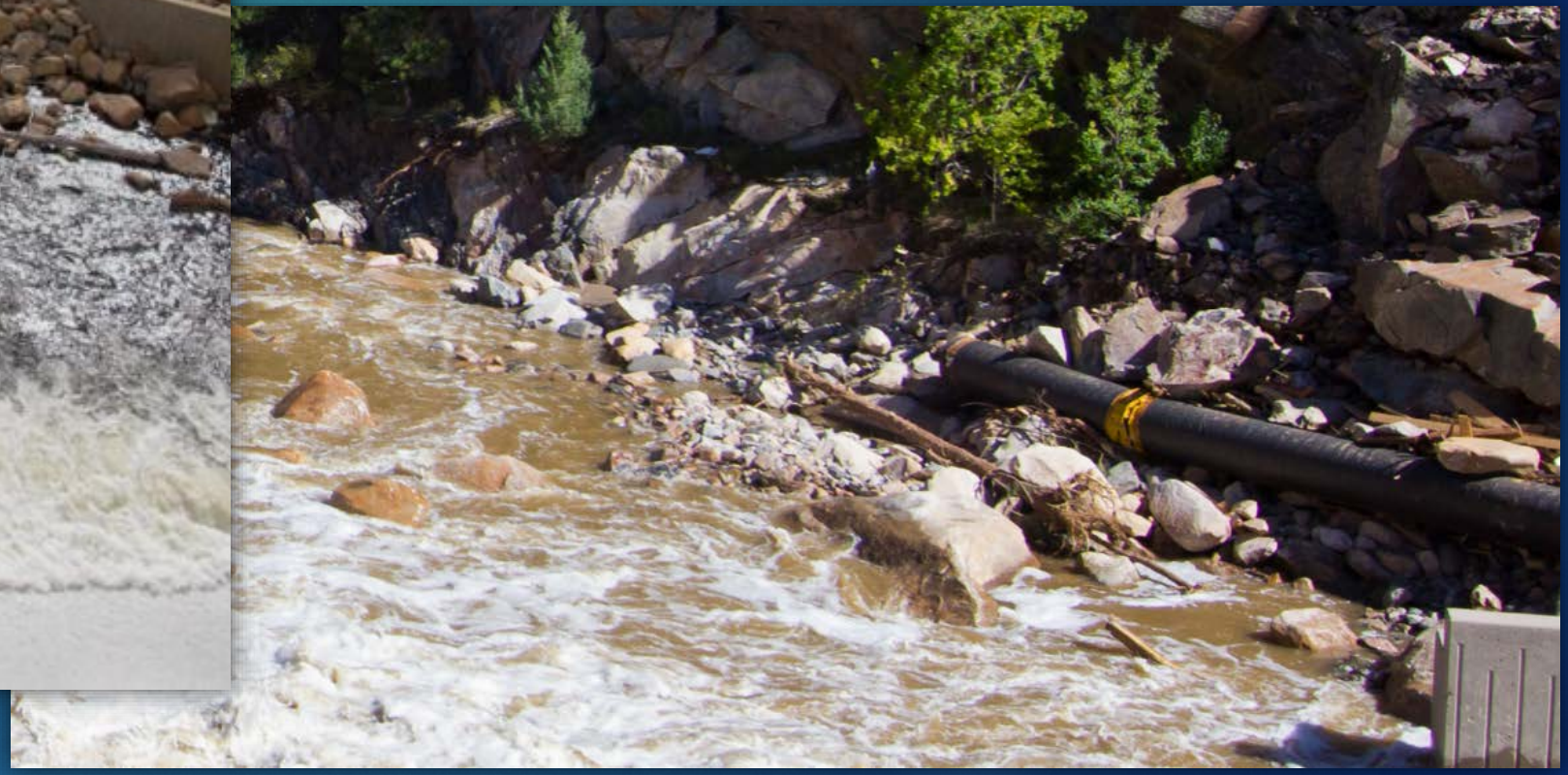


The structure suffered damage and the reservoir filled with silt, sediment and cobbles

Idylwilde Flood Damage



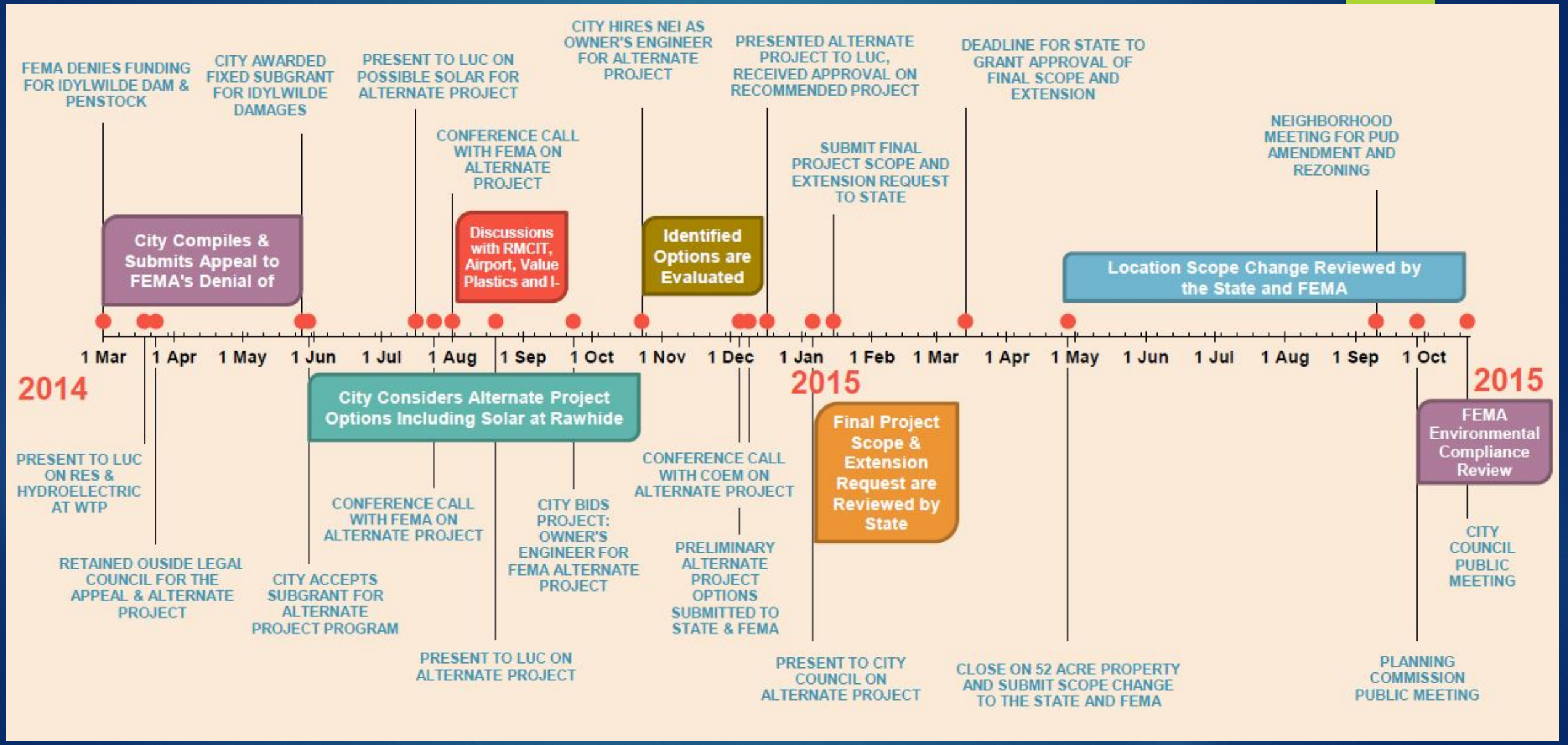
Approximately 2,000 feet of the pipe was missing or destroyed



West Substation Threat



Timeline


FEMA DENIES FUNDING FOR IDYLWILDE DAM & PENSTOCK
CITY AWARDED FIXED SUBGRANT FOR IDYLWILDE DAMAGES
PRESENT TO LUC ON POSSIBLE SOLAR FOR ALTERNATE PROJECT
CONFERENCE CALL WITH FEMA ON ALTERNATE PROJECT
CITY HIRES NEI AS OWNER'S ENGINEER FOR ALTERNATE PROJECT
PRESENTED ALTERNATE PROJECT TO LUC, RECEIVED APPROVAL ON RECOMMENDED PROJECT
DEADLINE FOR STATE TO GRANT APPROVAL OF FINAL SCOPE AND EXTENSION
SUBMIT FINAL PROJECT SCOPE AND EXTENSION REQUEST TO STATE
NEIGHBORHOOD MEETING FOR PUD AMENDMENT AND REZONING
City Compiles & Submits Appeal to FEMA's Denial of
Discussions with RMCIT, Airport, Value Plastics and I-
Identified Options are Evaluated
Location Scope Change Reviewed by the State and FEMA
1 Mar
1 Apr
1 May
1 Jun
1 Jul
1 Aug
1 Sep
1 Oct
1 Nov
1 Dec
1 Jan
1 Feb
1 Mar
1 Apr
1 May
1 Jun
1 Jul
1 Aug
1 Sep
1 Oct
2014
2015
2015
City Considers Alternate Project Options Including Solar at Rawhide
Final Project Scope & Extension Request are Reviewed by State
FEMA Environmental Compliance Review
PRESENT TO LUC ON RES & HYDROELECTRIC AT WTP
RETAINED OUSIDE LEGAL COUNCIL FOR THE APPEAL & ALTERNATE PROJECT
CITY ACCEPTS SUBGRANT FOR ALTERNATE PROJECT PROGRAM
CONFERENCE CALL WITH FEMA ON ALTERNATE PROJECT
PRESENT TO LUC ON ALTERNATE PROJECT
CITY BIDS PROJECT: OWNER'S ENGINEER FOR FEMA ALTERNATE PROJECT
CONFERENCE CALL WITH COEM ON ALTERNATE PROJECT
PRELIMINARY ALTERNATE PROJECT OPTIONS SUBMITTED TO STATE & FEMA
PRESENT TO CITY COUNCIL ON ALTERNATE PROJECT
CLOSE ON 52 ACRE PROPERTY AND SUBMIT SCOPE CHANGE TO THE STATE AND FEMA
CITY COUNCIL PUBLIC MEETING
PLANNING COMMISSION PUBLIC MEETING

Alternate Project Requirements

- Must be pre-approved by Colorado Office of Emergency Management (COEM) and FEMA
- Must be located in the declared disaster area
- Must be owned by the City and the City must maintain legal responsibility
- Must follow Federal Acquisition Requirements (FARs) for procurement and construction
- Must comply with Environmental and Historic Preservation requirements
- Must be permanent and benefit the general public
- Must be completed in the established time frames – **by September 2017**
- Funding cannot be used to provide ongoing O&M or leasing costs

Environmental

- Compliance with the Programmatic Environmental Assessment (PEA) includes:
  - Acquiring necessary permits prior to construction
  - Compliance with stormwater pollution requirements
  - Proper management of hazardous materials
  - Compliance with National Historic Preservation Act (NHPA)
  - Monitoring and controlling construction traffic in accordance with OSHA
  - Completion of the PEA checklist
- Staff believes final PEA conditions and checklist can be satisfied
- Completion of PEA anticipated to take 90 days
- OtterTail Environmental Inc. already working on PEA compliance

Substation Benefits

- Expecting to spend $4 Million
- Reduces West Substation vulnerability
- Site identified in long term utility plan
- Near existing transmission lines
- Accommodates load growth
- Benefits entire City

Dixon Creek Substation
Fort Collins, CO
Owned by Fort Collins Utilities and PRPA



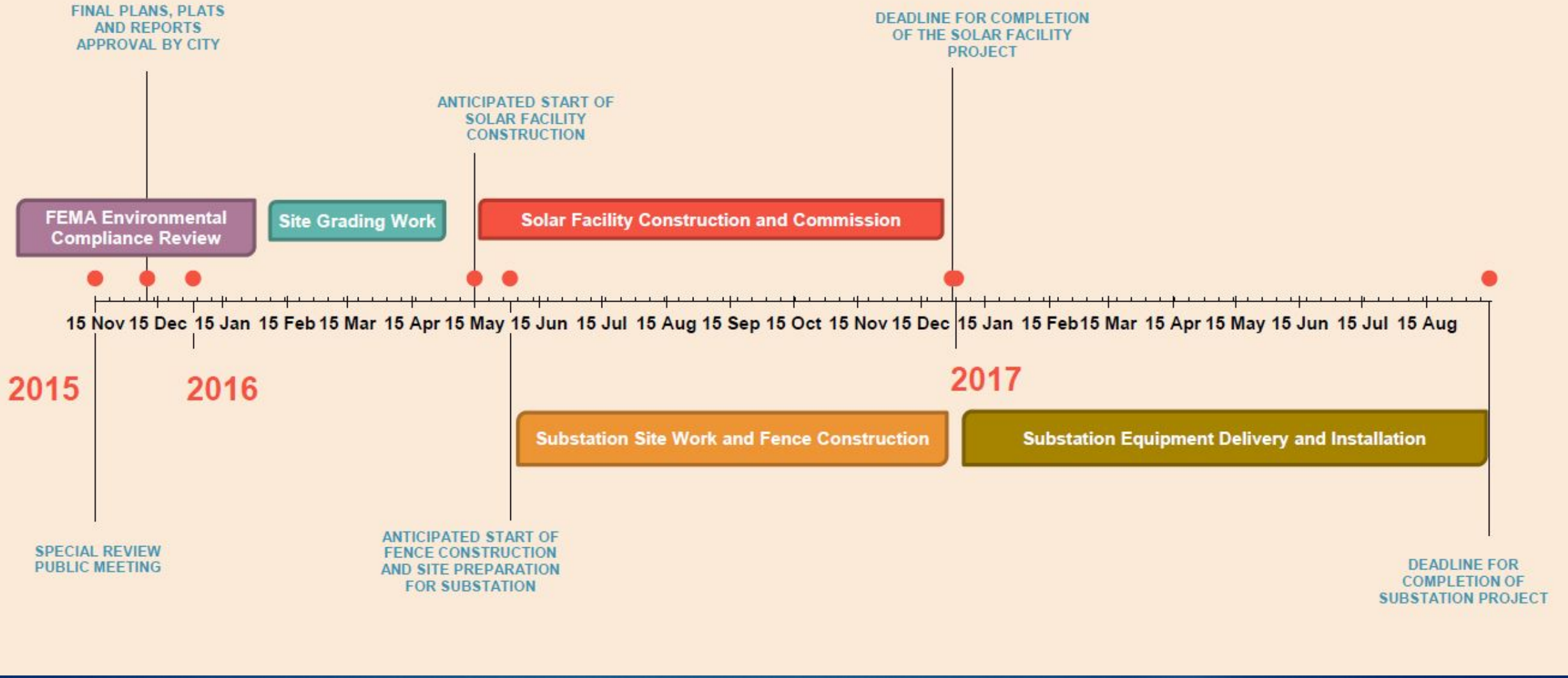
Solar Benefits

- Expecting to spend $5.1 Million
- Replaces renewable energy source lost from the hydro facility
- Benefits entire City
- Renewable Energy Credits count towards the Colorado Renewable Energy Standard (RES)
  - Municipal utilities with 40,000+ customers
  - Requires 10% of renewables in energy mix by 2020



Hangar Solar Field
Brighton, CO
Owned by United Power
2 MW Solar Field

Project Timeline



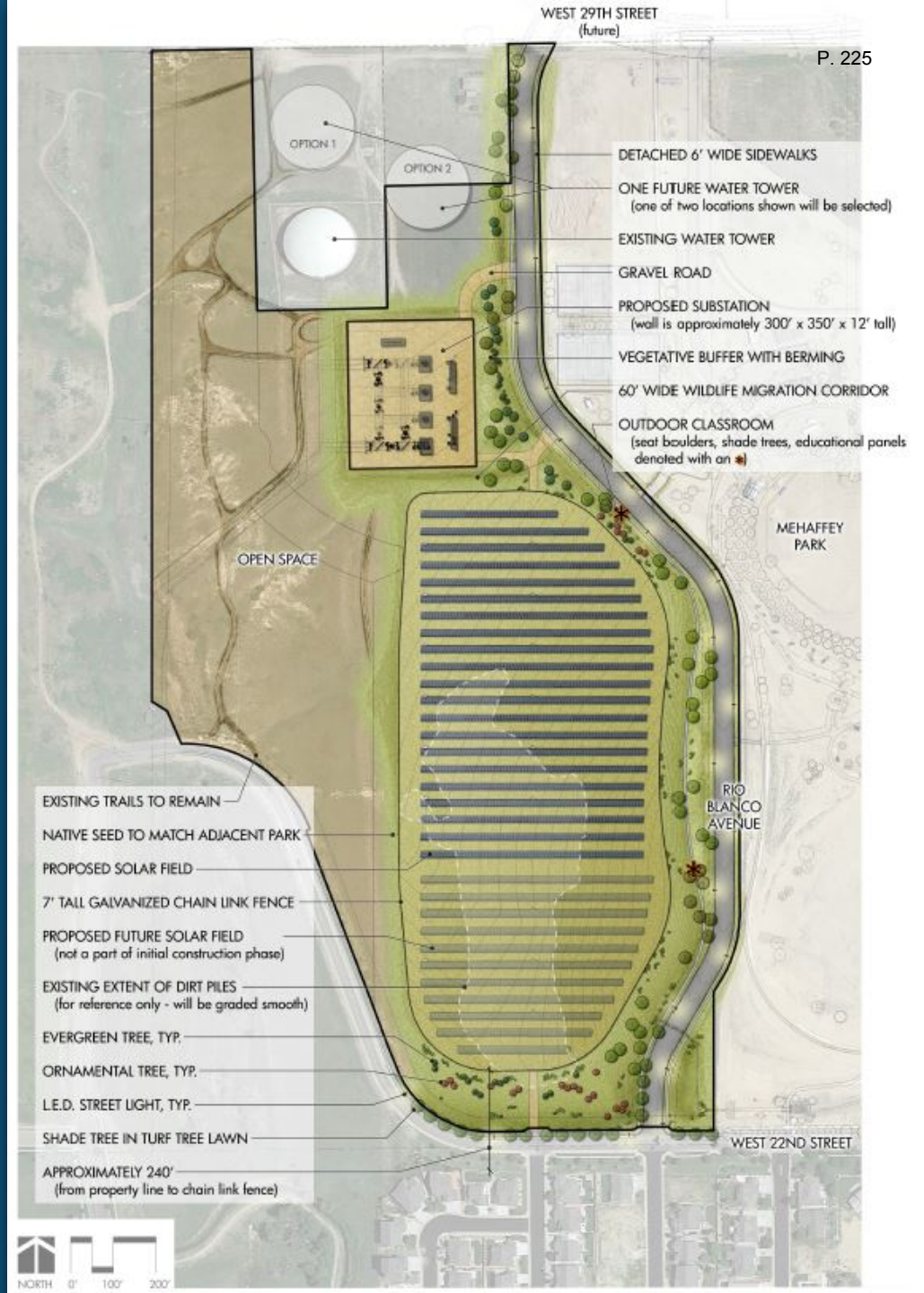
Public Outreach to HOAs

Solicited feedback and answered questions regarding the projects

- October 6, 2015 – Met with Quail Run HOA
- October 7, 2015 – Met with Meadowbrook Ridge HOA
- October 12, 2015 – Met with Hunter's Run HOA

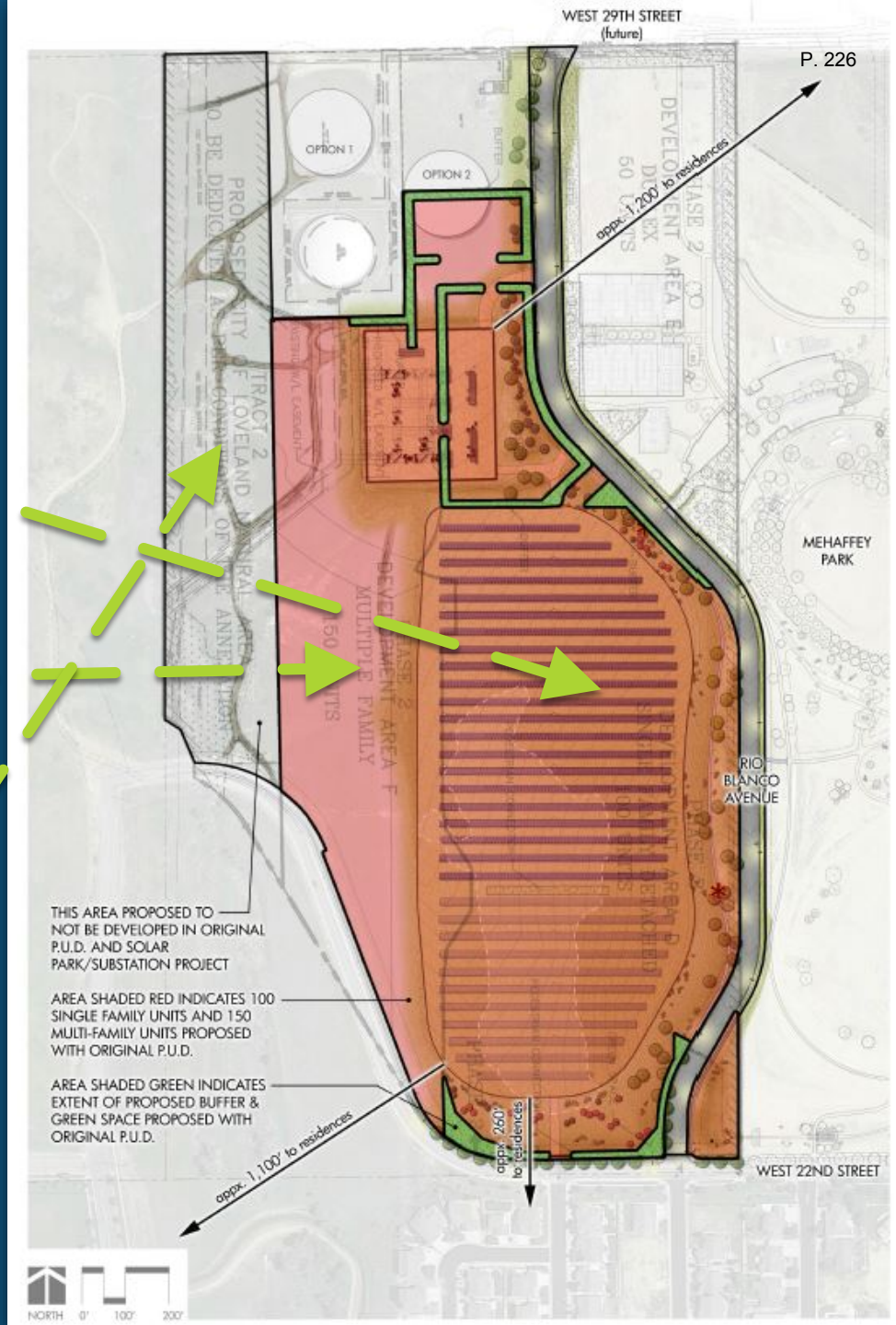
Conceptual Site Plan
Foothills Solar and Substation Facility

- 2.4 acre substation
- 18 acre solar field
- 18 acres of open space preserved on west side of property
- Rio Blanco – additional parking and access to Mehaffey Park
- Landscaping, bufferyards & sidewalks along street edges



Original vs Proposed Development Plans

- Originally planned for 107 Single Family Homes
- Originally planned for 150 Multi Family Units. Now a majority of the area is planned as open space.
- Planned to not be developed in original PUD and substation/solar facility project









Site photos from south & solar panel examples

Solar Park and Substation - Conceptual Renderings from Rio Blanco Avenue and W. 22nd Street



RIO BLANCO AVENUE - EXISTING CONDITIONS





WEST 22ND STREET - EXISTING CONDITIONS



Substation Facility Examples





Substation Screening Wall





THE DESIGN INTENT OF THE SUBSTATION WALL IS TO MATCH/COMPLEMENT THE COLOR OF THE MEHAFFEY PARK STONE (SHOWN IN THE TWO IMAGES ABOVE). IN COLORADO, THE COLOR OPTIONS CURRENTLY AVAILABLE FROM THE WALL UNIT MANUFACTURER ARE SHOWN BELOW:







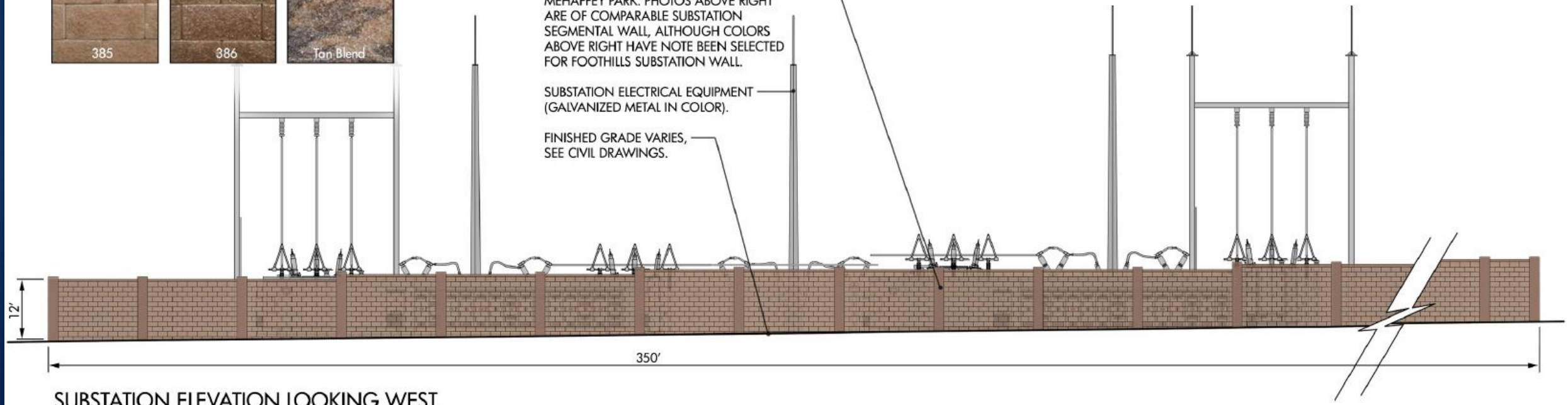
SUBSTATION WALL MATERIAL SHALL BE SEGMENTAL TYPE WALL COMPRISED OF INDIVIDUAL WALL UNITS. COLOR SHALL BE EARTH TONES TO BLEND IN WITH ADJACENT LANDSCAPE AND UNIFY WITH WALL COLORS USED AT MEHAFFEY PARK. PHOTOS ABOVE RIGHT ARE OF COMPARABLE SUBSTATION SEGMENTAL WALL, ALTHOUGH COLORS ABOVE RIGHT HAVE NOTE BEEN SELECTED FOR FOOTHILLS SUBSTATION WALL.





SUBSTATION ELECTRICAL EQUIPMENT (GALVANIZED METAL IN COLOR).

FINISHED GRADE VARIES, SEE CIVIL DRAWINGS.



SUBSTATION ELEVATION LOOKING WEST

NOTE: BERM AND VEGETATIVE SCREENING INCLUDING DECIDUOUS SHADE TREES, EVERGREEN TREES, AND SHRUBS NOT SHOWN FOR CLARITY. SEE LANDSCAPE DRAWINGS FOR SCREENING ADJACENT TO SUBSTATION.

Solar Field Examples





Process

PUD Amendment & Rezoning

- Neighborhood meeting on September 10th
- Staff Recommendation: Approval
- Planning Commission: Approval recommended 5-3

Special Review Plans

- Development Plans under review
- Meetings with neighborhood HOA's
- Future formal neighborhood meeting – date not determined
- Administrative Process – does not require public hearings unless through an appeal process

Public Website

www.cityofloveland.org/Foothills



Questions?

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
September 28, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 28, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Commissioner Middleton. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Bob Paulsen, Current Planning Manager** notified the Commissioners that **Commissioner Middleton** will be absent until November Planning Commission meetings.
2. **Mr. Paulsen** provided an update regarding the Planning Commission's request for a comprehensive list of consultants used by the City. This list is not readily available and is currently being researched by the City's finance director.
3. **Mr. Paulsen,** notified the commissioners that **Dave Klockeman,** City Engineer, has resigned. Currently, the transportation department is understaffed due to other position vacancies. Additionally, **Betsy Hale,** Economic Development Director, has also resigned to take a positon in New York.
4. **Mr. Paulsen** provided an update on the Sprouts construction site. Currently work is being done on Jefferson Avenue and Public Works staff are monitoring the project to ensure business and home owners have access to their property. Anticipating road construction to continue for another 2-3 weeks.
5. **Mr. Paulsen** noted that Public Works trimmed the bushes at Kiowa Drive to increase intersection visibility. Staff has monitoring the circulation changes at Faith Church since Loveland Classical School began school sessions. There appears to be no traffic problems.

   Commissioner Molloy stated that he has driven the route and noted there rarely are multiple cars turning in at once. He has not experienced any problems and it does not appear to be enough traffic to impact the community.
6. **Mr. Paulsen** stated that the next Planning Commission meeting is on October 12th. The Humane Society Site Development Plan is tentatively scheduled along with the Highway 287

Strategic Plan. He asked the commissioners to notify staff if they have any questions or comments about the plan materials. The Planning Commission meeting on October 26th will include a presentation from the Dr. Dan Maas regarding the Thompson School District Master Plan. A Create Loveland study session is also on the agenda.

7. **Mr. Paulsen** noted that city staff was contacted by the applicant for the Mariana Butte 3rd Rezoning request (regular agenda item #2). The applicant asked that the Planning Commission continue the item to the October 12th Planning Commission meeting due to a family emergency. **Mr. Paulsen** recommended switching the order of the regular agenda so this item can be addressed first due to the continuance request.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

1. **Chair Crescibene** thanked **Dave Klockeman**, City Engineer, for arranging a meeting with a police representative and citizens concerned with the flow and speed of traffic at the Hwy 287 Couplet (near the cemetery). **Chair Crescibene** appreciated **Mr. Klockeman's** extra effort in evaluating the problem and efforts to find a solution.
2. **Commissioner Jersvig** asked if the Planning Commission minutes could contain more details, including specific commissioner and citizen comments. Several commissioners agreed and **Mr. Paulsen** noted the request and will work to include more detail in the meeting minutes.

APPROVAL OF THE MINUTES

Commissioner Dowding *made a motion to approve the August 24, 2015 minutes; upon a second from* ***Commissioner Ray,*** *the minutes were unanimously approved.*

REGULAR AGENDA

Commissioner Meyers *made a motion to move Item Number 2 on the Regular Agenda, Mariana Butte 3rd Rezoning from item number 2 to item number 1. Upon a second from* ***Commissioner McFall,*** *the motion was unanimously approved.*

1. Mariana Butte 3rd – Rezoning

Project Description: This is a public hearing to consider the rezoning of a vacant 4.7-acre site at the Southwest corner of West Eisenhower Boulevard and Rossum Drive from DR—Developing Resource to R3—Developing High-Density Residential. A portion of this site is owned by the Loveland Fire Authority which has determined that the site is not needed for a future fire station. This request is being made by the Villas, LLC to establish zoning that will allow development of an assisted/independent living facility. If the zoning is approved, the proposed development must undergo the Special Review process prior to development; this

process requires a neighborhood meeting and additional opportunities for neighborhood input. The Planning Commission must forward a recommendation on the zoning request to the City Council for final action. The action by the Planning Commission is quasi-judicial in nature.

Commissioner Dowding *moved to continue this item until October 12, 2015. Upon a second from* ***Commissioner Ray,*** *the motion was unanimously approved.*

Commissioner Meyers asked if the item would be placed first on the agenda at the next meeting. **Mr. Paulsen** confirmed that it would be best to put this item first and that no additional notice would be sent to community members. However, based on a citizen request, **Commissioner McFall** asked that the item be re-noticed. **Mr. Paulsen** noted that it is too late to meet the normal 15 day newspaper notice provisions but will ask the applicant to re-notice by mail.

2. Loveland Solar/Foothills Substation – GDP Amendment and Rezoning

Project Description: This is a public hearing to consider a two-part request concerning the rezoning of a 52.6-acre site owned by the City of Loveland that is located just west of Mahaffey Park; more specifically, the site is located west of 29th Street and north of 22nd Street. The first part of the request is to amend the General Development Plan of the Meadowbrook Ridge PUD, removing the 52.6 acres from PUD. The second part of the request is to assign DR—Developing Resource zoning to the 52.6 acres. The requested zoning action by the City's Power Division is to establish zoning that is appropriate for a new electrical substation and solar facility. This new facility would replace the City's Idylwilde hydroelectric generating facility that was damaged in the 2013 flood. Upon the successful rezoning of the site, a Special Review process will be undertaken to complete necessary land use approvals. The Planning Commission must forward a recommendation on the zoning request to the City Council for final action. The action by the Planning Commission is quasi-judicial in nature.

Kerri Burchett, Principal Planner, introduced city staff involved in the project and members of the consultant team. City staff present: Gretchen Stanford, Customer Relations Manager with Water in Power; Briana Reed-Harmel, Senior Electrical Engineer with Power; Steve Adams, Director of Water and Power; Bob Miller, Manager of Power Division. Consultants present: Sam Eliason, Principal Engineer with United Civil Design Group; Mark Curtis, Systems Engineer Manager Platte River Power Authority: Peter Lewis, Substation Design Engineer with Platte River Power Authority; Larry Rose, Loveland Utility Commission.

Ms. Burchett provided a general description of the solar and substation facility along with the rezoning request. The property is located directly west of Mahaffey Park. The entire property is approximately 52.6 acres. The solar facility would encompass approximately 18 acres and the substation facility would encompass 2.4 acres. The remaining property would remain open space.

The property is currently zoned Meadowbrook Ridge PUD but the applicant is requesting a zoning change to Developing Resource (DR). The land purchased by the City of Loveland Power Division is the last developable piece of property in Phase 2 of the Meadowbrook Ridge PUD. Phase 2 currently has 257 units remaining to be developed according to the

Meadowbrook Ridge PUD. If this property is rezoned to Developing Resources, there are no uses permitted by right; all uses require a Special Review.

Ms. Burchett introduced **Gretchen Stanford**. **Ms. Stanford** noted that the city's Idylwilde Dam sustained extensive damage in the 2013 flood and therefore rather than rebuild the Idylwilde facility the city applied for FEMA's Alternate Project. Additionally, the City's West Substation was compromised during the flood. **Ms. Stanford** explained the benefits of the substation and solar facility and provided a project time line. Ms. Stanford noted that the project site was changed from the original plan, requiring a scope change to be submitted to FEMA. This project needs to be completed by September 2017 in order for FEMA to reimburse the funds.

Ms. Burchett introduced **Sam Eliason** consultant with United Civil Design Group. **Mr. Eliason** presented a Conceptual Site Plan for the project and noted that extensive buffer yards were designed to shield the solar facility and substation from existing homes. **Ms. Burchett** noted that although the site plan is part of the Special Review process, it is separate from the rezoning request; the site has been provided to help neighbors and others better understand the project.

- **Commissioner Molloy** asked what the criteria for future expansion of the solar facility is based on. **Ms. Stanford** explained that a large portion of residential customers are passionate about solar gardens and are interested in leasing panels for their individual use. The cost of solar has come down and the city is considering the option of having a community solar garden.
- **Chair Crescibene** commented that he read a study indicating that Colorado is not an ideal location for solar power and asked about the financial benefits of solar. **Ms. Stanford** noted that Colorado is in the top 10 best places for generating solar power and noted that the cost of solar panels has decreased. **Peter Lewis** with Platte River Power Authority stated that Fort Collins currently has a 30 watt field that is very economical based on the amount of sun light this area receives.
- **Ms. Stanford** noted that a solar feasibility study was performed approximately 2 years ago to evaluate the use of solar at several sites in Loveland. With the FEMA reimbursement money, full payback is expected within 2 years.

Ms. Burchett explained the process for rezoning and noted that a neighborhood meeting was held with approximately 99 people in attendance. Staff is recommending the rezoning and is asking the Planning Commission to make a recommendation to City Council approving the rezoning and Preliminary Development Plan (PDP) amendment. This item is scheduled to be reviewed by City Council on October 20, 2015. If the rezoning is approved, the project will continue through the Special Review process. A public website has been created to provide more information about this project: www.cityofloveland.org/foothills.

Ms. Burchett handed out two letters of support to the Planning Commission from residents in the PUD.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** asked if the developers to the north or west were notified. **Ms. Burchett** confirmed that they were notified and noted that she had not received any complaints or comments. Specifically, **Ms. Burchett** noted that the Hunter's Run West developer spoke with **Troy Bliss**, Senior Planner, and did not voice comments or concerns.
- **Commissioner McFall** said Carole Allman, HOA president of Hunter's Run, contacted him and he referred her to the City of Loveland Planning Division. He recommended that she call him back if she didn't feel that her questions were answered; however, he has not heard from her since.
- **Commissioner Jersvig** stated that he was more concerned with the undeveloped land to the north and if the developer had been notified. **Ms. Burchett** stated that the company developing the land has been in contact with the Current Planning Division. The company is aware of the proposed substation and solar facility and is still planning on moving forward with the development.
- **Commissioner Meyers** asked for clarification on which phases of the PUD would be rezoned to Developing Resources. **Ms. Burchett** clarified that the rezoning only applies to the last developable piece of Phase 2 of the Meadowbrook Ridge PUD and not to any portion of Phase 1.
- **Commissioner Meyers** asked what was going to happen with the Boedecker property. **Ms. Stanford** stated that the Power Division purchased this property and is planning on putting another substation at this location in the future; however, it has not been determined it there will be a solar component at this location.
- **Commissioner Meyers** asked if FEMA funds will pay for the required Environmental Impact Statement and **Ms. Stanford** confirmed that the FEMA funds will pay for this.
- **Commissioner Meyers** asked if the project will get an extension due to multiple delays. **Ms. Stanford** stated that an extension will not be granted. FEMA has stated that this project will be reviewed by the end of October and staff has taken this into account in the proposed timeline.
- **Commissioner Meyers** asked if any money from FEMA will pay for the purchase of the property used for the project. **Ms. Stanford** clarified that money from FEMA will not cover the purchase costs.
- **Commissioner Meyers** asked if this project will impact the anticipated expansion of Cascade Avenue and **Ms. Burchett** confirmed that it would not.
- **Commissioner McFall** asked when the final deadline is to receive an answer from FEMA regarding funding. **Brieana Reed-Harmel**, City of Loveland Water and Power, noted that they must have an answer by December 31, 2015.
- **Commissioner McFall** asked what the timeline would have been in the event that the city had moved forward with utilizing the Boedecker property as the project site instead. **Ms. Stanford** indicated that it would still be the same timeline. **Ms. Stanford** stated that they are currently on target with their timeline until at least the first quarter of 2016.

- **Commissioner McFall** asked the feasibility of hitting the deadlines based on the delays experienced. **Ms. Reed-Harmel** stated that there will be no problem hitting the solar project timeline. Construction is anticipated to begin in late spring next year. Expansion of the roads must also occur; however, this portion of the project is not a part of the FEMA funding package. Construction timing of Rio Blanco will run parallel with the construction of the solar project.
- **Steve Adams,** City of Loveland Water and Power, stated that this is the first project in the United States that FEMA has funded that produces energy and therefore FEMA doesn't have an established process for reviewing and approving this project. **Mr. Adams** feels, however, that the project can stay on track and city staff is working hard to assist FEMA with any issues and questions that arise through the process. He noted that the Loveland Utilities Commission will meet October 15th *(actual date is October 21st)* to approve the solar bid and make a recommendation to City Council.
- **Mr. Adams** noted that the City can expect to receive reimbursement up to 87.5% of the $9.1 Million in expenses for the project. The difference between the total project expenses and the 87.5% reimbursement from FEMA will be covered by the power reserve funds. On July 7, 2015, City Council approved a supplemental appropriation on second reading to appropriate money from the Power reserve funds into the project accounts, creating a budget for these projects. In order to get reimbursement from FEMA, the Power Utility must use its own funds initially and submit expenses to FEMA for reimbursement as the project progresses. Although City Council has fully appropriated the funds for this project, Loveland Water and Power intends to seek maximum reimbursement from FEMA.
- **Commissioner Meyers** asked what type of fencing will be used and if the project is designed to allow wildlife to move between the project areas. **Ms. Burchett** explained that the wall around the substation will be a block privacy fence. The rest of the solar park will have chain link around it. The project is designed to provide a wildlife corridor between the substation and the solar field.
- **Commissioner Meyers** asked if power generated from the solar field will only benefit Loveland residents or if the power would be sold. **Ms. Stanford** confirmed that the power will only be used for Loveland residents.
- **Commissioner Meyers** commented that Loveland has a shortage of multi-family homes and will be losing the opportunity to build more multi-family homes if the Meadowbrook Ridge PUD is rezoned. He asked if the Power Division had any plans to trade or give back any land to development to supplement the multi-family houses lost by not completing the remainder of the Phase 2. **Ms. Burchett** stated that she was not aware of any trades; however, there are several upcoming projects that have a multi-family component.
- **Commissioner Meyers** asked if anyone has considered the view from Namaqua Hill and questioned if there be any reflective issues on these homes. **Ms. Stanford** stated that the solar panels are made to soak up the sun and the panels being considered are single access trackers that would move with the sun. These solar panels tend to create less glare.

Ms. Stanford noted that these panels typically have an effective life-span of approximately 25 years, but varies depending on the actual panel selected.

- **Commissioner Meyers** asked what the operating cost will be. **Ms. Reed-Harmel** stated that the current annual maintenance estimate is $90,000. This is similar to the Idylwilde facility maintenance. She noted that this cost is not FEMA refundable.
- **Commissioner Jersvig** asked where the components will be manufactured or sourced from. **Ms. Stanford** noted that there are no "made in America" requirements in the proposal. **Mr. Jersvig** noted concerns with the manufacturing process of solar panels and possible contamination. **Ms. Reed-Harmel** stated they would take that into consideration and base their choice on the best product available and not just on cost.
- **Commissioner Dowding** asked if 29th Street will be continued to Rio Blanco Avenue. **Ms. Burchett** noted that it will be extended and paved; however, it will not be fully developed with the curb and sidewalk until Hunter's Run West is developed.

Chair Crescibene opened the public hearing at 7:38 p.m.

- **Warren Schaeffer**, 2021 Lakewood Drive, stated that he opposes the solar field and feels this is premature, unnecessary, and a waste of tax payers' money. **Mr. Schaeffer** stated that he lives near the site and prior to Mehaffey Park being built he had elk and bighorn sheep on this land. He questioned if an environmental impact study has been done and stated that people come to Loveland to enjoy the environment. **Mr. Schaeffer** also noted that the City of Loveland dumped a lot of junk from the flood cleanup on this property. He stated that Namaqua Hill residents are going have a bad view and home values will depreciate. **Mr. Schaeffer** stated that Namaqua Ridge residents were not notified of this project. **Mr. Schaeffer** asked the commissioners not to approve until they have reviewed the Environmental Impact Study.
    - **Commissioner Molloy** noted that this site was originally approved for 257 homes and asked Mr. Schaeffer why he felt a solar field would be worse for the view and the environment. **Mr. Schaeffer** noted that his preference for this area would be open lands. **Commissioner Molloy** stated that the solar field actually provides more open space than 257 homes.
- **Fred Burmont**, 3584 Parlin Street, lives near the proposed development. **Mr. Burmont**, stated that as a retired city manager and council member, he understands the need for a facility benefiting the entire community. He is not opposing the rezoning but is concerned with the impact on the nearby subdivision. He doesn't want this project to go to City Council until a detailed landscaping plan is reviewed. He also noted concerns with the industrial feel of chain link fence. He encouraged involving Meadowbrook Ridge HOA in designing the plan. **Mr. Burmont** did not oppose the solar field but stated that he would like to see detailed plans.
    - **Commissioner Molloy** noted that there will be another opportunity for public comment at the City Council meeting.
    - **Mr. Burmont** stated that if Planning Commission approves the rezoning it will be too late to see how the project will look.

- **Commissioner Meyers** noted that Planning Commission is only considering the rezoning. The use of the property would be approved through the Special Review process which does not require Planning Commission review. **Ms. Burchett** explained the Special Review approval process and noted that the site plan, landscaping, fencing would go before a neighborhood meeting to get input from neighbors. City staff then reviews the project to make sure that the use is compatible with the neighborhood. **Ms. Burchett** anticipates having the neighborhood meeting by the end of year.
- **Mr. Paulsen** explained the Special Review appeal process and noted that neighbors will be notified when the neighborhood meeting will be held for the Special Review. He noted that the standard procedure is to complete the rezoning of the property and then evaluate the plans for the property through the special review process.
- **Commissioner Molloy** and **Commission Crescibene** asked **Ms. Burchett** to put them on the mailing list for the next notice.

- **Loren Imhoff,** 3042 Kiowa Drive, noted that federal government projects tend to go over budget and asked what the contingency plan was if the project goes over budget.
  - **Commissioner Molloy** recommended addressing this concern with city council.
- **Leighton Bearden,** 2181 Vancorum Circle, is one of five residences directly south of the project. **Mr. Bearden** is very much in favor of utilizing berms there**. Mr. Bearden** noted that the junk referenced by **Mr. Burmont** is a product of the homes built in the Phase 1 and the city could use this for the berm.
- **Everette Roberts**, 1803 Tincup Court, lives across from Mehaffey Park. He has seen the pile of junk on the hill grow over the years and would like to see that go away. At the neighborhood meeting, it was explained that berms would be used as a screen. **Mr. Roberts** commented that he would like to see a nice facility with a berm than have all the trash generated from building multi-family houses. Many neighbors in Quail Run support this project and noted that he still has wildlife in his yard. **Mr. Roberts** stated that he is in support of the project.
- **Larry Roos**, 5555 Cedar Valley Drive, member of Utility Commission. **Mr. Roos** noted that the City of Loveland just contracted with China for another solar project so cost has already out-won quality. However, this is an opportunity to work with FEMA and there is an urgency to move forward with the rezoning in order to meet FEMA's timeline in order to receive the money. Costs of utility services are going up but this project will help reduce the cost and provide an alternative to fossil fuels. **Mr. Roos** commented that the Craig power plant will be phased out so alternatives are needed. **Mr. Roos** stated that he felt a compromise could be reached regarding the landscaping plan and appreciated that the Power Division was sensitive to the neighbor's concerns.
- **Pete Buckmere,** 2544 Farisita Drive, noted that he appreciates the open space and would like to see the area between the power station and solar panels be as open as possible to create a walkway from trails to Mehaffey Park. **Mr. Buckmere** asked if the Planning Commission could rezone the property to something else if the solar proposal doesn't get approved. **Commissioner Meyers** stated it was a possibility. **Mr. Buckmere**

recommended approving the rezoning for this project. Suggested that a trail be developed through the area to Mehaffey Park.

- **Rick Appleby**, 2000 Creede Avenue, noted that he was impressed with the Mehaffey Park landscaping. **Mr. Appleby** stated the he feels building multi-family is more disruptive to the view than the proposed solar. **Mr. Appleby** noted that he is in support of the solar project and would like to see it approved. **Mr. Appleby** recommended that the neighborhood HOAs get together and discuss what they would like to see with the plan.

Seeing no one else wishing to address the commission, **Chair Crescibene closed the public hearing at 8:35 p.m.**

Chair Crescibene called for a recess at 8:35 p.m.

Chair Crescibene called the meeting to order at 8:42 p.m.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** noted concerns with not receiving all of the project information all at once. **Ms. Burchett** noted that traditionally the detailed plans are not brought to the Planning Commission unless the Special Review is appealed. She explained that delaying the rezoning wouldn't give the commission the opportunity to see the full project design because the zoning has to be in place before a special review can be approved. Therefore, the Planning Commission will not have the opportunity to review both the rezoning and the Special Review at the same time. Right now there are only conceptual drawings to review. **Ms. Burchett** noted that she talked with three of the neighborhood HOAs at break and she committed to working with them to design a plan that works for them.
- **Commissioner Jersvig** asked what it would cost to rebuild the dam that was damaged in the flood. **Mr. Adams** stated that it would be astronomical. Additionally, the city is unable to build the dam as it would not be approved through the federal process due to new regulations. This is regardless of the type of funds used to build the dam.
- **Commissioner Jersvig** noted that he sees both pros and cons to the project and is considering the rezoning approval.
- **Commissioner Molloy** commented that a project needs to go through the design process to even know if the use fits with the land. He noted that he has seen several large solar facilities that are not obtrusive. **Commissioner Molloy** did note that there will be a lost opportunity to build beautiful houses with a beautiful view at this site. However, **Commissioner Molloy** commented that this project will bring positive attention to Loveland for being environmentally friendly and noted that rebuilding the dam is not a good alternative due to the negative environmental impact. **Commissioner Molloy** stated that he will support the rezoning.
- **Commissioner Dowding** thanked the presenters and community members for being at the meeting tonight. **Commissioner Dowding** stated that she prefers the zone being DR than zoned for houses. She would like to move forward with the rezone and PUD amendment.

- **Commissioner Ray** commented that rezoning without accurate information can lead to poor projects, as experienced with a previous city project. **Mr. Ray** noted that the job of a Planning Commissioner doesn't have anything to do with water and power; the Planning Commission's job is only related to considering zoning and land use. **Commissioner Ray** commented that he is not sure putting a solar farm in the middle of the residential community is a good idea; otherwise this would be a use by right and not a Special Review.
- **Commissioner Ray** discussed the view that neighbors have from the community park and noted the intention is to have an area to enjoy the surrounding environment. The development of this solar project would result in a project that is not compatible with adjacent property and therefore does not meet the findings that the Planning Commission must find in order to approve the rezoning. **Commissioner Ray** does not feel that surrounding the park with two utility sites is the best land use and will vote against the rezoning. He noted that this project would have less of an impact if it were located in an industrial area.
- **Commissioner Meyers** acknowledged the federal mandate that 20% of energy used must be from alternative power sources; however, he is not sure this is the best site location. **Commissioner Meyers** noted concerns with what the site will look like. **Commissioner Meyers** stated that he would like the Power Division to bring the Site Development Plan to Planning Commission, even though this is not a requirement of the Special Review process. This is a condition that he would like to see put on the project before agreeing to this rezoning.
- **Commissioner Forrest** noted she is in favor of renewable energy; however, would like to make sure the landscaping and fencing is nicely integrated. **Commissioner Forrest** noted that it is important to allow citizens to comment on this project as it is just as much their project as it is the city's. **Commissioner Forrest** noted that she is in favor of the project but would like to add the condition that the Site Development Plan return to Planning Commission.
- **Commissioner McFall** noted that he walked through the project area recently and felt that the solar field would be a better plan than houses. **Commissioner McFall** thanked city staff and their great job putting the presentation together. However, he noted concerns with agreeing to the rezoning when he hasn't seen the project details. **Commissioner McFall** stated the he would have said no to the project but feels that adding the condition that the Site Development plan be reviewed by Planning Commission would allow him to agree to the project.
- **Moses Garcia**, Assistant City Attorney, noted that placing a condition on the rezoning requiring Planning Commission to review the Site Development Plan would usurp the power of the Current Planning Manager as stipulated in the zoning code. As an alternative, the Planning Commission has the ability to appeal the Current Planning Manager's decision. If they chose to appeal the decision, the project would go to Planning Commission at a public hearing.
    - **Mr. Paulsen** noted that the zoning code doesn't have any provisions to allow a project to come directly to Planning Commission and therefore this would be in

conflict with the code. **Mr. Paulsen** reiterated that the Planning Commissioners would have an opportunity to review the Planning Manager's decision and could then appeal it.

- **Mr. Paulsen** stated that there are no requirements to notify the Planning Commission of an administrative decision on a Special Review. However, it will be possible to provide notification to the Planning Commissioners but he would like to have input from the Water and Power Division on this matter.
- **Commissioner McFall** asked for clarification on the appeal process and **Mr. Paulsen** explained the appeal process.
- **Commissioner Molloy** recommended a policy or code change to allow Planning Commission to request projects be reviewed by the Planning Commission instead of allowing an administrative decision to me made.

- **Commissioner Meyers** stated that the main concern is if this use is compatible with the surrounding area, especially with the current shortage of multi-family. **Commissioner Meyers** wants to give one more opportunity for community members to voice concerns.
- **Commissioner Ray** referenced Section 7 of the Staff Report and stated that the commissioners' job is to make the same findings that city staff did. The commissioners' job relates to planning commission activity and is not about power usage. **Commissioner Ray** questioned if changing the zoning makes it consistent with the surrounding area and did not feel that the solar field is compatible with the existing zoning.
- **Chair Crescibene** commented that he's not sure why the city would buy a property presuming that it can be rezoned and asked what the city will do if this project is denied. **Chair Crescibene** noted that he supports solar energy but thinks that this project is not in the right place.
- **Mr. Paulsen** thanked **Commissioner Ray** for focusing on the findings and using them to make a decision. **Mr. Paulsen** noted that that this is a use by Special Review, not a use by right. He noted that if the Planning Commission votes not to recommend this rezoning, the request will continue on to City Council for a final decision. He added that the minutes of the meeting will reflect the commission's deliberations.
- **Commission Jersvig** noted that the comprehensive master plan does not contain a separate land use category for utilities but generally sees utilities as a use in each zone.
  - **Commissioner Ray** supports the building of a substation as he feels this is considered a utility, but not 18 acres of solar panels.
  - **Commissioner Molloy** commented that the solar panels are a utility.
- **Commissioner McFall** asked for more information on the appeal process. **Ms. Burchett** explained the Special Review procedure and noted that Water and Power already made a commitment to work with the area HOAs to make sure that HOAs approves the landscaping prior to even holding the formal neighborhood meeting. **Ms. Burchett** stated that she will commit to sending a notification to the Planning Commission of the findings and decision relating to the special review process.

- **Chair Crescibene** stated that the Planning Commission needs to know when the neighborhood meetings are and what the final findings are.
- **Ms. Stanford** commented that this project has had a customer focus from the beginning and she is committed to working with the neighborhood HOAs to create a project that works well for them.
- **Mr. Paulsen** and **Mr. Garcia** agreed to give notice to Planning Commission of the Special Review final findings.
- **Chair Crescibene** reminded the commissioners that their job tonight is only to review the rezoning and not evaluate the project itself.

Commissioner Dowding *moved to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and based on those findings recommend that City Council approve the Meadowbrook Ridge PUD General Development Plan Second Amendment; and move to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and, based on those findings, recommend that City Council rezone 52.6 acres from the Meadowbrook Ridge PUD to Developing Resource. Upon a second by* ***Commissioner Molloy****, the motion was carried with five ayes (Commissioners Dowding, Molloy, Forrest, Crescibene, and McFall) and three nays (Commissioners Meyers, Ray, and Jersvig).*

ADJOURNMENT

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

Chair Crescibene adjourned the meeting at 9:35 p.m.

Approved by: _____

John Crescibene, Planning Commission Chair

_____

Jenell Cheever, ~~Planning Commission~~ Secretary

Bob Paulsen, Planning Commission Liaison

September 28, 2015

To: Loveland Planning Commission
Loveland City Council

Dear Sirs or Madame,

I recently attended the neighborhood meeting for the proposed re-zoning of property at Meadowbrook Ridge, north of 22nd St for the proposed solar generating facility. I will refer to this property in question as "Meadowbrook North." Based on my observation, obviously most of the residents would prefer no development at the site. However, I also believe that a significant majority of the attendees would prefer the solar development to additional housing under the current zoning. The fact that the solar complex may be funded by FEMA is obviously a big plus from an economic standpoint, but also because of the planning, design, and environmental aspects will undergo rigorous review through this process. I note the work already done by the City of Loveland Planning Dept. to date is impressive and very well thought out.

I support programs to diversify our energy portfolio and promote long-term energy independence. If history is an indication of things to come, the current drop in fossil fuels will end before we know it, and we again will be subject to wide fluctuations in the cost of energy. Now is the time to prepare for energy independence, especially with the lower cost of PV array panels. Although solar arrays are only operational during the day, the sun is free. The highest output from solar power is during hot summer days, particularly those cloudless days when the temperature tops 90 degrees. This corresponds to times when there is a high energy demand and the associated high spot-purchase costs from the grid.

As I unfortunately will be out of the country during the upcoming public meetings, I would like to offer the following additional comments regarding the proposed re-zoning and solar development.

- I have been a resident of Meadowbrook Ridge for 4 years. During that time I have frequented parts of the site in question and also to the north of 29th St. Typically, when I am home, I run in that general area 4-5 times a week. I have observed the property extensively (in all seasons) and pay much attention to the wildlife.
- Prior to moving to Loveland, I lived in Boulder and had a rooftop solar array installed on my home. In the 11 years of operation, I had no operational issues and the array had no maintenance costs. I had several hail storms, including one that caused damage to the asphalt shingles. *There was no damage to the solar panels caused by hail or high winds.*
- *The technology is proven, reliable, the efficiency has increased, and the installed cost continues to drop significantly.*
- The current site is very disturbed; there is little virgin, natural habitat. Re-grading the site and construction of the solar complex (including the sub-station) will have short term consequences for animals and birds. *However, I think there will be no long-term, adverse environmental impact compared to the present conditions.*
- In the neighborhood information meeting, comments were made regarding impacts to the bird population. I provide the following observations:
    - I the 11 years I operated the solar array on my home, *there were no instances when birds or other wildlife were injured by the solar array.*
    - The probability of bird injuries would be much greater if they were to fly into home windows. I had to make passive alterations to my windows on my house because birds were running into them (before installing of the array).

  - The Meadowbrook North site has no water or wetlands. The population of resident birds is mainly transient. I have seen many geese to the north of 29th St, and to the east of Rio Blanco (dirt path section), now McAffery Park. *I have never observed geese on the Meadowbrook North property (I think because it is not mowed and provides cover for predators).*
  - A construction site to north of 44th St had some tree landscaping around the perimeter of the property. There are more birds in these trees than there are at the Meadowbrook North property. *The proposed landscaping with trees would likely increase the bird population.*
  - I would suggest that the project manager contact the City of Greely Water Department regarding impacts of solar arrays and wildlife. Two solar arrays are located near US Highway 34, just south of Boyd Lake. This area would likely have a much higher population of birds and other wildlife than the Meadowbrook North site.
- Currently, the site is used as an illegal trash dump. Yard waste, construction debris, furniture, and carpet are the predominant trash observed. Additionally, 4 wheel drive vehicles traveling on the site are often damaged, leaving various parts scattered along the dirt roads.
- Other activities include parties with alcohol as evidenced by the broken bottles often scattered around the site.

If the proposed re-zoning and project goes through, I also offer the following comments:

- In addition to berms along Rio Blanco Ave. North I would suggest passive measures be taken to decrease the potential for graffiti tagging on the block wall surrounding the sub-station. This can be done with a trough near the bottom of the block wall, scratchy shrubbery (think yucca plants and juniper), and carefully planted trees to block the "view" desired by vandals.
- Consideration should also be made to berms on the west side of the solar array and sub-station.
- As a part of the environmental education program, I would suggest live, real-time monitoring of the solar power generation located near the site, or at least on the City of Loveland website. More education is great for kids and adults alike. The Federal Government has this at the solar array at the Denver Federal Center.
- A response to the question of how much revenue the site would provide was not adequately explained. If the solar array is generating, then power is not being purchased from other sources. In my opinion, this is the same as revenue. I suggest the power "revenue" be calculated from the spot price when the facility is generating.

I appreciate your efforts to keep the neighborhood informed about the proposed re-zoning and development. If you have any questions regarding my comments, feel free to contact me by letter or email.

With regards,



Timothy P. Dolen
1868 Rio Blanco Ave.
Loveland, CO 80538
tpdolen@yahoo.com

Gretchen Stanford

From: Connie Falvey <jfalvey1@gmail.com>
Sent: Tuesday, September 22, 2015 4:15 PM
To: Gretchen Stanford
Subject: Solar Field

My husband and I attended the neighborhood mtg a couple of weeks ago and we just want to acknowledge the outstanding job you and the other reps did. We are all for the project and we want to voice our support and hope the project goes forward.
We live in the Meadowbrook neighborhood. My husband would rather that the Rio Blanco street not be a through street but we don't know if that is up for debate.
Thank you, Connie & John Falvey

ATTACHMENT D

City of Loveland

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Current Planning
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(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
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Planning Commission Staff Report

September 28, 2015

Agenda #: Regular Agenda - 1

Title: Meadowbrook Ridge General Development Plan Second Amendment and Foothills Solar and Substation Rezoning

Applicant: City of Loveland Power Division, Brieana Reed-Harmel

Request: **General Development Plan Amendment and Rezoning**

Location: South of West 29th Street, north of West 22nd Street, and west of Mehaffey Park.

Existing Zoning: Meadowbrook Ridge Planned Unit Development

Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the General Development Plan amendment and rezoning.

Recommended Motions:

1. *Move to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and., based on those findings recommend that City Council approve the Meadowbrook Ridge PUD General Development Plan Second Amendment; and*

2. *Move to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and, based on those findings, recommend that City Council rezone 52.6 acres from the Meadowbrook Ridge PUD to Developing Resource.*

Summary of Analysis

The public hearing is to consider the following items:

- An amendment to the Meadowbrook Ridge PUD General Development Plan. The amendment would remove 52.6 acres of city owned property from the PUD boundaries; and
- A rezoning of the property to DR – Developing Resource.

The proposal is to rezone 52.6 acres of city property located between West 22nd Street and West 29th Street, just west of Mehaffey Park. The property is currently zoned Meadowbrook Ridge Planned Unit Development and is designated for single family and townhome uses. The City's Power Division recently purchased the property to construct a new substation and solar facility. The facility would replace the city's Idylwilde hydroelectric facility that was significantly damaged during the 2013 flood.

The substation and solar facility use requires a rezoning of the property and subsequent approval of a special review application. The special review is currently under review by city staff and the procedures will include a neighborhood meeting and provide an opportunity for public input. Special review applications can be approved administratively, however there is an appeal period in which an application can be appealed to a public hearing with the Planning Commission.

Staff believes that all key issues with the GDP amendment and rezoning have been resolved based on City Code and standards.

I. SUMMARY

A. General Development Plan Amendment and Rezoning Request

This proposal is to rezone 52.6 acres of city owned property located between West 22nd Street and West 29th Street, west of Mehaffey Park. The applicant, the City Power Division, is proposing to develop a 2.4 acre substation and an 18 acre solar facility on the property. The remaining western portion of the property would be preserved as open space as shown in Figure 3 on page 4 of this report. The property is currently vacant and is zoned Planned Unit Development within the Meadowbrook Ridge General Development Plan. The 52.6 acres is the last developable portion of the PUD. The property was zoned to allow 257 residential single family and townhome units. The proposal would amend the PUD to exclude the city property from its boundaries and rezone the property to DR – Developing Resource District. The DR zone district matches the zoning of the city's water tank property adjacent to the north. In the DR district, the substation and solar facility use would require approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. The special review is currently in process and will proceed if the rezoning application is approved. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission.

Figure 1. Vicinity Map



A neighborhood meeting was held to discuss the GDP amendment, rezoning request, and the development proposal for the substation and solar facility. The meeting was attended by 99 neighbors and interested citizens. Questions from the neighborhood focused on the development of the facility; reasons for selecting the site, visual appearance, noise, lighting, impacts to wildlife, project costs, expected city revenue, technical aspects of the facility, and property values. Overall, the neighborhood did not express concerns with the zoning aspects of the project. Notes from the neighborhood meeting are included as **Attachment 4** to this report. Additionally, an informational website has been created for the project at www.cityofloveland.org/foothills that contains project reports, timelines, and answers to frequently asked questions from the neighborhood.

B. Background Information

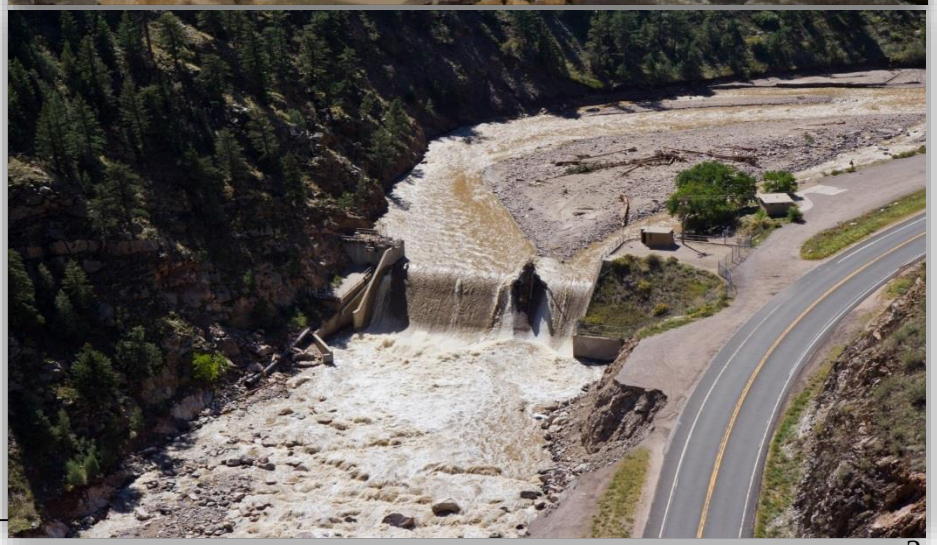
During the flood of the Big Thompson River in September of 2013, the City sustained significant damage to the Idylwilde hydroelectric facility located in the Big Thompson Canyon. The plant generated and distributed electricity to the western portion of the city and provided a renewable energy source. The Idylwilde Dam suffered damage to the super structure and the reservoir was completely filled in with silt, sediment and cobbles. Approximately 2,000 feet of the penstock pipe that ran adjacent to the Big Thompson River and delivered the water from the dam to the power house, was destroyed. The power house located at the Viestenz-Smith Mountain Park was flooded, compromising the electrical equipment within the facility. In May of 2014, the city was awarded a FEMA grant of $9,068,018 for damage sustained to the Idylwilde Dam and the penstock. The city accepted the grant and elected to participate in the FEMA Alternate Project Program. It had been determined that the hydroelectric facility should not be replaced since it had also sustained damage during the flood in 1976.

Figure 2. Idylwilde Dam Photos

Idylwilde Dam before the 2013 flood



Idylwilde Dam after the 2013 flood



West Substation, situated north of the Big Thompson River on Namaqua Road, was also affected during the September 2013 flood. The Big Barnes Ditch that runs along the upper bank immediately north of West Substation overtopped and water flooded the access road to the substation. Without access, the Power Division took the substation offline during the flood in order to mitigate damage in the event the ditch continued to fail. The Big Thompson flood waters were within 15 feet of this facility. Based on the location of the substation, it was determined that improvements to the site would not be cost effective. West Substation is the oldest substation in the system and would have needed extensive upgrades along with additional property to accommodate the upgrades.

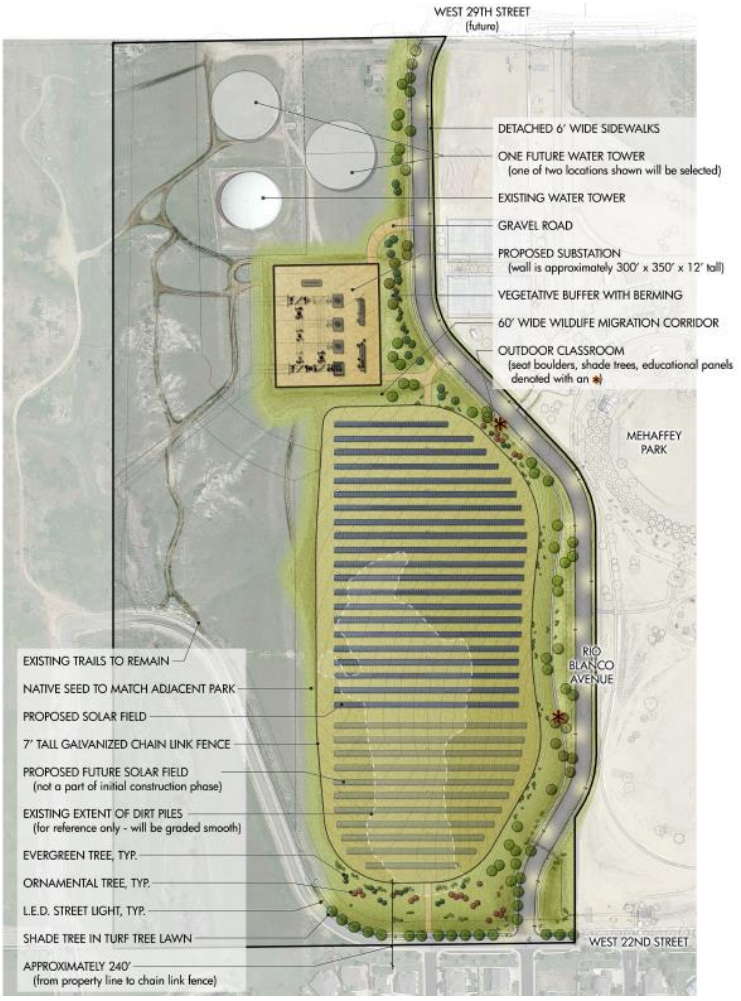
After the 2013 flood, the Power Division determined that a good use of the FEMA grant would be to produce renewable energy from a source less prone to natural disasters. Solar was identified as a good option since it would produce more energy than the Idylwilde facility, it could be built in more locations than a new hydroelectric facility, and it would help the city reach Colorado Renewable Energy Standards. With this option in mind, the City's Water and Power Department purchased the 52.6 acres in Meadowbrook Ridge in April of 2015. The property was selected as a desired location for the development of a new substation and solar facility as part of the FEMA Alternate Project Program. With the expected growth in the northwestern portion of the city, the Power Division considered the location and acreage of the property in Meadowbrook Ridge ideal to construct a new substation and solar facility.

C. Foothills Substation and Solar Facility Proposal

The specific design and development of the substation and solar facility is not a component of the zoning and GDP amendment request. However, a conceptual plan for the facility is currently being designed and the site plan, shown to the right in Figure 3, was presented at the neighborhood meeting for informational purposes. The plan shows the location of the substation near the existing water tank on W. 29th Street. The solar facility would be situated south of the substation, buffered from the nearest residential house by 240 feet. A new future water tank, located near the existing tank on 29th Street, is also shown, however the tank is not included in the special review proposal at this time. The remaining property along the western portion of the site, which constitutes approximately 50% of the site, would remain as open space. Development of the site would include the construction of Rio Blanco Avenue, a collector road on the east side of the property. This road would also provide an entrance to Mehaffey Park and on-street parking for the park.

The substation and solar facility will require approval of a special review. If the rezoning request is approved, the special review process will proceed and it is anticipated that a neighborhood meeting will be held towards the end of 2015.

Figure 3. Conceptual Site Plan



II. ATTACHMENTS

1. General Development Plan Amendment
2. Rezoning Map
3. Chapter 18.38 DR – Developing Resource District
4. Neighborhood meeting questions and responses

III. SITE DATA

A. GENERAL DEVELOPMENT PLAN AMENDMENT

ACREAGE OF EXISTING GDP-GROSS/NET	113.52 AC / 86.14 AC
ACREAGE OF GDP AFTER AMENDMENT-GROSS/NET	57.86 / 43.67
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	PLANNED UNIT DEVELOPMENT
EXISTING USE	VACANT IN AREA OF AMENDMENT
NUMBER OF DWELLING UNITS APPROVED	411
NUMBER OF DWELLING UNITS AFTER AMENDMENT	154

B. REZONING

ACREAGE OF SITE	52.6 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	PUD MEADOWBROOK RIDGE
PROPOSED ZONING	DR-DEVELOPING RESOURCE DISTRICT
EXISTING USE	VACANT
EXISTING ADJACENT ZONING AND USE - NORTH	DR – DEVELOPING RESOURCE – WATER TANK
EXISTING ADJACENT ZONING AND USE - EAST	PP – PUBLIC PARK – MEHAFFEY PARK
EXISTING ADJACENT ZONING AND USE - SOUTH	PUD – SINGLE FAMILY RESIDENTIAL
EXISTING ADJACENT ZONING AND USE - WEST	PUD (RESIDENTIAL) - VACANT

IV. KEY ISSUES

City staff believes that all key issues have been addressed for the GDP Amendment and rezoning request. At the neighborhood meeting, comments and questions were received regarding the development of the solar and substation facility. There were no concerns voiced regarding the zoning request. The neighbors were provided information regarding the special review process and neighborhood meeting that will be held in the future to discuss the specific design of the project. Staff has received 4 emails containing questions about the substation and solar facility and one email in opposition to the development. All neighborhood questions and answers have been posted on the project website.

V. BACKGROUND

2001 The general development plan for Meadowbrook Ridge was approved by City Council.

2003 The final development for Phase 1 of the PUD was approved. This phase approved 133 single family and duplex units.

2013 The City's Parks and Recreation Department purchased 9.36 acres of property (Development Area E) within the Meadowbrook Ridge PUD and rezoned the property to PP – Public Park District. The property was incorporated into Mehaffey Park.

April 2014 The City's Power Division purchased 52.6 acres of property (Development Areas D, F, and G) in the Meadowbrook Ridge PUD.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Gretchen Stanford with the City's Water and Power Department certifying that written notice was mailed to all property owners in the Meadowbrook PUD along with property owners within 1,200 feet of the PUD boundaries on August 26, 2015 and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. Mineral owners were notified on August 28, 2015. In addition, a notice was published in the Reporter Herald on September 12, 2015.

B. Neighborhood Response: A neighborhood meeting was held at 5:30 p.m. on September 10, 2015 in the Public Works Administration Building. The meeting was attended by 99 neighbors and interested parties along with City staff and consultants. At the meeting, there were no objections voiced to the GDP amendment and rezoning requests. Planning staff explained the process and public involvement with the special review application, which will be the next step in the development of the substation and solar facility. The Power Division presented a conceptual site plan and elevations of the facility. Comments and questions from the neighborhood meeting are included as **Attachment 4** to this report. The neighbors and residents were informed that there would be another neighborhood meeting for the design and development of the facility with the special review process.

VII. FINDINGS AND ANALYSIS

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

General Development Plan Amendment

A. Land Use

1. Loveland Municipal Code

a. Section 18.41.050.D.4: *Whether the general development plan amendment confirms to the requirements of this Chapter 18.41, to the City's master plans and to any applicable area plan.*

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

- The GDP amendment removes approximately 52.6 acres of land from the PUD boundaries for the purpose of developing a substation and solar facility. The property to

be removed is labeled as Development Areas D, F, and G in the GDP and was designated for 257 single family and townhouse units (see **Attachment 1**). The amendment does not affect any other zoning area within the PUD. The new site data in the PUD is adjusted to reflect the removal of the land area and residential units.

- The GDP amendment is consistent with the intent of the master plan and is compatible with the LDR designation.

b. Section 18.41.050.D.4(c): *Whether development permitted under the GDP amendment will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by:*

(i) *Incorporating natural physical features into the GDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*

(ii) *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*

(iii) *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*

(iv) *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Planning: As the GDP amendment is seeking to remove land area from the PUD, the findings concerning the development and design of the GDP are not applicable.

Rezoning of Land Removed from GDP

C. *The purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any of the uses permitted by right in the zone district were developed on the subject property.*

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

- The purpose of the City's zoning regulations (Section 18.04.010) are designed to respond to community values in terms of promoting health, safety, and general welfare and providing adequate public services. There are no uses permitted by right in the DR – Developing Resource zone district; all uses require approval of a special review and provide an opportunity for neighborhood input.

D. *Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.*

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

- There are no uses permitted by right in the DR – Developing Resource zone district; all uses require approval of a special review and provide an opportunity for neighborhood input. The relationship between the proposed substation and solar facility and the existing and planned residential uses around the facility will be reviewed with the special review application.

E. City Utilities and Services

1. Loveland Municipal Code, Section 18.41.050.D.4

Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and services master plans.

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

- A Traffic Impact Study (TIS) has been submitted with the GDP amendment, rezoning, and the proposed special review application which demonstrates that the transportation system, incorporating typical expected improvements, can adequately serve the conceptual land uses proposed. All future development applications within this area are required to demonstrate compliance with the Larimer County Urban Area Street Standards (LCUASS) and the Adequate Community Facilities (ACF) Ordinance for transportation. Therefore, the rezoning and GDP amendment will not negatively impact traffic in the area.

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The rezoning for the development of the property for the solar and substation use will not negatively impact fire protection for the subject development or surrounding properties.

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

- This development is situated within the City's current service area for both water and wastewater. The site is currently not being served water or wastewater from the City.
- Any development of the subject property pursuant to any of the uses permitted under the proposed DR zoning district will not negatively impact City water and wastewater infrastructure and the proposed services are consistent with the current infrastructure and Master Plans.

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

- Development of the subject property pursuant to any of the uses permitted under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

F. Loveland Comprehensive Master Plan, Section 4.7

1. Land Use Plan: *Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is consistent with relevant philosophies contained in the Loveland Comprehensive Master Plan, particularly those philosophies included in Section 4.0 Land Use.*

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

- The Comprehensive Master Plan designates the site as Low Density Residential (LDR). This category is targeted to single-family detached residential but also allows churches, schools, parks, recreation, open space and civic uses. The comprehensive plan does not contain a separate and distinct category for utilities; however utilities have generally been viewed as being permitted in each land use category.

- The DR-Developing Resource zone district is consistent with the zoning for the city's water tank facility located directly to the north. The existing water tank is also located within the LDR category.

2. Loveland Municipal Code

a. Section 18.04.010*:*

(i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*

(ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

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

- Development of the substation and solar facility will provide and promote adequate light and air, along with needed utilities to sustain the city. The finding of overcrowding of land and undue concentration of population is not applicable to this request. The GDP amendment would remove the allowance for 257 residential units on the property. With the development of the facility, approximately 50% of the land will remain as open space.
- Development of the substation and solar facility will be governed by all applicable City codes and standards, as well as any special provisions deemed necessary through the special review process. Development will also be subject to all rules and requirements for the FEMA Alternative Project Program.
- All uses within the DR zone district require approval of a special review, which provides the neighborhood with an opportunity for input. The aesthetics, landscaping, lighting, buffering, and screening of the proposed facility will be reviewed with the neighborhood at a future neighborhood meeting.

IIIV. RECOMMENDED CONDITIONS

There are no conditions recommended by City Staff.

MEADOWBROOK RIDGE

A GENERAL DEVELOPMENT PLAN OF TRACT B VANGUARD–FAMLECO 1st ADDITION AND TRACT C, VANGUARD–FAMLECO 2nd ADDITION AND LOT 2, BLOCK 1, VANGUARD–FAMLECO 6th ADDITION

SECOND AMENDMENT 1 2

LOVELAND, COLORADO

1 FIRST AMENDMENT REMOVES DEVELOPMENT AREA 'E' FROM THE P.U.D.

2 SECOND AMENDMENT REMOVES DEVELOPMENT AREAS 'D', 'F', & 'G' FROM THE P.U.D.

DEVELOPMENT PLAN INFORMATION

1.) Purpose and Overall Development Design Concept:

The Meadowbrook Ridge development's purpose is to provide a mix of housing types which may include a range of residents from young single and married professionals to retired persons in a development of several neighborhoods which will share in a natural area amenity with passive recreational benefits. The design concept involves two phases of neighborhoods segregated by W. 22nd Street. The southern neighborhood will involve residential uses, which will be wrapped by the Louden Ditch, and sit above the natural area located west and below the ditch.

2.) Land Use:

a.) Overall concept – Differing lot sizes of detached single family homes will, when blended with the attached single family uses (duplex and townhome units) offer a variety of types and prices of residential units to the community. The area on the westerly edge of the site will be retained as an open space/natural area to be incorporated into the development as passive recreational element for hiking a wildlife observation. Sidewalks and a pedestrian trail network will provide a means for the residents of the individual neighborhoods to access the open area and eventually the park adjacent to the northeast side of the development.

b.) Categories – The individual development areas will include the potential for up to four different lot size variations of single family detached lots, two duplex or patio home subdivisions and a townhome development.

c.) Intensity – Total Gross Density.....~~3.75~~ ~~3.62~~ 2.66 (du/ac)
Total Net Density.....~~4.83~~ ~~4.77~~ 3.53 (du/ac) 1 2

d.) Uses – Principal : Single Family Detached, Attached, Patio Home and Multiple Residential Family Homes.

Definitions:

1. Single Family Detached – A one–family dwelling not attached to any other dwelling and located on a fee simple lot or clustered on a fee simple lot or envelope with similar single family detached homes surrounded by common open area.
2. Duplex – A one–family dwelling attached by a common wall(s) with one additional one–family dwelling, which has separate front and/or rear entrances and has no residential unit above or below.
3. Patio Home – A one–family dwelling on a separate fee simple lot, which may have one or more lot lines with zero setbacks. Patio homes may be detached or two–family units having a common wall as a lot line.

3.) Circulation:

a.) Overall concept – Three access alternatives exist for the Meadowbrook Ridge development: Future access to the north; W. 22nd Street from the east which will extend through the site; and, Cascade Avenue on the west which will connect to W. 22nd Street. The internal streets will have access from one or more of these streets.

b.) Components – Pedestrian linkages will permit residents to move between the various residential areas and the open space and future park elements. Access to the future City trail adjacent to the project will also be possible. Internal streets serving the individual lots will be local streets conforming to City Standards. A Private Street or driveway may serve the five single–family lots adjacent to the Water Tank. This will permit a less intrusive street for such a small cluster of homes. The Townhome development may have combination of private streets and common driveways to facilitate site design needs for attached single family housing.

c.) Street Standards – Arterial, Collector and Local Streets will be built to City standards.

4.) Utilities: All public utilities are available in the area to serve the development. Design shall be in accordance with City standards.

a.) Electric service is provided by the City Light and Power Department.

b.) Natural Gas is provided by Public Service Co. of Colorado.

c.) Water is provided by the City of Loveland.

d.) Sewer is provided by the City of Loveland.

e.) Storm Drainage will require on–site detention and release per Coty of Loveland requirements.

f.) Telephone service is provided by U.S. West.

g.) Adjacent Irrigation system is the Louden Ditch which may provide some of the gray water for common area irrigation.

5.) Public Facilities:

a.) Police and Fire services will be provided by the City of Loveland.

b.) City of Loveland Parks proposes a Regional and Community park adjacent to and east from the development. A regional trail is proposed along the Louden Ditch adjacent to the subdivision.

c.) The Thompson School District R2–J will provide public school services.

6.) Landscaping and Fencing

a.) Overall concept

Areas adjacent to the natural area will carefully be enhanced with native tree species including poplar or cottonwood and shrubs of value as forage and fauna such as chokecherry.

Landscaping elements along all Arterial and Collector Streets will utilize clustering of deciduous and coniferous material to create a natural transition from the more formal urban elements to the east to the more open feeling area on the west edge of the site. The objective is to transition the areas east of the development to the natural area.

b.) Edge Treatments and Streetscape

All perimeter locations where development abuts an open space, natural area or public park may be open or will have an open style fence, or if a solid fence is desired, a height of no taller than four feet will be allowed. The open fencing may be split rail or standard two or three rail fence and may be allowed to have a woven wire fence for enclosing pets and children.

All edges located along collector streets shall have attached sidewalks and in lieu of a colonnade effect, the trees shall be clustered in groupings of threes and fives. In either case, the single family, patio home and duplex areas shall have a solid privacy fence located along the buffer between the right–of–way of the street and the rear yards. Multi–family uses, such as the townhomes, may include an open fencing component along the buffer but fencing along the perimeter is not required. No special considerations are needed to address areas between adjacent neighborhoods because all are residential uses. Where practical, the areas between different neighborhoods will be used for pedestrian linkages.

7.) Architecture – Overall Concepts

The single–family residential products will utilize a traditional design and traditional materials. These materials shall include siding options to include: brick stone, horizontal lap siding, board and baton siding, wood, vinyl, stucco or artificial stucco. Roofing materials may include asphalt, tile or metal.

The multi family products may include garages that are both attached and detached. Any building containing more than three units will have a varied roof line and shall include building wall articulation of at least four feet between groupings of every two units on both front and rear elevations.

8.) Design Standards

a.) Setbacks

Single Family Detached	Front – 20 feet; 15 feet if garage does not face street Side – 1 foot setback for each 3 feet of building height; 15 feet on a corner lot adjacent to a street R–O–W Rear – 15 feet
Patio:	Front – 20 feet; 15 feet if garage does not face street Side – 5 feet; 15 feet on a corner lot adjacent to a street R–O–W Rear – 15 feet; 10 feet if adjacent to common open space tract
Duplex	Front – 20 feet; 15 feet if garage does not face street Side – 5 feet; 15 feet on a corner lot adjacent to a street R–O–W Rear – 15 feet; 10 feet if adjacent to common open space tract
Multi–family	Public Street – 25 feet Private street or Drive – 0 feet Adjacent building within development area – 10 feet Adjacent building outside of development area – 25 feet
Accessory Structures	Front – 20 feet Side – 5 feet; 10 feet on a corner lot adjacent to a street R–O–W Rear – 5 feet; 10 feet if adjacent to common open space tract

b.) Parking

Two spaces per unit

c.) Signage

Development Project Signs – Two project signs at each major public street entry may be permitted. Maximum size of each sign shall be 32 square feet. The signs shall be integrated with common area landscaping features to be designed at the time of the PDP submittal affecting the entry location.

Development Area Signs – One sign per entry may be permitted. Maximum size shall be 24 square feet. The signs shall be integrated with the common landscaping features to be designed at the time of the PDP submittal affecting the entry location.

Street and Directional Signs – Traffic control signage shall be permitted.

1 2 d.) Open Space: Minimum Total Open Space within the Meadowbrook Ridge PUD is 20 percent. The Community Open Space and Natural Area portion of the site (is allocated to development areas A, B, C, ~~X~~, ~~X~~ and ~~X~~ on a percentage based on the size of the development area parcel. No additional Open Space is required. ~~Development Area F will contain 20% open space distributed throughout development area F.~~

e.) Maximum Height and Stories:
Single Family Detached – 35 feet and two stories (may include basement walkout)
Duplex – 35 feet and two stories (may include basement walkout)
Multi–Family – 35 feet and three stories

f.) Architectural Elevation Standards:
Single Family lots with less than 65 feet of frontage on public right–of–way shall not be permitted a garage where garage doors for more than two cars are visible as part of the front elevation. Garage doors that are visible as part of the front building elevation shall be recessed behind either the front facade of the living portion of the dwelling or a covered porch by at least four feet. Such porches shall measure at least eight feet across the front and six feet deep. Garage doors visible as part of the front elevation shall not comprise more than 40 percent of the ground floor street–facing linear building frontage except alley and corner lots which are exempt from this condition.

Two family and multi–family uses, when garage doors are visible to and directly fronting an arterial or collector street, shall have garage doors that are recessed behind the front facade of the living portion of the dwelling or covered porch by at least four feet. A covered porch specified by this condition shall measure at least eight feet across the front and six feet deep. Garage doors visible to an arterial or collector street shall not comprise more than 40 percent of the ground floor street–facing linear building frontage.

9.) Landform modification

The site will be developed with the existing grade and special features in mind. The natural area to the west will continue to exist in its present form. The drainage design through the site will dictate some grade modifications to the interior of the site. W. 22nd Street design is influenced by the grades falling away to the west and will be incorporated into the existing grade to the extent allowed by City design standards.

10.) Implementation

a.) Overall concept

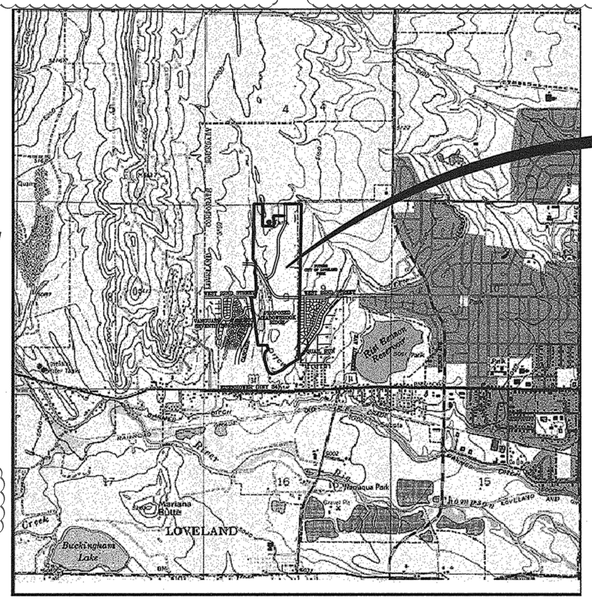
Development of this PUD shall be done in compliance with the standards and requirements of the City of Loveland Zoning Ordinance and design Guidelines as they may be revised from time to time. It is the intent for development to be completed with a Home Owner's Association (HOA) and a set of C.C.R's to control the consistent application of design and functional requirements of the development. A letter of approval from the HOA will accompany all applications for building permits.

b.) Phasing and buildout

Development will begin south of the W. 22nd Street alignment and will proceed to the north. Expected time of development is six to eight years.

11.) Regulatory Procedures

1 a.) Park and Open Space requirements of Section 16.24 are met for Development Areas A, B, C, ~~X~~, ~~X~~ AND ~~X~~ through provision of Development Area H. No additional park area is required within each of the above named Development areas.


SITE
LOVELAND
Fairgrounds Park
Namaqua Park
Big Barnes Memorial Park
Buckingham Lake
Hatfield Chilson Rec. Center
Loveland Ditch
Boyd Lake Ave.
Taft Ave.
Garfield Ave.
Madison Ave.
Wilson Ave.
Lincoln Ave.
Cleveland Ave.
Namaqua Rd.
Eisenhower Blvd.
Hwy 34
Hwy 287
Fairgrounds Ave.
Thompson Pkwy.
Boise Ave.
Denver Ave.
Monroe Ave.
Adams Ave.
Jefferson Ave.
Roosevelt Ave.
Harrison Ave.
Washington Ave.
Jackson Ave.
Van Buren Ave.
Polk Ave.
Pierce Ave.
Buchanan Ave.
Arthur Ave.
Grant Ave.
Garfield Ave.
Hayes Ave.
Madison

III. CONDITIONS (As revised by City Council on 8/21/01)

Power Conditions

1. Unless Water and Power requirements for location of meters and other electrical equipment can be met on Town homes, the following will apply:
   (a) For all multi-family buildings of three or more units per building, electric meters will be located centrally on or near the building.
   (b) The developer or his representative will be responsible for installing the underground electric service to the meter per the National Electric Code.

2. For all other multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing the underground electric service to the meter per the National Electric Code.

Water/Wastewater Conditions

3. The Developer shall provide a minimum 30' wide easement, at no cost to the City, that encompasses the exiting water tank drain pipe and swale system. The easement must be exclusive and may be adjusted in width and location with a subsequent development application. No fences, landscape, buildings or other similar items will be allowed within the subject easement. If overlot grading is proposed in the area of the swale system, the Developer shall maintain current flowline elevations and drainage characteristics such that water drained from the tank is not diverted from historic paths. The swale system shall be restored with native grasses after overlot grading, as necessary.

4. The Developer shall provide a minimum 30' wide easement, at no cost to the City, that encompasses the booster pump station drain pipe and swale system. The easement must be exclusive and may be adjusted in width and location with a subsequent development application. No fences, landscape, buildings or other similar items will be allowed within the subject easement. If overlot grading is proposed in the area of the swale system, the Developer shall maintain current flowline elevations and drainage characteristics such that water drained from the tank is not diverted from historic paths. The swale system shall be restored with native grasses after overlot grading, as necessary.

5. The Developer shall provide at least two points of connection to the City's water distribution system. At this time, both points of connection appear to be needed off the 30" Steel and 30" Ductile Iron water lines in West 29th Street. An additional connection may also be required, upon further analysis, at the terminus of West 22nd Street. This connection may also require the installation of Pressure Reducing Device (P.R.V.). All specific locations of the aforementioned connections will be further evaluated and may be adjusted with a subsequent development application.

6. The Developer shall provide a Water and Sewer Demand and Impact Study concurrent with a subsequent development application. The study, at a minimum, shall further identify all line sizes, flows, impacts, demands and other data as required by the City.

7. The Developer shall provide all necessary off-site easements, at no cost to the City, to install the off-site wastewater main(s).

Stormwater Conditions

8. Until the Future Regional Detention Pond in the Rist Benson Basin is designed and constructed east of the Meadowbrook Ridge development, temporary on-site detention pond shall be required with 2-year historic release rates.

9. Until the Future West Eisenhower Blvd. culvert, downstream open channel, Big Barnes Ditch Crossing Structure, and connection to the Big Thompson River are designed and constructed for the Hogback Basin, on-site detention ponds shall over detain. Due to the existing downstream flooding problems south of US Highway 34, the on-site detention ponds shall limit their release of 100-year developed stormwater runoff to the historic 2-year storm rate.

10. Where West 22nd Street crosses the existing Hogback Basin storm drainage outfall channel, a culvert shall be designed and constructed, in accordance with the City of Loveland Storm Drainage Criteria Manual, to pass the upstream off-site historic 100-year stormwater runoff beneath the street.

Fire Prevention Conditions

11. Until such time a West 22nd Street is connected to Cascade Avenue, pursuant to Condition 32, the Developer shall construct a second point access from West 22nd Street north to West 29th Street. This access road shall comply with City of Loveland standards and be within a properly dedicated easements.

Parks and Recreation Conditions

12. The following note shall be added to the GDP: "The City of Loveland Parks and Recreation Department has a perpetual "permitted use" easement along the Louden Ditch for a recreation trail."

13. The following note shall be added to the GDP: "Relocation or encroachment of the Louden Ditch does not remove the City of Loveland's easement for the trail. All infrastructure and utilities that may need to cross the trail easement shall require approval by the Parks and Recreation Department prior to the FDP."

14. Parks and Recreation shall determine the location of the 10-foot wide concrete trail and construct any portions within or adjacent to this property within our easement.

15. Any connection to the City of Loveland trail shall be at the developers expense and shall be coordinated and approved by the City of Loveland with the FDP.

16. The following note shall be added to the GDP: "The City of Loveland shall have the right to construct a pedestrian bridge along the south side of Area B and/or Area C in order to connect the trail between the east/west or north/south sides of the Louden Ditch."

17. The Developer shall be held responsible for any damages to the City's recreation trail and shall replace, repair or reconstruct any portions of the trail that are damaged as a result of any development activity within this GDP.

18. All development in the GDP shall be subject to payment of Parks and Recreation Capital Expansion Fees.

19. The developer shall be responsible for constructing all public improvements within the public right-of-way adjacent to the City of Loveland Park. These improvements shall include all roads, sidewalks and utility improvements as required by the City for the minor collector.

20. Alternate road designs for West 22nd Street shall be submitted with the first PDP for review and shall include options to reduce disturbances to the natural area and mitigate all damage resulting from road construction. Design alternatives shall be coordinated with Engineering and Parks prior to submittal.

21. Those portions of Natural Area #75, as described in the City of Loveland Open Lands Plan, that are not significantly disturbed, as determined by the Parks and Recreation Department, may be dedicated to the City of Loveland subject to review and approval by the Open Lands Advisory Commission. If accepted the dedication shall be made to the City of Loveland within 1 year after approval of the GDP or proper to approval of the first FDP, which ever occurs first.

22. If dedication occurs pursuant to Condition #21, the Natural Areas Division shall determine if and where any pedestrian and/or bicycle connections to the proposed City owned Natural Area may be located.

23. If dedication occurs pursuant to Condition #21, the creation of any new detention ponds or the enlargement of the existing pond within the Natural Area shall be subject to approval by the Natural Areas Division. The Natural Areas Division shall not prevent reasonable use of the proposed natural area for temporary onsite detention.

24. If dedication occurs pursuant to condition #21, any disturbance or modifications to the existing wetlands shall be subject to approval by the City and shall conform to all federal and state regulations.

25. If dedications occur pursuant to Condition #21, maintenance of any proposed storm water basins, channels, pipes or structures within the Natural Area shall be the responsibility of the Meadowbrook Ridge Subdivision HOA.

26. If dedication occurs pursuant to Condition #21, no fencing, signage or landscaping shall be allowed in or around the perimeter of the Natural Area without City review and approval. The City shall not unreasonably withhold such approval.

27. If dedication occurs pursuant to Condition #21, all areas disturbed in the Natural Area during construction may be further conditioned for restoration. The City of Loveland Natural Areas Division shall determine Restoration requirements at time of FDP.

Engineering Conditions

28. Not withstanding information presented in the GDP, street layout, access locations and intersection operations shall be determined at the time of application for PDP approval.

29. Not withstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of PDP review.

30. Prior to, or concurrent with, approval of the first development application within this PUD, the developer shall dedicate right-of-way for the extension of West 22 nd Street from the west boundary of the project to the east boundary. The right-of-way shall conform with preliminary construction plans for the improvement described in Condition #32(a).

31 Prior to, or concurrent with approval, any development application within 100 feet of the north boundary of this PUD, the developer shall dedicate right-of-way for the adjacent portion of West 29th Street. The right-of-way shall conform with preliminary construction plans for the improvement described in Condition #32(b). This condition shall be nullified if right-of-way is not needed due to changes in alignment approved by the City Engineer.

32. Unless designed and/or constructed by others, the following public improvements shall be designed and constructed by the developer. The necessity and timing of the improvements required under paragraph (b) shall be determined at the time of PDP submittal / review / approval. Acceptable financial security, in lieu of construction, may be allowed for any of these improvements, if approved by the City Engineer.

   (a) Prior to issuance of any building permit in this GDP, the developer shall design and construct West 22nd Street to the proposed intersection with Cascade Avenue and Cascade Avenue from the West 22nd Street intersection to the existing northern terminus of Cascade Avenue. The alignment shall generally conform to the adopted 2020 Transportation Plan. At the time of the PDP submittal / review / approval, the applicant shall provide two design alternatives for 22nd Street in the vicinity of the ravine on the west portion of the PUD: the first incorporation the standard typical minor collector street cross section, and the second incorporating design features that minimize impacts on the natural environment (retaining walls to minimize cut and fill, etc.). The design information shall include a preliminary grading plan showing the extent of cut and fill areas, cross sections for the areas of greatest cut and fill, and probable construction costs. Both designs should incorporate the following concepts to minimize impact: 1) include sidewalk on only one side of the street through the undeveloped area, and 2) construct 3:1 side slopes. These variances to standards are supported by staff. In addition both designs should incorporate utility easement configurations that minimize the need for cut and fill.

   (b) Construct West 29th Street from Wilson Avenue to the west boundary of the project. (This condition may be altered or deleted to account for any alignment changes to West 29th Street approved by the City Engineer.)

   (c) Design and construct improvements to the intersection of Wilson Avenue and West 22nd Street, including installation of traffic signals. These improvements shall be completed prior to the issuance of any building permits within this GDP, subject to approval by the City Engineer.

   (d) The extension of Cascade Avenue shall be a 34 foot wide paved street without curb, gutter, or sidewalk.

33. Prior to the issuance of any building permits in this GDP, the developer shall design and install lane striping on West 22nd Avenue from Wilson Avenue to the project site, unless installed by others.

34. All Engineering technical corrections dated 1-29-01 shall be addressed prior to PDP approval.

35. Prior to scheduling a Planning Commission hearing for any future PDP, the developer shall provide evidence of ability to obtain any off-site right-of-way required for the improvements described in conditions 32(a) and 32(b).

Current Planning Conditions

36. Preliminary development plans shall comply with Section 16.24.150 (open space play fields), unless at time of submittal of such plans construction of the adjacent public park has commenced, in which case any such plan shall be exempt from said section.

37. A minimum 50 foot undisturbed buffer from the Louden Ditch shall be provided adjacent to Development Parcel C. Said buffer shall be in a tract separate from adjacent residential lots.

38. The following additional information shall be submitted in conjunction with a preliminary development plan for Parcels C and F:

   (a) Results of Preble's, Bell's Twinpod, and Utes' Orchid study.

   (b) Revised Natural Areas Assessment report to specifically address potential impacts to the adjacent natural area.

39. Preliminary development plans shall comply with City of Loveland Site Development Performance Standards and Guidelines.

40. Preliminary development plans shall comply with all City codes, regulations, and development standards and guidelines, except when such codes, regulations, or development standards or guidelines are inconsistent with the terms or conditions set forth as part of the GDP.

41. The GDP shall be revised by making all technical corrections required by City staff in the memorandum dated May 4, 2001.

42. All recommendations for protection measures, mitigation, and enhancement in the report entitled Environmental And Natural Areas Assessment Report Meadowbrook Ridge Development, dated April 2000 and prepared by Wildland Consultants, Inc., shall be incorporated into future preliminary development plans.

1/8/03 at @ 8:15AM

REVISIONS			
Date ???	By ???	Description FIRST AMENDMENT	
Date 7-30-2015	By SME	Description SECOND AMENDMENT	
Date	By	Description	

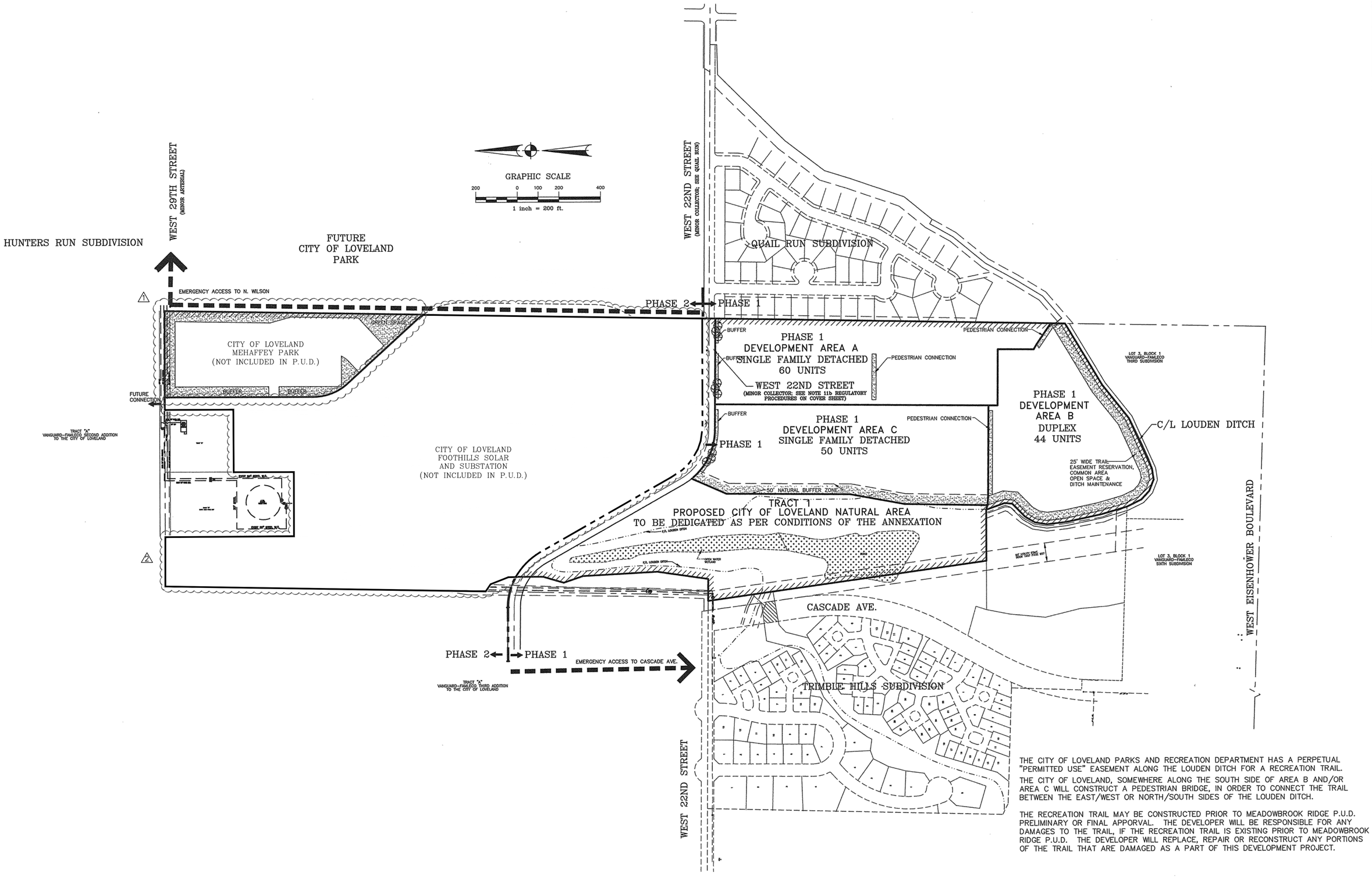
Date | Drawn B.R.B.
Field Book | Checked B.W.S.
Scale 1" = 10' | Approved B.W.S.

CLIENT: CITY OF LOVELAND WATER AND POWER

UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

TITLE: CONDITIONS (As revised by City Council on 8/21/01)
MEADOWBROOK RIDGE P.U.D.
LOVELAND, COLORADO

PROJECT NO. | NOTES.DWG | SHEET NO. 2 | NO. OF SHEETS 9



THE CITY OF LOVELAND PARKS AND RECREATION DEPARTMENT HAS A PERPETUAL "PERMITTED USE" EASEMENT ALONG THE LOUDEN DITCH FOR A RECREATION TRAIL.

THE CITY OF LOVELAND, SOMEWHERE ALONG THE SOUTH SIDE OF AREA B AND/OR AREA C WILL CONSTRUCT A PEDESTRIAN BRIDGE, IN ORDER TO CONNECT THE TRAIL BETWEEN THE EAST/WEST OR NORTH/SOUTH SIDES OF THE LOUDEN DITCH.

THE RECREATION TRAIL MAY BE CONSTRUCTED PRIOR TO MEADOWBROOK RIDGE P.U.D. PRELIMINARY OR FINAL APPORVAL. THE DEVELOPER WILL BE RESPONSIBLE FOR ANY DAMAGES TO THE TRAIL, IF THE RECREATION TRAIL IS EXISTING PRIOR TO MEADOWBROOK RIDGE P.U.D. THE DEVELOPER WILL REPLACE, REPAIR OR RECONSTRUCT ANY PORTIONS OF THE TRAIL THAT ARE DAMAGED AS A PART OF THIS DEVELOPMENT PROJECT.

4-3-03 CT @ 8:30AM

REVISIONS
Date ??? By ??? Description FIRST AMENDMENT
Date 7-30-2015 By SME Description SECOND AMENDMENT
Date By Description

Date Drawn C.G.T.
Field Book Checked T.E.H.
Scale 1" = 200' Approved B.W.S.

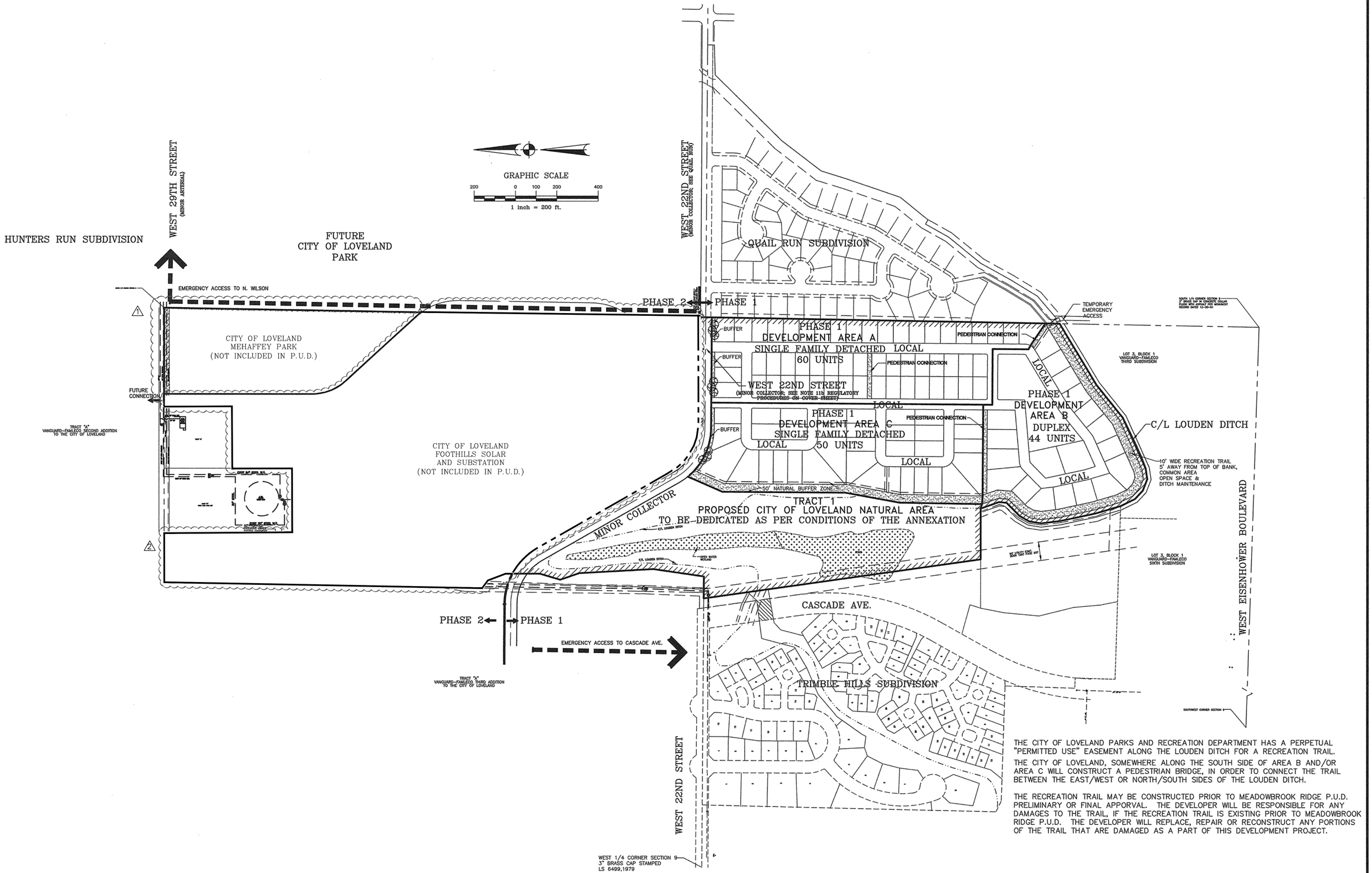
CLIENT
CITY OF LOVELAND
WATER AND POWER

UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

TITLE
GENERAL DEVELOPMENT PLAN MAP
MEADOWBROOK RIDGE P.U.D.
LOVELAND, COLORADO

PROJECT NO. U15009
MBR-GDP.DWG

SHEET NO. 3
NO. OF SHEETS 9



THE CITY OF LOVELAND PARKS AND RECREATION DEPARTMENT HAS A PERPETUAL "PERMITTED USE" EASEMENT ALONG THE LOUDEN DITCH FOR A RECREATION TRAIL.

THE CITY OF LOVELAND, SOMEWHERE ALONG THE SOUTH SIDE OF AREA B AND/OR AREA C WILL CONSTRUCT A PEDESTRIAN BRIDGE, IN ORDER TO CONNECT THE TRAIL BETWEEN THE EAST/WEST OR NORTH/SOUTH SIDES OF THE LOUDEN DITCH.

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4-3-03 CT @ 8:30AM

REVISIONS
Date ??? By ??? Description FIRST AMENDMENT
Date 7-30-2015 By SME Description SECOND AMENDMENT
Date By Description

Date Drawn C.G.T.
Field Book Checked T.E.H.
Scale 1" = 200' Approved B.W.S.

CLIENT: CITY OF LOVELAND WATER AND POWER

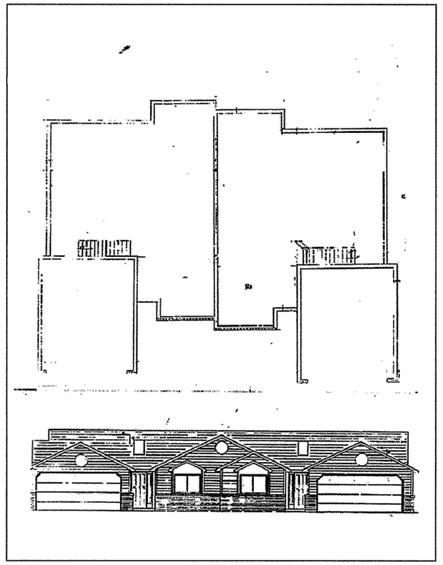
UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
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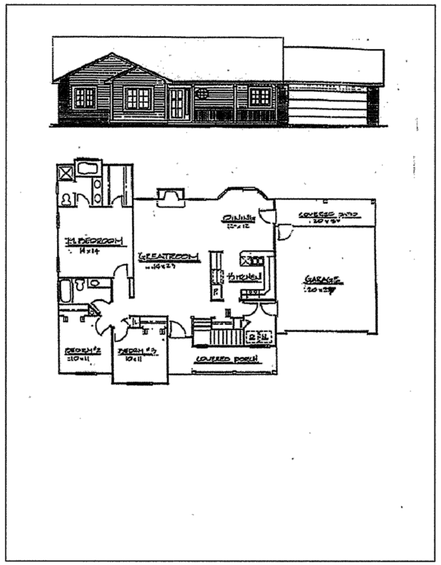
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MEADOWBROOK RIDGE P.U.D.
LOVELAND, COLORADO

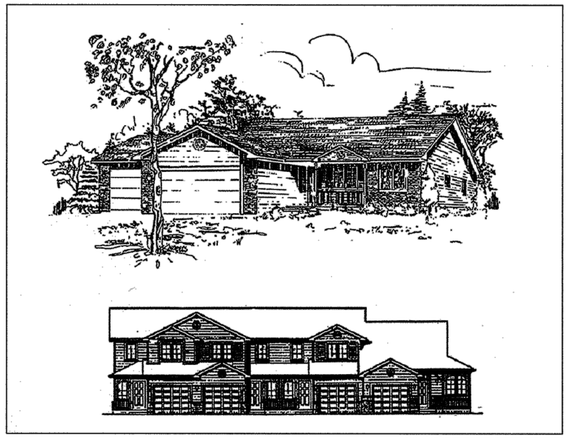
PROJECT NO. U15009
MBR-GDP-SITEPLAN.DWG

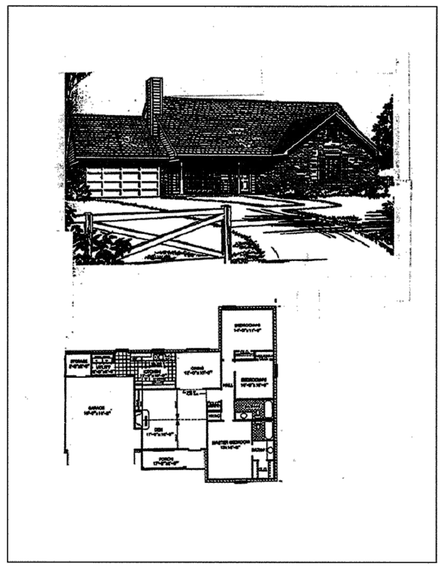
SHEET NO. 4
NO. OF SHEETS 9

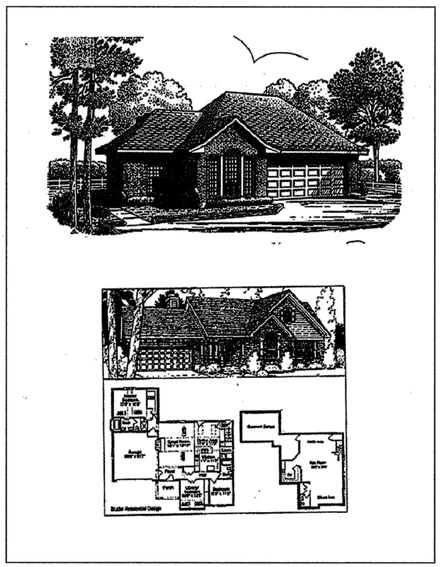
PC Attachment 1



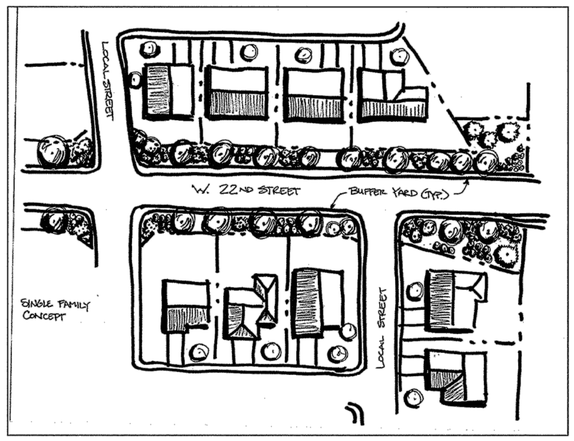


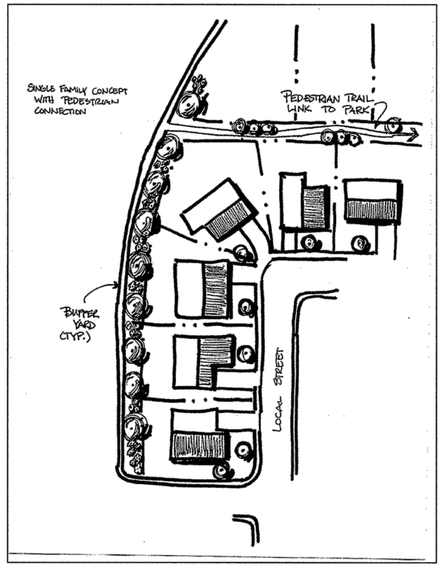


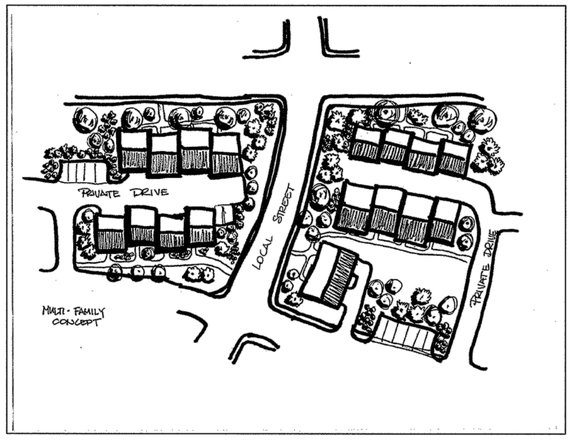




CONCEPTUAL BUILDING ELEVATIONS







TYPICAL SITE PLAN LAYOUT

1/8/03 CT @ 8:15AM

REVISIONS			
Date ???	By ???	Description FIRST AMENDMENT	
Date 7-30-2015	By SME	Description SECOND AMENDMENT	
Date	By	Description	

Date _____ Drawn _____
Field Book _____ Checked T.E.H.
Scale 1" = 1' Approved T.E.H.

CLIENT
CITY OF LOVELAND
WATER AND POWER

UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

TYPICAL SITE PLAN LAYOUT & CONCEPTUAL BUILDING ELEVATIONS
MEADOWBROOK RIDGE
LOVELAND, COLORADO

PROJECT NO. U15009
SCANNED-FLOOR-PLANS.DWG

SHEET NO. 5
NO. OF SHEETS 9

GRAPHIC SCALE

200 0 100 200 400

1 inch = 200 ft.

FUTURE CITY OF LOVELAND PARK
AND FUTURE REGIONAL DETENTION FACILITY

CITY OF LOVELAND
MEHAFFEY PARK
(NOT INCLUDED IN P.U.D.)

CITY OF LOVELAND
FOOTHILLS SOLAR
(NOT INCLUDED IN P.U.D.)

TRACT "A"
VANGUARD–FAMLECO SECOND ADDITION
TO THE CITY OF LOVELAND

TRACT "A"
VANGUARD–FAMLECO THIRD ADDITION
TO THE CITY OF LOVELAND

LOUDEN DITCH

WEST 22ND STREET

QUAIL RUN

BUFFER

LOT 3, BLOCK 1
VANGUARD–FAMLECO
THIRD SUBDIVISION

C/L LOUDEN DITCH

WEST EISENHOWER BOULEVARD

LOT 3, BLOCK 1
VANGUARD–FAMLECO
SIXTH SUBDIVISION

OPEN SPACE/
DETENTION

GRAPHIC SCALE

LOT 1, BLOCK 1
VANGUARD–FAMLECO
SIXTH SUBDIVISION
(TRIMBLE HILLS SUBDIVISION)

OPEN SPACE/
DETENTION

WEST 1/4 CORNER SECTION 9
3" BRASS CAP STAMPED
LS 6499,1979

SOUTH 1/4 CORNER SECTION 9
3" DIA. BRASS CAP IN CONCRETE COLLAR
FLUSH WITH GRADE, PK NAIL MONUMENT
RECORD DATED 1979

SOUTHWEST CORNER SECTION 9

SEE SHEET UT1

4–3–03 CT @ 8.30am

REVISIONS			
Date ???	By ???	Description FIRST AMENDMENT	
Date 7–30–2015	By SME	Description SECOND AMENDMENT	
Date	By	Description	

Date
Field Book
Scale 1" = 200'
Drawn C.G.T.
Checked T.E.H.
Approved B.W.S.

CLIENT
CITY OF LOVELAND
WATER AND POWER

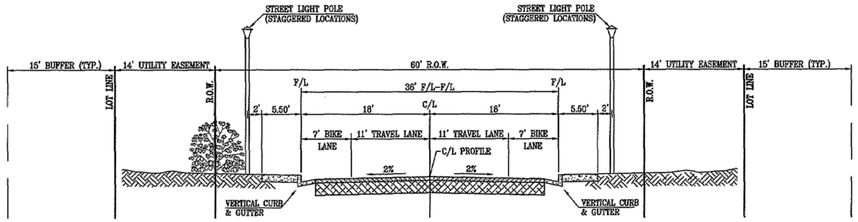
UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

TITLE
UTILITY MASTER PLAN
MEADOWBROOK RIDGE P.U.D.
LOVELAND, COLORADO

PROJECT NO. U15009
MBR–ODP.DWG

SHEET NO. 7
NO. OF SHEETS 9

PC Attachment 1



MINOR COLLECTOR STREET TYPICAL SECTION
FROM STA: XX+XX TO XX+XX
LOOKING EAST

STREET PAVEMENT DESIGN

OPTION 1

FINISHED GRADE

4" HBP (C,CX,G)

10" ABC (5,6)

TOTAL= 14"

OPTION 2

FINISHED GRADE

5" HBP (C,CX,G)

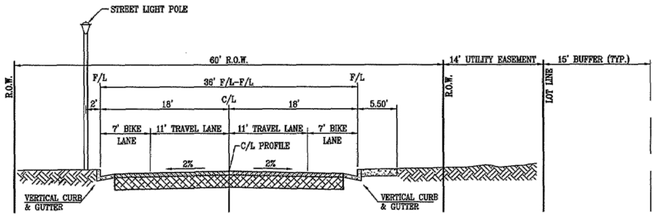
6" ABC (5,6)

TOTAL= 11"

OPTION 3

FINISHED GRADE

7" HBP (C,CX,G)



MINOR COLLECTOR STREET TYPICAL SECTION
FROM STA: XX+XX TO XX+XX
LOOKING EAST

STREET PAVEMENT DESIGN

OPTION 1

FINISHED GRADE

4" HBP (C,CX,G)

10" ABC (5,6)

TOTAL= 14"

OPTION 2

FINISHED GRADE

5" HBP (C,CX,G)

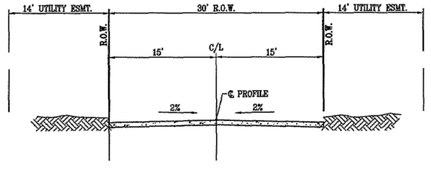
6" ABC (5,6)

TOTAL= 11"

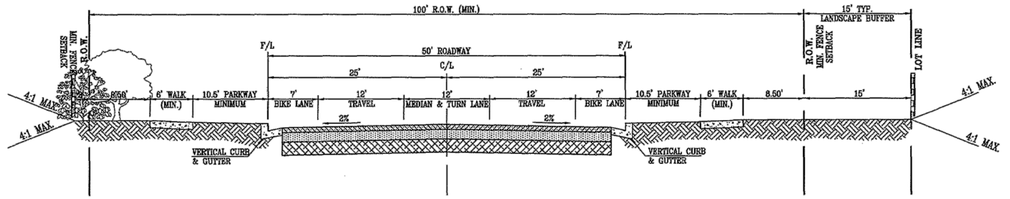
OPTION 3

FINISHED GRADE

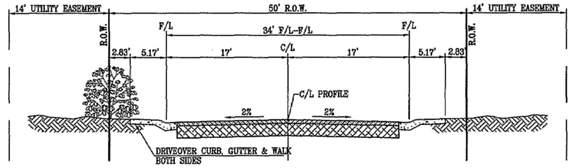
7" HBP (C,CX,G)



LANE TYPICAL SECTION



CASCADE AVENUE
(MINOR ARTERIAL)
(FOR REFERENCE ONLY)



LOCAL STREET TYPICAL SECTION

STREET PAVEMENT DESIGN

OPTION 1

FINISHED GRADE

4" HBP (C,CX,G)

10" ABC (5,6)

TOTAL= 14"

OPTION 2

FINISHED GRADE

5" HBP (C,CX,G)

6" ABC (5,6)

TOTAL= 11"

OPTION 3

FINISHED GRADE

7" HBP (C,CX,G)

NOTE:
ALL PAVEMENT DESIGNS ARE BASED ON THE "CITY OF LOVELAND STREET DESIGN TECHNICAL STANDARDS TABLE 4.2

1/8/03 CT @ 8:15AM

REVISIONS				Date		Drawn C.G.T.	CLIENT			TITLE	PROJECT NO.	SHEET NO.	NO. OF SHEETS
Date ???	By ???	Description FIRST AMENDMENT		Field Book		Checked T.E.H.	CITY OF LOVELAND WATER AND POWER	UNITED CIVIL Design Group	1501 Academy Court, Suite 203 Fort Collins, CO 80524 (970) 530-4044 www.unitedcivil.com	TYPICAL STREET SECTIONS MEADOWBROOK RIDGE LOVELAND, COLORADO	U15009	8	9
Date 7-30-2015	By SME	Description SECOND AMENDMENT		Scale HOR: 1"=10'		Approved B.W.S.					MBR-TYPX-GDP.DWG		
Date	By	Description											

LEGEND

- 4971 ---------- EXISTING MINOR CONTOUR
- 4970 — — — — EXISTING MAJOR CONTOUR
- 5051 PROPOSED MINOR CONTOUR
- 5050 PROPOSED MAJOR CONTOUR
- PROPOSED STORM SEWER
- A / B / C = A = BASIN DESIGNATION; B = AREA IN ACRES; C = COMPOSITE RUNOFF COEFFICIENTS (100 YR. EVENT)
- D = DESIGN POINT DESIGNATION
- BASIN BOUNDARY
- SUB-BASIN BOUNDARY
- FLOW ARROW

GRAPHIC SCALE

200 0 100 200 400

1 inch = 200 ft.

FUTURE CITY OF LOVELAND PARK AND FUTURE REGIONAL DETENTION FACILITY

CITY OF LOVELAND MEHAFFEY PARK (NOT INCLUDED IN P.U.D.)

CITY OF LOVELAND FOOTHILLS SOLAR (NOT INCLUDED IN P.U.D.)

LOUDEN DITCH

WEST 22ND STREET

FUTURE CONNECTION

TRACT "A" VANGUARD–FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND

TRACT "A" VANGUARD–FAMLECO THIRD ADDITION TO THE CITY OF LOVELAND

01 11.23 0.40

02 40.25 0.40

03 19.88 0.44

04 3.25 0.60

05 23.10 0.60

06 6.08 0.60

07 2.81 0.60

08 13.96 0.40

C/L LOUDEN DITCH

LOT 3, BLOCK 1 VANGUARD–FAMLECO THIRD SUBDIVISION

LOT 3, BLOCK 1 VANGUARD–FAMLECO SIXTH SUBDIVISION

VANGUARD–FAMLECO SIXTH SUBDIVISION (TRIMBLE HILLS SUBDIVISION)

OPEN SPACE/ DETENTION

BUFFER

NATURAL BUFFER ZONE

WEST EISENHOWER BOULEVARD

SOUTHWEST CORNER SECTION 9

WEST 1/4 CORNER SECTION 9 3" BRASS CAP STAMPED LS 6499,1979

4-3-03 CT @ 8.30am

REVISIONS			
Date ???	By ???	Description FIRST AMENDMENT	
Date 7-30-2015	By SME	Description SECOND AMENDMENT	
Date	By	Description	

Date | Field Book | Scale 1" = 200' | Drawn C.G.T. | Checked T.E.H. | Approved B.W.S.

CLIENT: CITY OF LOVELAND WATER AND POWER

UNITED CIVIL Design Group
1501 Academy Court, Suite 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

TITLE: DRAINAGE MASTER PLAN
MEADOWBROOK RIDGE P.U.D.
LOVELAND, COLORADO

PROJECT NO.

MBR-ODP.DWG

SHEET NO. 9 | NO. OF SHEETS 9

PC Attachment 1

DATE: 9/9/2015 TIME: 11:48:37 AM PROJ. MGR: SME DESIGNER: CDB
DRAWING NAME: Z000-COVER SHEET.DWG
PATH: C:\UNITED CIVIL\DROPBOX\PROJECTS\U15009 - FOOTHILLS SOLAR\CAD\DGN\REZONING MAP

ZONING MAP FOR:
A PARCEL OF LAND BEING A PORTION OF TRACT C VANGUARD-FAMLECO SECOND ADDITION, SITUATE IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

FOOTHILLS SOLAR PARK AND SUBSTATION

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT C, VANGUARD-FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND AS RECORDED MAY 5, 1982 AT BOOK 2166 PAGE 658 AS RECEPTION NO. 456846 OF THE RECORDS OF LARIMER COUNTY, SITUATE IN THE NORTHWEST QUARTER (NW1/4) OF SECTION NINE (9), TOWNSHIP FIVE NORTH (T.5N.), RANGE SIXTY-NINE WEST (R.69W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

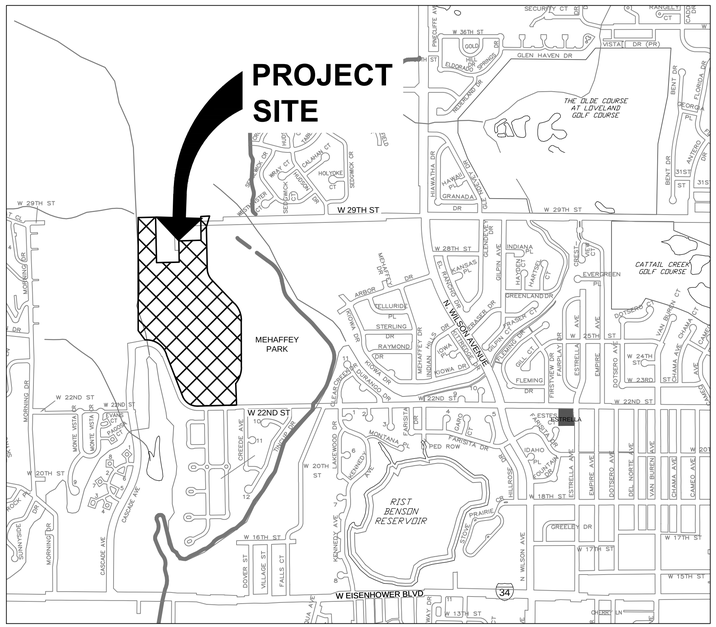
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 9 AND ASSUMING THE EAST LINE OF THE NW1/4 OF SAID SECTION 9, AS MONUMENTED BY A #6 REBAR WITH A 2.5" ALUMINUM CAP STAMPED LS 34174 ON THE SOUTH END AND A #6 REBAR WITH A 2.5" ALUMINUM CAP STAMPED LS 38479 ON THE NORTH END, AS BEARING NORTH 00°10'56" WEST A DISTANCE OF 2619.00 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THE LINEAL DIMENSIONS AS CONTAINED HEREIN ARE BASED UPON THE "U.S. SURVEY FOOT."

THENCE NORTH 00°10'56" WEST ALONG SAID EAST LINE OF THE NW1/4 A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF THE VANGUARD-FAMLECO TWELFTH SUBDIVISION RECORDED OCTOBER 17, 2003 AS RECEPTION NO. 2003-0132285 OF THE RECORDS OF LARIMER COUNTY AND TO THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTH LINE OF SAID VANGUARD-FAMLECO TWELFTH SUBDIVISION THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:
THENCE SOUTH 89°13'46" WEST A DISTANCE OF 98.23 FEET TO A POINT OF CURVATURE (PC);
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 18.85 FEET,
SAID CURVE HAS A RADIUS OF 12.00 FEET, A DELTA OF 90°00'00", AND IS SUBTENDED BY A CHORD BEARING NORTH 45°46'14" WEST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 89°13'46" WEST A DISTANCE OF 66.00 FEET TO A NON-TANGENT PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST A DISTANCE OF 18.85 FEET,
SAID CURVE HAS A RADIUS OF 12.00 FEET, A DELTA OF 90°00'00", AND IS SUBTENDED BY A CHORD BEARING SOUTH 44°13'46" WEST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 89°13'46" WEST A DISTANCE OF 188.00 FEET TO A PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 18.85 FEET,
SAID CURVE HAS A RADIUS OF 12.00 FEET, A DELTA OF 90°00'00", AND IS SUBTENDED BY A CHORD BEARING NORTH 45°46'14" WEST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 89°13'46" WEST A DISTANCE OF 50.00 FEET TO A NON-TANGENT PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST A DISTANCE OF 18.85 FEET,
SAID CURVE HAS A RADIUS OF 12.00 FEET, A DELTA OF 90°00'00", AND IS SUBTENDED BY A CHORD BEARING SOUTH 44°13'46" WEST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 89°13'46" WEST A DISTANCE OF 68.13 FEET TO A PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 299.25 FEET,
SAID CURVE HAS A RADIUS OF 245.00 FEET, A DELTA OF 69°58'54", AND IS SUBTENDED BY A CHORD BEARING NORTH 55°46'47" WEST A DISTANCE OF 280.99 FEET;
THENCE NORTH 20°47'20" WEST A DISTANCE OF 601.12 FEET;
THENCE NORTH 69°12'40" EAST A DISTANCE OF 10.00 FEET TO A NON-TANGENT PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST A DISTANCE OF 393.03 FEET,
SAID CURVE HAS A RADIUS OF 315.00 FEET, A DELTA OF 71°29'16", AND IS SUBTENDED BY A CHORD BEARING NORTH 56°31'58" WEST A DISTANCE OF 368.02 FEET;
THENCE DEPARTING SAID NORTH LINE NORTH 22°02'05" WEST A DISTANCE OF 83.31 FEET;
THENCE NORTH 57°29'45" WEST A DISTANCE OF 44.91 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER (E1/2NW1/4) OF SAID SECTION 9;
THENCE NORTH 00°01'39" WEST ALONG THE WEST LINE OF THE E1/2NW1/4 OF SAID SECTION 9 A DISTANCE OF 1541.33 FEET TO THE NORTHWEST CORNER OF SAID E1/2NW1/4;
THENCE NORTH 88°50'29" EAST ALONG THE NORTH LINE OF SAID E1/2NW1/4 OF SAID SECTION 9 A DISTANCE OF 238.17 FEET TO THE NORTHWEST CORNER OF TRACT B, VANGUARD-FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND;
THENCE ALONG THE WEST, SOUTH AND EAST LINES OF SAID TRACT B AND TRACT D, VANGUARD-FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND THE FOLLOWING FIVE (5) COURSES AND DISTANCES:
THENCE SOUTH 01°09'51" EAST A DISTANCE OF 620.05 FEET;
THENCE NORTH 88°50'43" EAST A DISTANCE OF 309.86 FEET;
THENCE NORTH 01°10'01" WEST A DISTANCE OF 290.13 FEET;
THENCE NORTH 88°49'04" EAST A DISTANCE OF 289.84 FEET;
THENCE NORTH 01°09'51" WEST A DISTANCE OF 329.82 FEET TO THE NORTH LINE OF SAID SECTION 9;
THENCE NORTH 88°50'29" EAST ALONG SAID NORTH LINE A DISTANCE OF 111.43 FEET TO THE NORTHWEST CORNER OF THE AMENDED PLAT OF PARCELS 1 AND 2, MEHAFFEY PARK FIRST ADDITION; TRACT B, VANGUARD-FAMLECO FIRST ADDITION AND A PORTION OF TRACT C, VANGUARD-FAMLECO SECOND ADDITION RECORDED AUGUST 22, 2013 AS RECEPTION NO. 2013-0064633 OF THE RECORDS OF LARIMER COUNTY;
THENCE ALONG THE WEST LINE OF SAID AMENDED PLAT THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:
THENCE SOUTH 27°00'31" WEST A DISTANCE OF 35.50 FEET TO A PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 118.99 FEET,
SAID CURVE HAS A RADIUS OF 242.00 FEET, A DELTA OF 28°10'23", AND IS SUBTENDED BY A CHORD BEARING SOUTH 12°55'20" WEST A DISTANCE OF 117.80 FEET;
THENCE SOUTH 01°09'51" EAST A DISTANCE OF 572.61 FEET TO A PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 179.66 FEET,
SAID CURVE HAS A RADIUS OF 242.00 FEET, A DELTA OF 42°32'06", AND IS SUBTENDED BY A CHORD BEARING SOUTH 22°25'54" EAST A DISTANCE OF 175.56 FEET;
THENCE SOUTH 43°41'58" EAST A DISTANCE OF 449.08 FEET TO A PC;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST A DISTANCE OF 33.41 FEET,
SAID CURVE HAS A RADIUS OF 308.00 FEET, A DELTA OF 06°12'55", AND IS SUBTENDED BY A CHORD BEARING SOUTH 40°35'30" EAST A DISTANCE OF 33.39 FEET TO THE EAST LINE OF SAID NW1/4;
THENCE SOUTH 00°10'56" EAST ALONG SAID EAST LINE A DISTANCE OF 1350.37 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 52.60 ACRES (2,291,230 SQ. FT.) MORE OR LESS (+/-), AND IS SUBJECT TO ANY RIGHTS-OF-WAY OR OTHER EASEMENTS OF RECORD AS NOW EXISTING ON SAID DESCRIBED PARCEL OF LAND.



VICINITY MAP
1"=1000'

SHEET INDEX

PAGE #	SHEET #	SHEET NAME
1	Z-000	COVER SHEET
2	Z-100	ZONING MAP

APPROVAL & SIGNATURE BLOCKS

PROPERTY OWNER

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

_____
(OWNER'S SIGNATURE)

_____
(TITLE)

STATE OF COLORADO)
) SS.
COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CITY SIGNATURE BLOCK

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

_____
CURRENT PLANNING MANAGER

PROJECT TEAM

OWNER / APPLICANT
CITY OF LOVELAND
200 NORTH WILSON
LOVELAND, CO 80537
PHONE: 970-962-3592
CONTACT: BRIEANA REED-HARMEL

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

SURVEYOR
LAT 40 PROFESSIONAL LAND SURVEYORS
1635 FOXTRAIL DRIVE, SUITE #325
LOVELAND, COLORADO 80538
PHONE: 970-776-3321
CONTACT: KYLE RUTZ

LANDSCAPE ARCHITECT
BHA DESIGN INCORPORATED
1603 OAKRIDGE DR. # 100,
FORT COLLINS, CO 80525
PHONE: 970-223-7577
CONTACT: JEROD HUWA

CALL UTILITY NOTIFICATION CENTER OF COLORADO
811
Know what's below. Call before you dig.
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

UNITED CIVIL Design Group
Civil Engineering & Consulting
1501 Academy Ct.
Ste. 203
Fort Collins, CO 80524
(970) 530-4044
www.unitedcivil.com

NO.	BY	DATE	REVISIONS

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

FOOTHILLS SOLAR PARK AND SUBSTATION
COVER SHEET

DATE SUBMITTED: 9/9/2015
PREPARED FOR: LOVELAND WATER & POWER

SHEET NUMBER
Z-000
1 OF 2 SHEETS

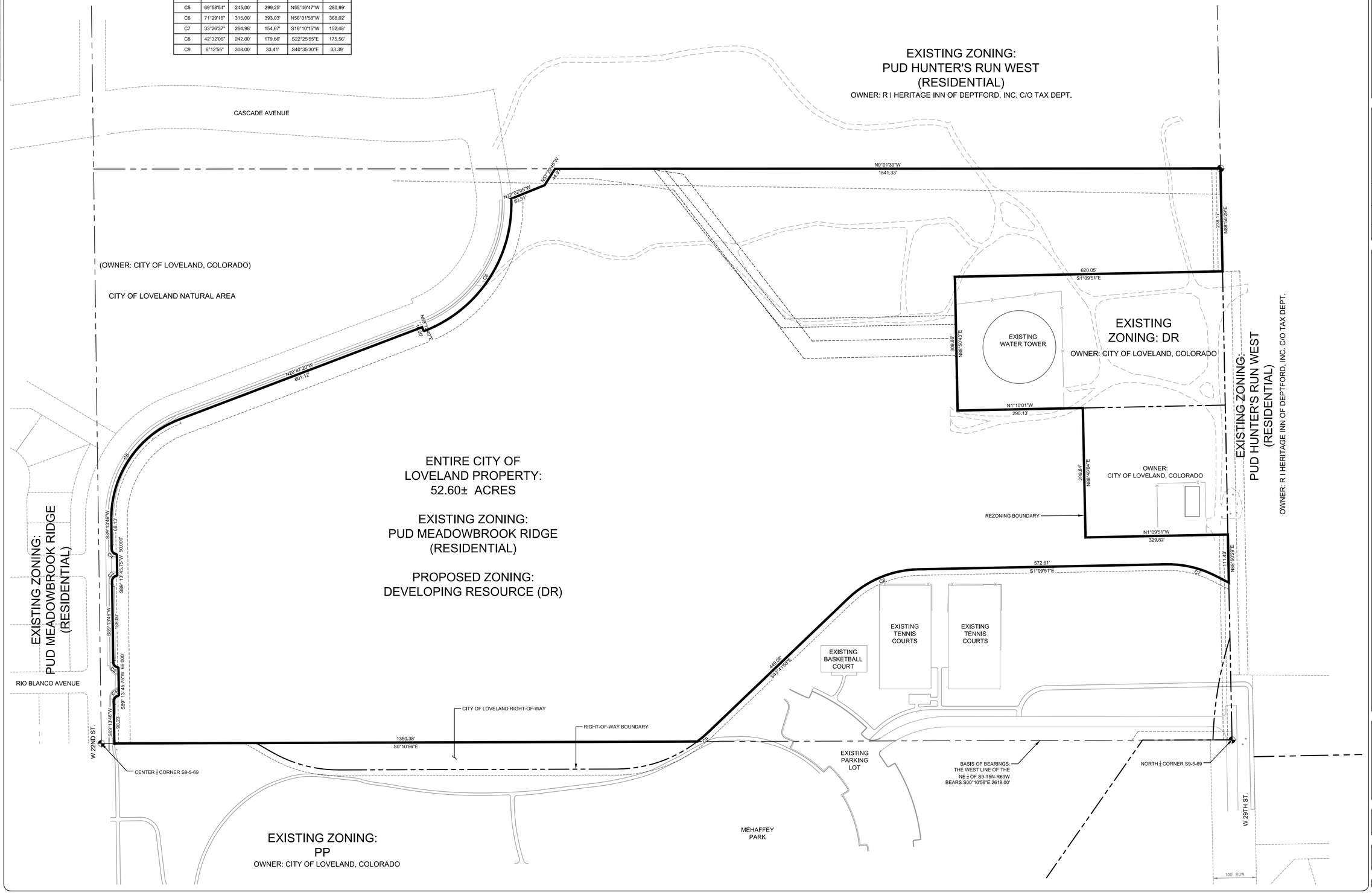
SCALE
VERTICAL: 1" = N/A
HORIZONTAL: 1" = N/A

JOB NUMBER
U15009

PC Attachment 2

DATE: 9/9/2015 TIME: 11:53:41 AM PROJ. MGR: SME DESIGNER: CDB
DRAWING NAME: Z100_ZONING MAP.DWG
PATH: C:\UNITED CIVIL\DROPBOX\PROJECTS\U15009 - FOOTHILLS SOLAR\CAD\SCP\REZONING MAP

Curve Table					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	90°00'00"	12.00'	18.85'	N45°46'14"W	16.97'
C2	90°00'00"	12.00'	18.85'	S44°13'46"W	16.97'
C3	90°00'00"	12.00'	18.85'	N45°46'14"W	16.97'
C4	90°00'00"	12.00'	18.85'	S44°13'46"W	16.97'
C5	69°58'54"	245.00'	299.25'	N55°46'47"W	280.99'
C6	71°29'16"	315.00'	393.03'	N56°31'58"W	368.02'
C7	33°26'37"	264.98'	154.67'	S16°10'15"W	152.48'
C8	42°32'06"	242.00'	179.66'	S22°25'55"E	175.56'
C9	6°12'55"	308.00'	33.41'	S40°35'30"E	33.39'



UNITED CIVIL
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NO.	BY	DATE	REVISIONS

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FOOTHILLS SOLAR PARK AND SUBSTATION
ZONING MAP

PREPARED FOR: LOVELAND WATER & POWER

DATE SUBMITTED: 9/9/2015

SHEET NUMBER
Z-100
OF 2 SHEETS

SCALE
VERTICAL: 1" = N/A
HORIZONTAL: 1" = 100'

JOB NUMBER
U15009

PC Attachment 2

DR DISTRICT-DEVELOPING RESOURCE DISTRICT

Sections:

18.38.010 Uses permitted by right.
18.38.020 Uses permitted by special review.

18.38.010 Uses permitted by right.

There are no uses permitted by right in a DR district. (Ord. 1392 § 1 (part), 1974; Ord. 1004 § 24.1)

18.38.020 Uses permitted by special review.

The following uses are permitted by special review in a DR district:

A. Farm and garden uses only for the raising of crops; provided, no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

B. Stands for the sale of agricultural products produced on the premises; provided, no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

C. Greenhouses, turf and sod farms, and nurseries; provided, sales are limited to products produced on the premises; and further provided, no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

D. Garden supply centers operated in conjunction with a nursery or greenhouse; provided, no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

E. The extraction of limestone used for construction purposes, coal, sand, gravel and quarry aggregate; provided, all mining, extracting and quarrying is in conformance with any master plan for extraction adopted by the city; and further provided, dust, fumes, odors, smoke, vapor, noise and vibration shall be confined within the property boundary lines;

F. Essential public utility and public service installations and facilities for the protection and welfare of the surrounding areas; provided, business offices or repair facilities are not included; and further provided, no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

G. Publicly owned parks, recreation areas, golf courses and storm water detention facilities, provided no structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;

H. Oil, gas and other hydrocarbon well drilling and production;

I. Personal wireless service facilities, as defined in § 18.55.020(G), in compliance with Chapter 18.55 of this title. (Ord. 4236 § 12, 1997; Ord. 3720 § 1, 1991; Ord. 2034 § 1, 1982; Ord. 1392 § 1 (part), 1974; Ord. 1004 § 24.2, 1968)

Frequently Asked Questions:
Foothills Site - FEMA Alternate Project

Neighborhood and Planning Commission Meeting Questions:

1. Will the citizens of Loveland that attend the meeting on Thursday have the opportunity to ask questions?

Of course! And as mentioned above, we will also be posting all FEMA Alternate project related documents on our website and FAQs such as these.

2. I live on West 22nd Street, I was only aware of the meeting through my HOA and neighbors. How was the mailing list compiled?

We pulled the county records for property owners within the buffer zone for mailings. We also posted signs on the property. If you attended the September 10, 2015 neighborhood meeting, you have been added to the mailing list for future meeting notifications. If you would like to be placed on the mailing list, please contact Gretchen Stanford, Customer Relations Manager at Gretchen.Stanford@cityofloveland.org.

3. What was the buffer zone for the mailing?

The buffer zone included anything within 1,200 feet of the Meadowbrook Ridge site, including all of the homes within Meadowbrook Ridge. In total, we sent approximately 400 letters. The Special Review is the next step in this process. The Special Review process doesn't go through the Planning Commission but will include a neighborhood meeting and a notification will be sent out in advance of the meeting.

4. Can we attend the Planning Commission hearing and present evidence?

Yes. You are limited to three minutes of testimony. All comments from the Planning Commission hearing will be forwarded to City Council.

Site and Road Questions:

1. Does the City own this property? How much did it cost?

Yes. The property was purchased by Water and Power in April 2015 for $833,000.

2. Where did that money come from to purchase the property?

The money came from the electric utility.

3. Will the money spent buying the property be reimbursed from FEMA?

No. The FEMA money will reimburse the construction expenses for the substation and solar facility projects.

4. When do you expect a decision from FEMA on the scope change?

We anticipated a decision over a month ago. We are routinely in contact with the State of Colorado and FEMA so we can provide any additional information or answer any questions on the scope.

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Frequently Asked Questions:
Foothills Site - FEMA Alternate Project

5. If you don't get a response from FEMA, what will you do?

This is the first project of its kind proposed to FEMA so they are evaluating everything. The City cannot move forward with the environmental process until they approve the scope. We will continue to work with FEMA to answer any questions or provide additional information for their review.

6. What is the plan if the FEMA money does not come through?

The City will pay for the project up front. FEMA will reimburse those expenses. The money for these projects has already been budgeted and will be reimbursed. If this is approved by City Council, the project will move forward.

7. What other locations are under consideration and why was this location chosen, a location so close to subdivisions? Isn't it unusual to have a substation so close to the surrounding homes?

One project we were considering was expanding West Substation. An additional site (30 acres just southeast of Boedecker Lake) was purchased and was actually the original site submitted to FEMA and the State. Currently, we have more capacity than is needed in the northwest side of town than the southwest side of town; therefore, we submitted a change to the scope of work to FEMA and the State for the alternate project. We are keeping the Boedecker property, and we will be proposing to build a substation sometime in the future on that site. One of the greatest benefits of this site is that it is next to existing utility infrastructure and will minimize the impact to the community.

No, it is not unusual to build a substation in a neighborhood setting. East Substation and Valley Substation reside in or close to neighborhood areas. East Substation is located at 875 N. Denver Ave. and Valley Substation is located at 920 S. Colorado Ave.

8. Why was the site changed from Boedecker?

The Foothills site was chosen for various reasons; the larger acreage of the Foothills site, and the load growth in the northwest area of Loveland is greater, which makes it the ideal location at this time. The substation planned at the Boedecker site is still on the electric utility's long-range master plan and will be constructed as growth continues in the southwest area of Loveland.

9. Will Rio Blanco connect to 29th Street?

Yes. A temporary connection is proposed as part of the plan. When the development to the north starts construction, that developer will be responsible for the permanent connection of Rio Blanco to 29th Street.

10. What will the elevation be of the site, especially in the area proposed for the solar facility?

The site will be re-graded to fit the road, solar facility and substation. The grade will be higher in some places and lower in others to fit these items. The solar facility area will be smoothed out and will generally sit a few feet lower than the existing stockpiles of dirt that are in the area.

11. What illumination will be provided at the site?

Street lights will be extended along Rio Blanco. They will be full cut-off LED lights. The substation and solar facility will have lights to use as needed during any night access by staff at those facilities.

PC Attachment 4

Frequently Asked Questions:
Foothills Site - FEMA Alternate Project

12. When doing illumination planning please explore "dark sky" approved lighting. One reason residents like the area is the dark nights.

On Rio Blanco, we intend to use the cobra-head lights which extend the light downward. We intend to use full cut-off lights and LED technology at this site. Because there will not be a subdivision on this site, there will be no need for post top lights, which will reduce the lighting in this area.

13. When is the 2nd water tank scheduled to be built?

The Water Division Master Plan indicates 8-10 years out. Water tanks are needed for emergency storage, in case the Water Treatment Plant goes offline and during the summer time when irrigation happens, the City experiences a big water system demand. The water tanks will offset that demand.

14. Did planned construction time for the water tank change?

Yes. The Water Division performs annual master planning. Plans for the water tank have been adjusted based on anticipated development needs in the area.

15. What about the new waterline along Cascade and 22nd? When is that planned for construction?

This project has been delayed until a new water tank is needed.

16. What is the vision for the west side of the property?

We are not intending to change that area. It will be preserved as open lands. The Parks Department is considering connecting the trails through this area to Mehaffey Park as a future project.

17. What about the acreage to the South of the proposed solar facility?

The Power Division is researching community solar gardens that have been constructed in other communities. We are evaluating this option for the acreage south of the proposed solar facility since there we will already be solar infrastructure in place.

Substation Questions:

1. In regards to the transmission lines going in and out of the substation, where will the transmission towers be placed and how big are they? Will photographs of substations with the same size towers be available? Not similar, but the same size.

Approximately 250 feet of transmission line will be extended east of the existing transmission line and south of the water tank directly into the new Foothills substation. The transmission lines will be similar in size to what is out there now (possibly a few feet shorter) and will be as low profile as possible.

At this particular meeting, we will not have photographs of the substation with the transmission lines; however, at the Special Review meeting, we will.

2. What load growth has occurred to substantiate the need/necessity for this substation?

With the addition of several neighborhoods on the west side of town and the future growth that is anticipated, we are recommending the substation be built. However, the most important reason for Loveland Water and Power is that West substation, located on Namaqua Road south of Eisenhower and which currently serves this portion of town, was threatened and taken off-line during the 2013 Flood and the west side of town was definitely a concern for us. Ironically at that particular time, we

PC Attachment 4

were looking at expanding West substation to accommodate the anticipated growth, but because of the flooding that the substation sustained, we are proposing to have Foothills substation replace that expansion project.

3. How high are the actual towers of the substation?
We expect the tallest substation tower to be approximately 60 feet. More information will be available after the substation design is complete.

4. What noise will we hear from the substation?
Typical noise for a substation is about 40 decibels. This is similar to typical urban noise. More details on substation noise can be provided at the Special Review meeting.

5. How much do you think the EMF of the substation will be?
Electromagnetic fields (EMF) emanate from anything electric. The EMF from transmission lines tapers off quickly, EMF from a 115 kilovolt transmission line drops to almost 0 within about 200 feet.

6. What additional infrastructure is needed to distribute the power from the substation?
Distribution lines connecting the substation to the electric system infrastructure will be installed as part of the substation project. All distribution lines that come out of the substation, other than the transmission lines will be underground.

7. Will the substation fencing just be block walls or decorative?
We intend to use colors compatible with the park for fencing. In some areas, we will install berms so to camouflage the substation wall. We are researching options for the walls and will be able to provide more information after the substation design is completed.

8. What defensive trees and bushes will be used underneath the substation walls to prevent graffiti?
Options for discouraging graffiti are being considered including the types of landscaping located in vulnerable areas, we may also use graffiti coating on the walls.

Solar Questions:

1. We would like more information on glare with the solar panels.
During the bid evaluations, we will be requesting lower glare solar panel technology. More information will be available after the solar facility design is completed.

2. Are the solar panels permanently fixed or tracking?
We expect to install single-axis tracking panels. These panels will track during the course of the day as the sun moves across the sky. The tracking of the panels does not change through the course of the seasons.

3. What is the wattage of the solar panels?
We are still in the process of evaluating bids for the panels. More information will be available after the solar facility design is completed. Typically, solar panels are about 300 watts per panel.

Frequently Asked Questions:
Foothills Site - FEMA Alternate Project

4. How much do you think the EMF of a solar facility will be?

Electromagnetic fields (EMF) emanate from anything electric. The EMF from transmission lines tapers off quickly, EMF from a 115 kilovolt transmission line drops to almost 0 within about 200 feet. This is similar with solar facilities but since the voltage for solar is lower, around 380 volts, the EMF will dissipate within a few feet.

5. We lost the hydro facility in the flood and now we are installing solar. Is there a net gain or loss in generation?

The City will experience a net gain in generation. The hydro facility had the capacity to generate 900 kilowatts. The solar facility is estimated to generate 2 megawatts which equates to 2,000 kilowatts.

Overall Questions:

1. Isn't this replacing the Viestenz-Smith Park power plant?

Yes. The power house for the hydroelectric facility was located at Viestenz-Smith Park. The dam and penstock were located further west of Viestenz-Smith Park in the Big Thompson Canyon. The dam, penstock and power house were all severely damaged during the 2013 Flood. Instead of rebuilding a facility that has been damaged twice by flooding. The City elected to apply for a FEMA Alternate Project. The funds awarded by FEMA for the Alternate Project will be spent constructing the substation and solar facilities at this Foothills site.

2. What about the wildlife impact from the construction of these facilities?

We will be performing a full environmental process as required by FEMA. The design includes a 60 foot wildlife migration corridor between the substation and solar facility.

3. What about damage that can be caused to birds flying over the solar fields?

We will do research on what other communities have done to address this for the solar facilities they have installed. The design of this solar facility will not focus heat or light.

4. Will the City look at property value impacts before going to City Council?

No. Property value impact analysis is not performed by the City. Property owners may research and present this information to the Planning Commission.

5. What is the impact of building these facilities this close to $500,000 homes?

The City does not perform property value impact analysis. It is not unusual to build a substation in a neighborhood setting. Currently, we have two substations in Loveland that reside in or close to neighborhood areas, East Substation and Valley Substation. East Substation is located at 875 N. Denver Ave. and Valley Substation is located at 920 S. Colorado Ave.

6. What is the expected revenue to the City and for how long?

We do not anticipate any revenue for the City from these projects but we will be reducing the amount of power the City purchases from Platte River Power Authority (PRPA). The solar facility is estimated to generate around 2 megawatts of power for the City. The electric system peak is around 153 megawatts in the summer. The solar generation would be around 1% of the electric system peak.

Frequently Asked Questions:
Foothills Site - FEMA Alternate Project

7. What future expenses are anticipated for customers?

Future operations and maintenance (O&M) expenses for both the substation and solar facility will be covered by the power utility. These O&M expenses for the solar facility will be similar to the O&M expenses the City incurred for the hydroelectric facility when it was operational.

8. What percentage of power used by Loveland is purchased on the open market?

Approximately 6% of outside electric purchases are made by Platte River Power Authority for Loveland's power supply.

9. How long will this project take to complete?

Per the FEMA Alternate Project timeline the project has to be completed by September 2017; however, the majority of the construction will take place in 2016. Once the site work is completed, the majority of the work will be within the fence line of the project and should not have much impact to the surrounding neighborhoods.

10. Has the city considered the impact this will have on the neighborhoods surrounding this project? We were subjected to 2 years of construction for the Mehaffey Park, huge amounts of dust, dirt and noise.

Yes, we have spent a considerable amount of time discussing the impact to the neighborhoods. We have a tight timeline to complete the project so our hope is to be done quickly. In addition, we plan to build attractive fencing, buffers and lots of attractive landscaping. We hope to use this facility as an educational site with interactive signs that will help teach our customers about solar. This will be the first electric generating project that FEMA has considered as an alternate project. At the next public meeting – the special review meeting, more images and more of the project details will be presented and discussed.

11. Kids are often at the park until 10 pm, how will the security of these facilities be handled?

Security is a consideration at all of our facilities. The security measures will include the use of motion lights, sensors, block walls and secured fencing to prevent access to the facilities.

12. At night this is a highly used area for dumping, how will you prevent damage to the solar panels from people dumping at the site.

The solar facility will be fenced. We expect the fencing to be a 7 to 10 foot chain-link fence. The City will also perform regular security checks at the site.

13. What about the existing trails on the site?

The trails along the west ridge are expected to remain untouched. The Parks Department is considering connecting trails to Mehaffey Park through this area. The other trails through the proposed locations for the substation and solar facility will be removed during the project construction.

Additional FAQ's will be added as they are asked. For questions regarding the Foothills Site - FEMA Alternate Project, please contact Gretchen Stanford, Customer Relations Manager, at Gretchen.Stanford@cityofloveland.org or 970-962-3550.

PC Attachment 4

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

AGENDA ITEM: **15**
MEETING DATE: 10/20/2015
TO: City Council
FROM: Julia Holland, Human Resources
PRESENTER: Julia Holland, HR Director

TITLE:

A Motion Calling An Executive Session To Conduct The Presiding Municipal Judge's Six Month Evaluation

RECOMMENDED CITY COUNCIL ACTION:

Adopt the motion.

OPTIONS:

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

BUDGET IMPACT:

☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

This is an administrative action to conduct an executive session on October 20, 2015, for the purposes of the Presiding Municipal Judge's six month evaluation.

BACKGROUND:

This is an administrative action to conduct an executive session on October 20, 2015, for the purposes of conducting the six month evaluation for the Presiding Municipal Judge.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None