

AGENDA
LOVELAND CITY COUNCIL MEETING
LOVELAND GID BOARD OF DIRECTORS
TUESDAY, FEBRUARY 16, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

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

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

(6:00 P.M.) (NOTE NEW TIME) **REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

(6:05) MISS LOVELAND VALENTINE 2016: ALICE MUELLER

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.

(6:15) CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve The City Council Meeting Minutes For The January 12, 2016 Study Session and The January 19, 2016 Regular Meeting
This is an administrative action to approve the City Council meeting minutes for the January 12, 2016 Study Session the January 19, 2016 Regular Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CULTURAL SERVICES BOARD, HUMAN SERVICES COMMISSION, LIBRARY BOARD, PARKS AND RECREATION COMMISSION AND VISUAL ARTS COMMISSION
 1. Adopt a motion to reappoint Juanita Cisneros to the Cultural Services Board a term effective until December 31, 2019.
 2. Adopt a motion to appoint Suzanne Janssen to the Cultural Services Board a term effective until December 31, 2019.
 3. Adopt a motion to appoint Krystal Rowland to the Human Services for a partial term effective until June 30, 2017.
 4. Adopt a motion to appoint Carolyn Benson to the Human Services for a partial term effective until June 30, 2018.
 5. Adopt a motion to appoint Maren Soreide as an alternate member on the Human Services Commission for a term effective until June 30, 2016.
 6. Adopt a motion to reappoint Sandy Darby to the Library Board for a term effective until December 31, 2020.
 7. Adopt a motion to appoint Sue Mullins as an alternate member on the Library Board for a term effective until December 31, 2016.
 8. Adopt a motion to reappoint Gene Alvine to the Parks and Recreation Commission for a term effective until December 31, 2018.
 9. Adopt a motion to reappoint Deborah Manderscheid to the Parks and Recreation Commission for a term effective until December 31, 2018.
 10. Adopt a motion to reappoint Leighton Millar to the Parks and Recreation Commission for a term effective until December 31, 2018.
 11. Adopt a motion to appoint Constance Faber to the Parks and Recreation Commission for a partial term effective until December 31, 2016.
 12. Adopt a motion to reappoint Greg Hoff to the Visual Arts Commission for a term effective until December 31, 2018.
 13. Adopt a motion to reappoint Judy O'Gorman to the Visual Arts Commission for a term effective until December 31, 2018.
 14. Adopt a motion to reappoint Margaret Rosborough to the Visual Arts Commission for a term effective until December 31, 2018.
 15. Adopt a motion to appoint Jade Windell as an alternate member on the Visual Arts Commission for a term effective until December 31, 2016.
 16. Adopt a motion to appoint Sara Turner to the Visual Arts Commission for a term effective until December 31, 2018.
This is an administrative item appointing members to the Cultural Services Board, Human Services Commission, Library Board, Parks and Recreation Commission and Visual Arts Commission.

3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
VACATION OF EASEMENTS FOR PETCO AT ORCHARDS SHOPPING CENTER
 1. A Motion To Adopt On Second Reading, Ordinance #5993 Vacating An Easement Located Within Lots 4 And 5, Replat Of Tract "G" Of Orchards Addition, City Of

Loveland, County Of Larimer, State Of Colorado

2. A Motion To Adopt On Second Reading, Ordinance #5994 Vacating A Portion Of A Reciprocal Private Access, Utility And Drainage Easement Located Within Lot 2, Block 1 Of The Orchards Thirteenth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

This is a legislative action to adopt two associated ordinances, on second reading, vacating easements within the Orchards Addition and Orchards Thirteenth Subdivision – located east of N. Garfield Avenue and north of E. 29th Street. This item is associated with plans to locate a Petco retail store in the Orchards Shopping Center. A small private access, drainage, and utility easement is of no consequence to the City because it is private and includes no public utilities. A larger, triangular shaped easement, however, contains public utilities. In order to vacate this triangular-shaped easement, a new easement will be dedicated and utilities rerouted. On January 19, 2016, City Council unanimously approved these vacations on first reading.

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

**4. DEVELOPMENT SERVICES (presenter: Troy Bliss)
PROPERTY INCLUSION WITHIN THE GID**

A Motion To Adopt On Second Reading, Ordinance #5995 Granting A Petition For Inclusion Of The West Fifty Feet Of SW Block 34, Everetts Subdivision, City Of Loveland, County Of Larimer Within The Loveland General Improvement District No. 1 In Loveland, Colorado

This is a legislative action to consider adoption of an ordinance, on second reading, to include the property legally described as the west 50 feet of the southwest portion of Block 34, Everetts Subdivision, City of Loveland, County of Larimer, State of Colorado in the General Improvement District (GID). This property includes an existing two-story building and a single family home. The owner (Charles Salwei) wishes to renovate the two story building generally located at the northeast corner of N. Jefferson Avenue and E. 3rd Street (348 N. Jefferson Avenue) for additional apartment units and office use. On January 19, 2016, City Council unanimously approved this request for inclusion into the GID on first reading.

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

**5. PARKS AND RECREATION (presenter: Marilyn Hilgenberg)
GREAT OUTDOORS COLORADO GRANT**

Motion to Adopt On Second Reading, Ordinance #5996 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for the Ward Trust Property Open Lands Acquisition.

This is an administrative item. The City applied for and was awarded a Great Outdoors Colorado (“GOCO”) grant for the Ward Trust Property Open Lands Acquisition, which includes the acquisition of a 73-acre parcel and associated George Rist Ditch water rights. This is an administrative action to approve the grant agreement and authorize the City Manager to sign the agreement on behalf of the City. In addition, the ordinance appropriates funding for the acquisition of the Ward Trust Open Lands Acquisition. On January 19, 2016, City Council unanimously approved this ordinance on first reading.

**6. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)
PUBLIC COMMENT**

DESIGN OF FIRE TRAINING GROUNDS

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental

Budget And Appropriation To The 2016 City Of Loveland Budget For Design Of The Fire Training Grounds

This is an administrative action to conduct a public hearing and consider approval on first reading of \$321,442 supplemental appropriation to carryover funding appropriated in 2015 from Fire Capital Expansion Fees and meet actual project costs based on the Request for Proposal process for the design of the Fire Training Grounds.

7. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
PUBLIC COMMENT
ROSSUM DRIVE PROPERTY SALE
A Motion To Approve On First Reading, An Ordinance Authorizing the Sale of Real Property Located within the City of Loveland on Rossum Drive Pursuant to Section 4-7 of the City of Loveland Municipal Charter
This is an administrative action on first reading regarding the sale of City property on Rossum Drive for \$145,000. The City of Loveland owns 1.83 acres on Rossum Drive located near 1220 Rossum Drive along West Highway 34. The property was purchased in 2002 for \$230,000 with fire capital expansion fees for a future station location. In 2015, a separate developer attempted to purchase the property along with an adjoining property to build a senior living facility. That proposed purchase agreement required that the developer rezone the two properties and the Loveland Planning Commission rejected the rezoning request in October, 2015. This new \$145,000 cash offer is from a neighbor who lives east of the property, and is \$10,000 more than the previous purchase offer.

8. **CITY MANAGER** (presenter: Alan Krcmarik)
PUBLIC COMMENT
SID BOND APPROPRIATIONS
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Special Improvement District No. 1 Budget For Bond Appropriations
This is an administrative action. The City of Loveland recently completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. The proposed Ordinance appropriates the final payments on the old bond (Series 2007) and the revenue generated from the new refunding bond.

9. **PUBLIC WORKS** (presenter: Jeff Bailey)
NORTH TAFT AVENUE BRIDGE IGA
A Motion to Adopt Resolution #R-14-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, For Design And Construction Of The Taft Avenue Bridge Replacement And Widening Project In Loveland, Colorado
This is an administrative action for City Council approval of an IGA with CDOT, to authorize the use of Federal grant funds to replace the structurally deficient bridge on Taft Avenue over the Big Barnes Ditch. The grant award is \$736,000.00 to be used specifically for bridge replacement and roadway tie-in construction with CDOT serving as administrator. While the local matching fund requirement for the bridge replacement project is \$184,000, the project as proposed also incorporates a road widening component extending north from the bridge to just south of 11th Street. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work.

10. **WATER & POWER** (presenter: Larry Howard)
WINDY GAP AND CITY AGREEMENT
A Motion to Adopt Resolution #R-17-2016 Approving and Authorizing the Execution of a Fifth Interim Agreement with the Municipal Subdistrict, Northern Colorado

Water Conservancy District Windy Gap Firing Project Water Activity Enterprise (Fifth Interim Agreement), for Participation in the Windy Gap Firing Project

Loveland's portion of the proposed Fifth Interim Agreement for costs expected during calendar year 2016 is \$1,118,956, due by March 1, 2016. This is based upon Loveland's current subscription of 7,000 acre-feet of storage capacity in the project expected to be permitted for a total of 90,000 acre-feet. Existing environmental permitting is underway but not yet complete but is expected to be completed during the year. The Fifth Phase of the Project consists of the continuation of work to obtain local, state and federal permits and approvals required for the Project; detailed engineering design including preparation of plans and specifications for contractor procurement; additional land acquisition; planning and implementation of required mitigation and enhancement measures; development of contracts and other agreements that will be required to integrate the Project with the Windy Gap Project; development of alternatives for financing the Project; and related activities. Sufficient 2016 budgeted funds exist for this purpose in the Raw Water budget, Project W038AA.

11. WATER & POWER (presenter: Kim Frick)

BIG THOMPSON WATER PROJECT CONTRACT

A Motion to Adopt Resolution #R-18-2016 Of The Loveland City Council Authorizing An Application To, And Contract With, The Northern Colorado Water Conservancy District For Beneficial Use Of 50 Acre-Foot Units Of Colorado Big Thompson Project Water

This is an administrative action to adopt a resolution approving the conversion of 50 Colorado-Big Thompson ("C-BT") units acquired during 2015 from a Temporary Use Permit to a Permanent Section 131 Contract.

12. CITY MANAGER (presenter: Alan Krcmarik)

INVESTMENT REPORT FOR DECEMBER 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 was an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the fixed income securities held by USBank was at 1.29%, for total assets the yield was 1.19%. For December, earnings of \$159,111 were posted to City funds and the year to date total is \$2,014,901, exceeding the annual target by \$255,821. U.S. short-term Treasury interest rates rose again in December; the portfolio's unrealized loss rose from \$382,337 in November to \$777,052 in December. The end of December portfolio market value is estimated to be \$213.3 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.

13. FINANCE (presenter: Brent Worthington)

FINANCIAL REPORT FOR DECEMBER 2015

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, 2015.

14. CITY CLERK'S OFFICE (presenter: Terry Andrews)

COUNCIL MEETING DATE CHANGE

A Motion Moving The March 1, 2016 Regular Meeting Of City Council To February 29, 2016 At 6:00 P.M. And Canceling The March 8, 2016 Study Session.

This is an administrative action. City Council requested Staff provide a motion to move the March 1, 2016 City Council meeting to February 29, 2016 at 6:00 P.M. Without a quorum, due to the National League of Cities annual conference, the March 8, 2016 Study Session will be cancelled.

15. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)
A Motion Calling For A Special Meeting To Be Held Tuesday, February 23, 2016 At 6:30 P.M. In The City Council Chambers. The Purpose Of The Special Meeting Is To Update City Council On The South Catalyst Project. This Special Meeting Could Include An Executive Session.

This is an administrative action item being brought to Council by the Economic Development Department to call for a Special meeting, which may include an Executive Session per 24-6-402 C.R.S. The purpose of this Special meeting is to discuss and update City Council on the South Catalyst Project.

END OF CONSENT AGENDA

- (6:35) **CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

- (6:40) **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

- (6:55) 16. **CITY MANAGER** (presenter: Bill Cahill)
LARIMER COUNTY SOLID WASTESHED POLICY GROUP
A Motion For The Appointment Of Council Member To Larimer County Solid Wasteshed Planning Coalition Policy Group

This is an administrative item appointing a Council Member to the Larimer County Solid Wasteshed Planning Coalition Policy Group.

- (7:15) 17. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC HEARING

LEE FARM METRO DISTRICT 1-4 SERVICE PLAN

A Motion to Adopt Resolution #R-15-2016 Approving the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 - 4

This resolution is an administrative action to approve the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 – 4 (the "Districts"). The Districts are generally located west of Wilson Avenue between West 35th Street and West 43rd Street in the City of Loveland. They consist of approximately 247 acres for primarily residential development. The Districts will provide for the design, acquisition, installation, construction, financing, operations, and maintenance of streets, traffic and safety signals, sewer, water, and parks and recreation facilities within the boundaries of the Districts. A mill levy cap of 65 mills is proposed for the Districts, subject to certain adjustment provisions.

**(8:00) 18. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)
EXCLUSIVE NEGOTIATION AGREEMENT**

**A Motion to Adopt Resolution #R-16-2016 Of The Loveland City Council Approving
The Execution Of An Exclusive Negotiation Agreement With Brinkman Capital, LLC
For The South Catalyst Project**

This is an administrative action. At the January 19, 2016 regular meeting, the City Council directed City staff to bring the Exclusive Negotiation Agreement with Brinkman Capital, LLC to Council for consideration. The Exclusive Negotiation Agreement is a contract with the developer as the City's exclusive development partner. If approved, City staff along with the downtown stakeholder groups will begin negotiation on a development agreement for the South Catalyst project. Both parties anticipate completing the draft terms of agreement prior to the August 2, 2016 deadline.

(9:00) BUSINESS FROM CITY COUNCIL

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

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN