

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 18, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

5:30 P.M. **DINNER - City Manager's Conference Room**
6:30 P.M. **REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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 JANUARY 21, 2014 CITY COUNCIL MINUTES

A Motion to Approve the City Council Meeting Minutes for the January 21, 2014 Regular Meeting

 This is an administrative action to approve the City Council Meeting Minutes from the January 21, 2014 regular meeting. All councilors were present.

2. **PUBLIC WORKS** (presenter: Ken Cooper)

SUPPLEMENTAL APPROPRIATION FOR THE SERVICE CENTER EXPANSION PROJECT

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for the Service Center Expansion Project

 This is an administrative action. The ordinance on second reading appropriates funds for construction contingency on the Service Center Expansion project in the amount of

\$636,150. This ordinance was approved unanimously on first reading by Council at the February 4, 2014 regular meeting. The ordinance appropriates undesignated fund balance reducing the flexibility to fund other projects. The fund balance is the result of actual revenues being higher than projected in the 2013 Budget and from projected 2014 revenue that was not appropriated in the 2014 Budget.

3. **PUBLIC WORKS** (presenter: Dave Klockeman)
CONTRACT EXTENSION OF THE 2014 STREET RESURFACING PROGRAM
A Motion to Approve the Extension of the 2014 Street Resurfacing Program - Concrete Rehabilitation Project Schedule Target Area to JAG's Enterprises, Inc. of Greeley, Colorado in the Amount of \$800,000 and to Authorize the City Manager to Execute the Contract
This is an administrative action. The motion approves the extension of the existing 2011 Street Resurfacing Program-Concrete Rehabilitation Project to JAG's Enterprises, Inc. of Greeley. Funding is available in the adopted 2014 Budget within the annual Street Rehabilitation Program.
4. **PUBLIC WORKS** (presenter: Keith Reester)
IGA FOR THE 2014 FLEX BUS SERVICE
A Motion to Adopt Resolution #R-14-2014 Approving an Intergovernmental Agreement (IGA) Between the City of Loveland, Colorado and the City of Fort Collins, Colorado for Bus Service Between Fort Collins and Longmont for the Calendar Year 2014
This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Fort Collins to provide regional bus service between Fort Collins and Longmont along the U.S. Highway 287 corridor. This service is referred to as the Fort Collins-Longmont Express or FLEX route. This is an IGA for the 2014 calendar year. Funds for the local match portion of the contract (\$100,000) are budgeted into the annual core transit budget.
5. **LIBRARY** (presenter: Marcia Lewis)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR LIBRARY DATABASE
A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Join the Prospector Database for Regional Library Resource Sharing
This is an administrative action. The ordinance on first reading appropriates \$37,080 from funds donated by the Kroh Charitable Trust Funds for the Loveland Public Library to join Prospector, a resource sharing database that provides access to over 2 million items through an online catalog of 40 public and academic libraries in Colorado and Wyoming. The ordinance is funded by outside resources donated to the City.
6. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
PUBLIC HEARING
MINOR CODE AMENDMENTS FOR TITLE 18
A Motion to Approve and Order Published on First Reading an Ordinance Amending Various Sections in Title 18 of the Loveland Municipal Code
This is a legislative action. The ordinance on first reading amends Title 18 of the Loveland Municipal Code. This collection of minor amendments is designed to correct errors, provide consistency, and clarify use allowances within the zoning code.

7. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
PUBLIC HEARING
MINOR CODE AMENDMENTS FOR LIMITED SIGNAGE NORTH CLEVELAND SUB-AREA
A Motion to Approve and Order Published on First Reading an Ordinance Amending Sections 18.16.110, 18.48.020, and 18.50.090 of the Loveland Municipal Code to Permit Limited Signage for Home Occupations in the North Cleveland Sub-Area of the R3e Zone District
This is a legislative action. The ordinance on first reading amends Title 18 of the Loveland Municipal Code. The proposed revisions include text adjustments that allow limited signage for home occupations located in the North Cleveland sub-area of the R3E zone district.
8. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
PUBLIC HEARING
MINOR CODE AMENDMENT FOR VARIANCES BY THE ZONING BOARD OF ADJUSTMENT
A Motion to Approve and Order Published on First Reading an Ordinance on First Reading Amending Section 18.60.020 of the Loveland Municipal Code Pertaining to Variances Granted by the Zoning Board of Adjustment
This is a legislative action. The ordinance on first reading amends the Zoning Board of Adjustment provisions of Title 18 of the Loveland Municipal Code. The proposed revisions clarify the authority of the Zoning Board of Adjustment to grant variances, specifying that the Board has the power to grant variances to properties in all zoning districts and those variances are authorized for dimensional and numerical standards.
9. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PUBLIC HEARING
JAYHAWKER ADDITION ANNEXATION INTENT
A Motion to Approve Resolution #R-15-2014 Stating the Intent of the City of Loveland to Annex Certain Property and Initiating Annexation Proceedings for Such Property to be Known as the "Jayhawker Addition" to the City of Loveland
This is a legislative action to consider a resolution setting a public hearing date of April 1, 2014 for City Council to review annexation of approximately 33 acres known as the Jayhawker Addition. The applicant is the City of Loveland. The property is generally located on the south side of West 1st Street and east of South Taft Avenue. It is comprised to two parcels; one being the City Jayhawker Ponds (approximately 30.77 acres) and the other being a parcel of land owned by Lee and Patricia Swisher (approximately 1.82 acres). Collectively, these two parcels represent an enclave as defined in C.R.S. 31-12-103 (4) within the City's Growth Management Area (GMA). Section 4.0 of the Intergovernmental Agreement for Growth Management (IGA) between the City of Loveland and Larimer County requires the City to pursue annexation of enclaves, whether voluntarily or involuntarily, as expeditiously as possible.
10. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
PUBLIC HEARING
VACATION OF EASEMENT FOR MARIANA COVE
A Motion to Approve and Order Published on First Reading an Ordinance Vacating a Portion of a Utility and Drainage Easement on Lot 7, Block 7, Mariana Cove PUD Subdivision, City of Loveland
This is a legislative action. The ordinance on first reading approves the vacation of a 15-foot wide portion of a utility and drainage easement along the south side of Lot 7, Block 7, Mariana Cove PUD Subdivision. The owner of the property is Dan Wester.

11. **FIRE & RESCUE AUTHORITY** (presenter: Randy Mirowski)
IGA MUTUAL AID AGREEMENT WITH RIST CANYON FIRE DEPARTMENT
A Motion to Adopt Resolution #R-16-2014 Approving an Intergovernmental Automatic Mutual Aid Agreement between the Loveland Fire Rescue Authority and the Rist Canyon Volunteer Fire Department
This is an administrative action to consider a resolution approving an Intergovernmental Automatic Mutual Aid Agreement between the Loveland Fire Rescue Authority (LFRA) and the Rist Canyon Volunteer Fire Department. The IGA will be considered by the LFRA Board on February 13, 2014.
12. **FIRE & RESCUE AUTHORITY** (presenter: Randy Mirowski)
PURCHASE ORDER FOR 100' PLATFORM TRUCK
A Motion to Approve the Purchase of a 100' Platform Truck from Pierce Manufacturing, Inc. for an Amount Not to Exceed \$1,111,280 and Authorize the City Manager to Sign the Purchase Order on Behalf of the City of Loveland
This is an administrative action. The truck purchase was included in the 2014 Capital Program Fund Budget (see page 22-9 and 22-33 of the 2014 Adopted Budget) for \$1,458,610. The difference between the budget and the contract price will be used to purchase some additional equipment needed to make the truck service ready, but all within the appropriated budget. Pursuant to Chapter 3.12 of the City Code, purchases exceeding \$500,000 must be approved by City Council.
13. **WATER & POWER** (presenter: John McGee)
IGA REGARDING RIVER GAGES
A Motion to Adopt Resolution #R-17-2014 Approving an Intergovernmental Agreement Between the City of Loveland, Colorado and the U.S. Geological Survey, United States Department of the Interior for Operation and Maintenance of a Streamflow Gaging Station and a Precipitation Gage
This is an administrative action to approve an intergovernmental agreement (IGA) with the US Geological Survey (USGS) for operation and maintenance of two gages. The City and USGS have partnered on this project for many years, and each annual IGA was signed by the City administratively. However, now that the City's costs under the IGA exceed \$10,000, City Council approval is required according to City Code Section 2.08.030. There is a negligible impact to the budget because of the low dollar amount experienced so far. The Water Resources Fund will be used to pay for the annual operation and maintenance of the flow gaging station and the precipitation gaging station.
14. **WATER & POWER** (presenter: Greg Dewey)
CONVERSION OF COLORADO BIG THOMPSON (CBT) UNITS
A Motion to Approve Resolution #R-18-2014 of the Loveland City Council Authorizing an Application to, and Contract with, the Northern Colorado Water Conservancy District for Beneficial use of 50 Acre-Feet Of Colorado Big Thompson Project Water
This is an administrative action to adopt a resolution approving the conversion of 50 Colorado Big Thompson (CBT) units acquired during 2013 from a Temporary Use Permit to a Permanent Section 131 Contract. The units were purchased in 2013. No additional costs are associated with the conversion.
15. **WATER & POWER** (presenter: Melissa Morin)
PUBLIC HEARING
AMENDMENTS CONCERNING WATER AND WASTEWATER REIMBURSEMENTS

AND OVERSIZING

1. A Motion to Approve and Order Published on First Reading an Ordinance Amending the Loveland Municipal Code at Chapters 13.04 and 13.08 to Revise the City's Water and Wastewater Reimbursement and Oversizing Policies and to Relocate the Policies from the City's Water and Wastewater Development Standards to the Loveland Municipal Code

This is a legislative action to amend the Municipal Code concerning reimbursements for water and wastewater line extensions, major structures and oversizing of lines.

2. A Motion to Approve Resolution #R-19-2014 Amending Section 1.10 of the City of Loveland Water and Wastewater Development Standards Concerning Reimbursements for Water and Wastewater Main Extensions, Major Structures, and Oversizing

This is a legislative action to update Section 1.10 of the City's Water and Wastewater Development Standards to reflect the changes to the Municipal Code concerning reimbursements for water and wastewater line extensions, major structures and oversizing of lines. The Loveland Utilities Commission unanimously recommended adoption of both the Ordinance and the Resolution at its September 18, 2013 meeting. The Construction Advisory Board unanimously recommended adoption of both the Ordinance and the Resolution at its January 22, 2014 meeting.

16. WATER & POWER (presenter: Briana Reed-Harmel) PUBLIC HEARING

CODE AMENDMENT FOR ELECTRIC LINE EXTENSION

A Motion to Approve and Order Published on First Reading an Ordinance Amending the Loveland Municipal Code at Chapter 13.12 Regarding Electricity to Adopt an Electric Line Extension Policy and to Clarify Existing Electric Service Requirements

This is a legislative action to amend the Municipal Code concerning electric line extensions and oversizing of lines. The Loveland Utilities Commission unanimously recommended adoption of the ordinance at the September 18, 2013 meeting. The Construction Advisory Board unanimously recommended adoption of the ordinance at the January 22, 2014 meeting.

17. PARKS & RECREATION (presenter: Brian Hayes) PUBLIC HEARING

SALE OF A PORTION OF LONG VIEW FARM OPEN SPACE

A Motion to Approve and Order Published on First Reading an Ordinance Authorizing the Conveyance of the City of Loveland's one Sixth Fee Title Interest in a Portion of Long View Farm Open Space to the State of Colorado, Approving an Amendment to the Related Declaration of Covenants, Conditions and Restrictions, and Granting an Adjacent Temporary Easement to Permit Access and Work by the Colorado Department of Transportation

This is an administrative action. The ordinance on first reading authorizes the City to convey its 1/6 interest and grant a temporary easement to the State for road and drainage improvements at the intersection of U.S. Highway 287 and S.H. 392 (Carpenter Road), and to modify the associated covenants to allow for the improvements. The Colorado Department of Transportation (CDOT) is in the process of planning and designing a project at the intersection of U.S. Highway 287 and S.H. 392 (Carpenter Road) in order to provide a more efficient turning radius and as part of that project will be improving drainage. The State is seeking to purchase land that is jointly owned by the City, Larimer County and Fort Collins for these improvements and seeks a temporary easement for access and construction of the improvements. Open Lands Sales Tax Fund 202 will receive approximately \$177.67 in net proceeds from the sale of the small

corner of the Long View Farm Open Space.

**18. HUMAN RESOURCES (presenter: Julia Holland and Karen Rees)
EMPLOYEE RECOGNITION FOR FLOOD RESPONSE**

A Motion to Adopt Resolution #R-20-2014 Approving Time Off for City Employees In Recognition of City Employees' Flood Response Efforts

This is an administrative action for Council to consider recognition for City employee efforts resulting from the 2013 Flood. On January 21, 2014, City Council requested staff bring a recommendation providing employees with an additional day of paid time off to recognize their efforts and dedication to the community during the 2013 Flood. Staff recommends providing all regular benefit-eligible employees the equivalent to one day paid time off and providing four hours paid time off for non-benefit eligible employees based on involvement in flood recovery efforts. The City's 2014 adopted Budget does not include funding for the costs of the recommended action or alternative options reviewed. However, the costs will result in City Departments absorbing the soft or hard costs of the time off through their personnel/salary budgets.

**19. FINANCE (presenter: Brent Worthington)
FINANCIAL REPORT-DECEMBER 2013**

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 December 31, 2013.

**20. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT- DECEMBER 2013**

This is an information only item. The budget estimate for investment earnings for 2013 was \$2,760,420. Reports from institutions at which the City holds investments indicate the gross interest earnings and realized gains in 2013 exceeded \$2.2 million. After accounting adjustments, the net amount posted to the investment account was \$1,447,360. During the year, several high interest rate corporate bonds matured, so future yields will be lower. The estimated annualized yield on market value for securities held by US Bank at the end of December was 1.07%. The yield is below the annual target rate of 1.20% for 2013. Reinvestment rates have risen recently after being at near record low levels.

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

21. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF JANUARY 28, 2014 STUDY SESSION MINUTES
A Motion to Approve the City Council Study Session Meeting Minutes for the January 28, 2014 Study Session
This is an administrative action to approve the City Council Study Session Minutes from the January 28, 2014 Study Session. Councilors McKean, Fogle, Taylor and Krenning were absent.
22. **FINANCE** (presenter: John Hartman)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR 2014 FLOOD RELATED PROJECTS
A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Flood Related Projects
This is an administrative action. The ordinance on first reading appropriates funding for engineering costs to determine the scope of several projects and the cost to repair several facilities from damage that occurred as a result of the 2013 Flood. The total appropriation net of transfers is \$10,494,930. Depending on the final determinations from FEMA on eligible costs, and other grant opportunities that may arise, the City's share of these costs will be between \$1,000,000 and \$1,800,000. The appropriation uses existing balance within several funds as the funding source. This reduces the ability to fund future projects in the short term. Over the long term, most of these costs will be reimbursed through insurance payments or FEMA and State distributions. When these reimbursements are received, the fund balances will increase allowing for use on other projects.
23. **CITY ATTORNEY** (presenter: John Duval)
Update on Status of Sarner v. City of Loveland Lawsuit Pending in Larimer County District Court
This is primarily an information item concerning the Order issued in the Larimer County District Court deciding the *Sarner v. City of Loveland* lawsuit. City Council may want to give the City Attorney additional direction as to how the Council would like this lawsuit to proceed from the City's perspective. Depending on the nature of that direction, an executive session may be advisable.
24. **CITY COUNCIL**
APPOINTMENT OF PLANNING COMMISSIONER
Discuss and decide the method of interview of applicants and recommendation for a vacancy on the Planning Commission. This item is placed on the agenda at the request of four City Council members. Applications have been closed and the applicants are: Alexi Greiwal, Jeremy Jersvig, and Bob Massaro.

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