

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

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

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

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

Anyone making a comment during any portion of tonight’s meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

(6:05) CONSENT AGENDA

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

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

3. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington)
BROADBAND INITIATIVE
A Motion To Approve On Second Reading, Ordinance #6006 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative
This is an administrative action item. The City of Loveland Broadband Project Team is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland. We are requesting an appropriation of \$250,000 for the 2016 budget from the General Fund. This initial budget is intended to cover expenses for broadband studies, community engagement, marketing and other items that may be needed for the initial broadband initiative. This supplemental appropriation is shown as a negative budget impact as no 2016 Budgeted funds were identified for this item pending the outcome of the community vote on Broadband ballot issue. Now with the release of a consultant Request for Proposal (RFP) staff has taken some time to prepare some estimated costs for upcoming tasks anticipated for the next phase of work on the community issue. The remaining unassigned General Fund balance will be \$6,446,959 if approved. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

4. **DEVELOPMENT SERVICES** (presenter: John Schumacher)
AMENDMENT TO BUILDING CODE LOT LINE CONSOLIDATION REQUIREMENT
A Motion To Approve On Second Reading, Ordinance #6007 Amending Paragraph U. Of Section 15.10.020 Of The Loveland Municipal Code To Permit Property Owners With Residential Property Or Structures Thereon That Cross Interior Lot Lines To Construct Additions And Certain Accessory Structures
This is a legislative action item. This proposed amendment to the 2012 International Residential Code (IRC) aligns the City's pre-1967 land subdivision practices with the current IRC requirements for fire safety and separation by allowing residential property owners, under certain conditions, the ability to renovate, increase, or add to residential property that spans multiple lot lines without consolidating the multiple lots into a single lot, thereby saving property owners several thousand dollars in each instance. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

5. **FINANCE** (presenter: Matthew Elliott)
ROLLOVER RE-APPROPRIATIONS
A Motion To Approve On Second Reading, Ordinance #6008 Enacting A Supplemental Budget And Re-Appropriation To The 2016 City Of Loveland Budget For Projects Appropriated But Not Completed In 2015
This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total net expenditures (total expense less transfers)

included in the ordinance is \$46,676,794. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

**6. FINANCE (presenter: Matthew Elliott)
ROLLOVER RE-APPROPRIATION FOR AIRPORT PROJECTS**

A Motion To Approve On Second Reading, Ordinance #6009 Enacting A Supplemental Budget And Re-Appropriation To The 2016 Ft. Collins-Loveland Municipal Airport Budget To Appropriate Funds For Projects Approved But Not Completed In 2015

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

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

**7. FINANCE (presenter: Matthew Elliott)
LURA RE-APPROPRIATION FOR THE FAÇADE GRANT PROGRAM**

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

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

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

**8. FINANCE (presenter: Matthew Elliott)
NEW APPROPRIATIONS**

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

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

If the request is approved there will be \$5,923,249 remaining in unassigned General Fund balance, \$3,512,439 remaining in unassigned Conservation Trust Fund balance, \$106,479 in unassigned PEG Fee Fund balance, \$1,571,726 in unassigned Open Lands Capital Expansion Fee Fund balance, & \$3,390,000 in unassigned Employee Benefits Fund balance. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

**9. LOVELAND POLICE DEPARTMENT (presenter: Bill Cahill)
APPROPRIATION FOR POLICE OFFICERS
A Motion To Approve On Second Reading, Ordinance #6012 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers**

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

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

A Motion to Adopt Resolution #R-26-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Town Of Windsor, Colorado Regarding The Grant Of Easement Rights For A Public Recreational Trail
This is an administrative action item. This Resolution, IGA and grant of easement is being proposed by the Town of Windsor to allow for a proposed ten-foot wide concrete trail system adjacent to the Highland Meadows Golf Course Subdivision and portions of trail to be constructed within City of Loveland right-of-way to serve as the public sidewalk connection along the east side of Fairgrounds Avenue adjacent to the Highland Meadows Golf Course Subdivision. The proposed trail will substitute for a standard detached sidewalk as required by the Larimer County Urban Area Street Standards.

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

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

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

12. PUBLIC WORKS (presenter: Jeff Bailey)

IGA FOR COUNTY ROAD 3 CONSTRUCTION AND MAINTENANCE

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

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

**13. CITY MANAGER (presenter: Bill Cahill)
APPOINTING MEMBERS TO THE DDA BOARD**

A Motion to Adopt Resolution #R-29-2016 Appointing Members To The Downtown Development Authority Board

This is an administrative item appointing Ray Steele, Jr. to the Downtown Development Authority Board for a partial term effective until June 30, 2016.

**14. HUMAN RESOURCES (presenter: Karen Rees)
EMPLOYEE CLINIC CONTRACT RENEWAL**

A Motion to Approve the City Employee Clinic (Healthstat) Contract Renewal Of The Contract Dated May 2, 2014 Between The City And Healthstat, Inc, For Operation Of The City Employee Clinic

This is an administrative annual process to continue the contract with Healthstat for operation of the Employee Clinic and related services. The agreement may cover operations and services for up to five years. The contract runs from May 1, 2016 to April 30, 2017. Expenditures will be an amount not to exceed \$569,000. Healthstat will provide clinic services to eligible participants during the period as outlined in the contract. The amount of \$569,000 is within the projected and approved 2016 Budget. Staff came before City Council on October 13, 2015 with an update regarding the Healthstat Employee Clinic.

END OF CONSENT AGENDA

(6:15) CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:20) PUBLIC COMMENT

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

PROCEDURAL INFORMATION

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REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

- (7:00) 15. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
SOUTH CATALYST DEMOLITION CONTRACT
A Motion to Authorize the City Manager to Execute the Contract Award For The South Catalyst Project Abatement And Demolition
This is an administrative action directing the City Manager to sign the contract with Hudspeth & Associates, Inc. to perform the abatement and demolition for the South Catalyst project. Hudspeth's bid of \$543,820.50 was deemed the most responsive and responsible by staff. Hudspeth is General Abatement Contractor (GAC) based out of Englewood, Colorado. Because the contract exceeds \$500,000 it requires City Council approval. No appropriation is necessary; funds are already budgeted.

- (7:45) **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 MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 5, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

PLEDGE OF ALLEGIANCE

ROLL CALL, Councilors Present: Gutierrez, Fogle, Johnson, Ball, Clark, and Overcash. **Councilor Shaffer** arrived at 6:47 P.M. **Councilors Absent:** McKean and Krenning.

A proclamation declaring April 15, 2016 as Arbor Day was read by Mayor Pro Tem Fogle and accepted by Parks' Forestry Specialist, Rob MacDonald.

A proclamation declaring April 18, 2016 as Colorado's Children's Day was read by Councilor Overcash and accepted by Michael Selbert. Mr. Selbert announced festivities would be held on April 18, 2016 between 1 and 4 p.m. in the Civic Center Complex.

A proclamation declaring April as Fair Housing Month was read by Councilor Johnson and accepted by Martin Luther King Jr. Committee members, Rev. Laurel Liefert and Trish Murtha.

A proclamation declaring April 10-16, 2016 as Week Of The Young Child was read by Councilor Dave Clark and accepted by Shanda Schlangenhoff and Lamb Caro.

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Councilor Clark asked for **Items 3 and 4** to be moved to the Regular Agenda and **Councilor Overcash** asked for **Item 9** to be moved to the Regular Agenda. **Mayor Pro Tem Fogle** moved to approve the consent agenda with the exception of items 3, 4 and 9. The motion seconded by **Councilor Clark** carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For the March 15, 2016 Regular Meeting and the March 22, 2016 Study Session was approved.
 This is an administrative action item to approve the City Council minutes for the March 15, 2016 regular meeting and the March 22, 2016 study session.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE SENIOR ADVISORY BOARD
 1. **Adopt a motion to reappoint Julie Demaree to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**
 2. **Adopt a motion to reappoint Marigail Jury to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**
 3. **Adopt a motion to reappoint Richard Zlamany to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**
 This is an administrative action item appointing members to the Senior Advisory Board.

3. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC COMMENT
LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS
 This item was considered on Regular Agenda.

4. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington)
PUBLIC COMMENT
BROADBAND INITIATIVE
 This item was considered on Regular Agenda.

5. **DEVELOPMENT SERVICES** (presenter: John Schumacher)
PUBLIC COMMENT
AMENDMENT TO BUILDING CODE LOT LINE CONSOLIDATION REQUIREMENT
A Motion To Approve On First Reading, An Ordinance Amending Paragraph U. Of Section 15.10.020 Of The Loveland Municipal Code To Permit Property Owners With Residential Property Or Structures Thereon That Cross Interior Lot Lines To Construct Additions And Certain Accessory Structures was approved.
 This is a legislative action item. This proposed amendment to the 2012 International Residential Code (IRC) aligns the City's pre-1967 land subdivision practices with the current IRC requirements for fire safety and separation by allowing residential property owners, under certain conditions, the ability to renovate, increase, or add to residential property that spans multiple lot lines without consolidating the multiple lots into a single lot, thereby saving property owners several thousand dollars in each instance.

6. **FINANCE** (presenter: Matthew Elliott)
PUBLIC COMMENT
ROLLOVER RE-APPROPRIATIONS
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 City Of Loveland Budget For Projects Appropriated But Not Completed In 2015 was approved.
 This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total net expenditures (total expense less transfers)

included in the ordinance is \$46,676,794. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

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

PUBLIC COMMENT

ROLLOVER RE-APPROPRIATION FOR AIRPORT PROJECTS

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 Ft. Collins-Loveland Municipal Airport Budget To Appropriate Funds For Projects Approved But Not Completed In 2015 was approved.

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

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

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

PUBLIC COMMENT

LURA RE-APPROPRIATION FOR THE FAÇADE GRANT PROGRAM

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

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

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

9. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)

HABITAT FOR HUMANITY FEE WAIVERS

This item was considered on Regular Agenda.

10. **CULTURAL SERVICES** (presenter: Susan Ison)

VISUAL ARTS COMMISSION MEETING SCHEDULE

A Motion to Adopt Resolution #R-23-2016 Amending The Scheduled Meeting Times Of The City Of Loveland Visual Arts Commission was approved.

This is an administrative action item. City Council liaison, Leah Johnson, is unable to attend Visual Arts Commission meetings at the regularly scheduled second Thursday of the month, 5:00PM at the Museum. This Resolution changes the regular meeting date to the first Thursday of the month, 5:00 PM at the Museum.

11. PUBLIC WORKS (presenter: Jeff Bailey) STREET RESURFACING CONCRETE

A motion approving the 2016 Street Resurfacing Concrete Rehabilitation Program was approved.

This is an administrative action item. Extension of an existing Contract for Concrete Rehabilitation for the 2016 Street Resurfacing Program to JAG's Enterprises, Inc., of Greeley, Colorado in the amount of \$700,000.00 and Authorization for City Manager to execute the contract. The contract documents for the 2015 Street Resurfacing Concrete Rehabilitation Program included a clause to allow the extension of the contract for three additional years in one-year periods, if beneficial to both parties. 2016 is the first extension year for the TA contract which covers our concrete maintenance needs in advance of our asphalt paving operations of City streets.

12. PUBLIC WORKS (presenter: Jeff Bailey) STREET RESURFACING ASPHALT PAVING

A motion approving the 2016 Street Resurfacing Program, Asphalt Paving Schedule was approved.

This is an administrative action item. Extension of an Asphalt Maintenance Contract for Asphalt Paving for the 2016 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$1,270,000.00 and Authorization for City Manager to execute the contract. The contract documents for the 2014 Street Resurfacing Program included a clause to allow the extension of the contract for three additional years in one-year periods, if beneficial to both parties. 2016 is the second extension year for the AP contract which covers our asphalt paving and maintenance of City streets.

13. FINANCE (presenter: Brent Worthington) FEBRUARY 2016 FINANCIAL REPORT

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of February 29, 2016. Citywide Revenue (excluding internal transfers) of \$40,314,370 is 88.1% of year to date (YTD) budget or \$5,464,474 under the budget. Sales Tax collections are 101.2% of the YTD budget or \$87,621 over budget. Building Material Use Tax is 130.4% of YTD budget, or \$89,245 over budget. Sales and Use Tax collections combined were 105.3% of YTD budget or \$431,121 over budget. When the combined sales and use tax for the current year are compared to 2015 for the same period last year, they are higher by 12.7% or \$964,260.

14. CITY MANAGER (presenter: Alan Krcmarik) FEBRUARY 2016 INVESTMENT REPORT

This is an information only item. The budget projection for investment earnings for 2016 is \$2,229,818. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the February monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.29%, for total assets the yield was 1.17%. For January and February, total earnings of \$186,110 were posted to City fund

accounts; the year-to date target was \$364,987. U.S. short-term Treasury interest rates fell slightly in February; the portfolio's change in unrealized gain for the year-to-date was \$1.65 million. The end of January portfolio market value is estimated to be \$212.7 million. The total amount of the portfolio is lower than the end of 2015 by \$4.5 million. The peak amount for the portfolio was reached before the 2013 flood when it had 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.

Bruce Croissant, 1629 Jackson Ave., expressed concern regarding the Planning Commission interpretation of a sign code definition regarding "measurement of 500 feet abutting". Mr. Croissant also identified concern with the lack of "citywide" (all 4 Wards and party affiliation) representation on the Planning Commission. Mayor Gutierrez indicated he would request four councilors to support a discussion of the sign code issue to be placed on a future agenda.

Dr. Victoria Gardner, 2731 Lynn Ct., expressed concern regarding discarded items located in the dumpsters in "multiple unit" rental locations. Ms. Gardner suggested the City provide "donation stations" for people to place "gently used" items for pick up by not for profit organizations.

PROCEDURAL INFORMATION

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REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

3. CITY ATTORNEY (presenter: Tami Yellico)

LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS

City Attorney, Tami Yellico introduced this administrative action item to waive certain capital expansion fees (CEFs) and other impacts fees assessed to Larimer County by the City in the amount of approximately \$369,365.32 for the construction of a new animal shelter within the City and not to require reimbursement of such fees to the CEFs by the general fund or other fund. Larimer County Attorney, George Hass gave Council the rationale for the County's position. There were no public comments made. **Councilor Clark moved to continue the first reading consideration of an Ordinance Granting Larimer County An Exemption From Certain Capital Expansion Fees And Other Development Fees For The Larimer County Animal Shelter Project item to April 19, 2016. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof. Council directed Staff to review the "impact" to determine if each of the fees were justified, and to verify whether the impact fees**

and roadway improvements were included in the proposed budget for the ballot issue.

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

BROADBAND INITIATIVE

Water and Power Director, Steve Adams introduced this administrative action item to Council. The City of Loveland Broadband Project Team is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland. We are requesting an appropriation of \$250,000 for the 2016 budget from the General Fund. This initial budget is intended to cover expenses for broadband studies, community engagement, marketing and other items that may be needed for the initial broadband initiative. This supplemental appropriation is shown as a negative budget impact as no 2016 Budgeted funds were identified for this item pending the outcome of the community vote on Broadband ballot issue. Now with the release of a consultant Request for Proposal (RFP) staff has taken some time to prepare some estimated costs for upcoming tasks anticipated for the next phase of work on the community issue. The remaining unassigned General Fund balance will be \$6,446,959 if approved. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

9. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
HABITAT FOR HUMANITY FEE WAIVERS

Community Partnerships Manager, Alison Hade introduced this administrative action item to Council. Loveland Habitat for Humanity is requesting a waiver of development fees totaling \$127,032.50 for the construction of five homes to be built in 2016. This amount is for five dwellings. \$65,000 was appropriated in the 2016 Budget to backfill enterprise fees waived by the proposed resolution. This request is estimated to require \$47,041 in backfilled fees. An additional amount, not to exceed \$145,000, in development and capital expansion fees would also be waived by the resolution and not backfilled. This is normal and customary. There were no public comments made. **Councilor Shaffer moved to Adopt Resolution #R-22-2016 Waiving Certain Development Fees For Construction Of Five Residences By Loveland Habitat For Humanity. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

15. **FINANCE** (presenter: Matthew Elliott)
NEW APPROPRIATIONS

Senior Budget Analyst, Matthew Elliot introduced this administrative action item to Council. Since the adoption of the 2016 Budget, several issues and new projects have emerged that require increased appropriations. This ordinance addresses those issues. \$18,793 in revenue and \$523,710 in unassigned General Fund balance, \$40,000 of unassigned fund balance in the Conservation Trust Fund, \$17,000 of unassigned fund balance in the PEG Fee Fund, \$400,000 of unassigned fund balance in the Open Lands Capital Expansion Fee Fund, & \$92,000 in refunds and \$110,000 of unassigned fund balance in the Employee Benefits Fund are available for appropriation. If the request is approved there will be \$5,923,249 remaining in unassigned General Fund balance, \$3,512,439 remaining in unassigned Conservation Trust Fund balance, \$106,479 in unassigned PEG Fee Fund

balance, \$1,571,726 in unassigned Open Lands Capital Expansion Fee Fund balance, & \$3,390,000 in unassigned Employee Benefits Fund balance. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Projects Or Programs Not Anticipated At The Time Of Adoption For The 2016 Budget. The motion, seconded by Mayor Pro Tem Fogle carried with all councilors present voting in favor thereof.**

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

City Manager, Bill Cahill introduced the administrative action item to Council. City Council approved the addition of three (3) officers funded by existing appropriations. The Council did not accept proposed budget changes at the February 29 meeting, so staff are now returning with a different combination of budget changes based on the February 29 Council direction. A total of \$253,350 in reductions are made in 2016, with \$215,600 from the Police Department and \$37,750 from other departments whose services will not be affected by the changes. Future budget year needs for the positions are met through the continuing parts of the reductions and General Fund revenue growth. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers. The motion, seconded by Mayor Pro Tem Fogle carried with all councilors present voting in favor thereof.**

**17. CITY MANAGER (presenter: Bill Cahill)
SUPPORT FOR 1-25 MATCH FUNDS**

City Manager, Bill Cahill introduced the administrative action item to adopt a resolution to support applications for federal funding of I-25 improvements by providing \$1,000,000 in local match funds. The funding, provided from the General Fund unassigned balance, would help in attracting significant grant funding to complete a \$230 million package of improvements to north I-25. Federal grant applications for TIGER funds and FASTLANE funds are being prepared by CDOT and the North Front Range Metropolitan Planning Organization (NFRMPO) respectively, and are due before the end of April. Local matching funds are required for each. If the applications are not successful, then no Loveland funding will be drawn upon. The \$1,000,000 funding for the local match would only be used if one or more of the grant applications are successful. This action is not an appropriation in itself. If successful, then the matching funds would not need to be appropriated until 2017. The unassigned General Fund balance at April 5, 2016 is \$6,696,959. There were not public comments made. **ORIGINAL MOTION: Councilor Shaffer moved to Adopt Resolution #R-24-2016 for Financial Match Support for North I-25 TIGER and FASTLANE Grant Applications. Councilor Johnson seconded the motion. AMENDED MOTION: Councilor Clark moved to amend the resolution regarding the matching dollar amount from the City of Loveland support from for this project "\$1 million over a three year period" to "\$2 million over a three year period". The motion, seconded by Councilor Ball, carried with all Councilors voting in favor thereof. ORIGINAL MOTION AS AMENDED: Roll was called on the amended Resolution, which passed with all councilors present voting in favor thereof.**

**18. CITY MANAGER (presenters: Jeff Bailey and Bill Cahill)
SUPPORT FOR QUIET ZONE LOCAL MATCH FUNDS**

City Manager, Bill Cahill introduced the administrative action item to adopt a resolution to authorize City application for federal TIGER grant funding of a Quiet Zone by providing \$1,500,000 in local match funds for a \$5 million federal grant. The funding, provided from the General Fund unassigned balance, is necessary to the submittal of a federal applications for TIGER funds for a Quiet Zone. If the application is not successful, then no Loveland funding will be drawn upon. The \$1,500,000 funding for the local match would only be used if the TIGER grant application is successful. This action is not an appropriation in itself. If successful, then the matching funds would not need to be appropriated until 2017. The unassigned General Fund balance at April 5, 2016 is \$6,696,959. Public Comments: Transportation Advisory Board member, Bruce Croissant indicated the Board was in support of the Grant application and will be drafting a letter for support; Roger Weideman, spoke in opposition to the Resolution; Gary LuIndquist, 833, W. 10th St spoke in support; Traudle Renner, 418 W. 12th St, spoke in support. **Councilor Shaffer moved to Adopt Resolution #R-25-2016 For Financial Match Support For TIGER Grant Application For Quiet Zone. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor.** Council directed Staff to place a link to the “Train Horn Rule” to encourage the public to make comments. By a consensus of Council, a letter will be sent, thanking Federal Delegation for their assistance in having the “Rule” reopened by the Federal Railway Administration “FRA”.

**19. HUMAN RESOURCES (presenter: Karen Rees)
DISCUSSION OF EVALUATION PROCESS OF DIRECT REPORTS TO COUNCIL**

This is an administrative action item to discuss/determine the evaluation process for the City Manager, City Attorney and Presiding Municipal Judge for 2015 performance and a possible executive session to discuss personnel matters, including performance, salary, and benefits of the City Manager, the City Attorney, and the Municipal Judge as authorized by § 24-6-402(4)(f) of the Colorado Revised Statutes and Charter Section 4-4(c)(5). **Consensus of Council was to create a subcommittee to review and make recommendations to the entire council on the evaluation process. That Subcommittee is made up of the following Council members: Don Overcash, Dave Clark, Rich Ball and Leah Johnson. The Subcommittee name Councilor Overcash as the “unofficial” chair.**

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.

- Johnson** Attended the first North Front Range Waste-shed Planning Coalition Policy Group meeting and was voted Chair of the Group.
- Fogle** Commended the Planning Department on the progress they are making on “updating” and addressing issues. Encouraged City Council to support the department during this process.
- Shaffer** Asked Staff to look into a more detailed on the “guide” for Channel 16 to help viewers to know when “City” programs will be broadcast.
- Ball** Visited the new Comcast/Xfinity facility at Centerra, located next door to Barnes and Noble.
- Gutierrez** At least four councilors supported a discussion regarding the definition of “directly abut” be brought back for discussion on a future agenda. Staff will notify Planning Commission members when it is scheduled on an agenda; Mayor Gutierrez has been working with Betsey Markey, on Small Business Assistance programs, by putting her in contact with Loveland representatives; Staff will be presenting an update to Council on the

GONOCO application process at the May 3, 2016 regular Council Meeting.

CITY MANAGER REPORT

Cahill Police Chief Recruitment update. The Public land City Council should not expect an offer to be made for at least two and three weeks.

CITY ATTORNEY REPORT

None

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the April 5, 2016 Regular meeting at 9:47 p.m.

Respectfully submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL STUDY SESSION
TUESDAY, APRIL 12, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

STUDY SESSION 6:30 P.M.

Councilors present: Gutierrez, Fogle, Ball, Johnson, Overcash, McKean, Shaffer, Krenning and Clark were present. City Manager, Bill Cahill was also present.

1. YOUTH ADVISORY COMMISSION

ELECTRONIC CIGARETTES AND VAPORIZERS

Youth Advisory Commissioners, Billie Anna Runions, Oliver Byles, and Brandon Lindsey, presented information on e-cigarette and vaporizer use in public areas of Loveland to the City Council. They informed City Council of issues related to public health and recommended the inclusion of e-cigarette and vaporizers in current smoking code, which prohibits smoking in workplaces, bars, restaurants, public buildings, and no smoking within 15 feet of main entryways. Discussion ensued and Council directed staff and the Commission to bring back additional background on the harmfulness of using these devices and grounds to prohibit the use in public places. The Council thanked the youth commission members for the presentation.

2. DEVELOPMENT SERVICES
CREATE LOVELAND

Karl Barton, Senior Planner, presented this item to Council. The purpose of the study session was to update and familiarize the City Council with the new Comprehensive Plan, Create Loveland, before it is brought to the Council for an adoption hearing. The Plan was subject to extensive review and vetting by the Planning Commission and was unanimously recommended for approval at a Planning Commission public hearing on February 22, 2016. The presentation provided a high level overview of the Plan's features, organization and the process used to develop it. The Plan is a flexible guiding document. Council may submit changes to staff. Council would like to consider adopting the final plan, after the comment date, in the near future. Council thanked staff and other boards and commissions for their hard work on the Plan.

3. ECONOMIC DEVELOPMENT

BUSINESS ASSISTANCE REQUEST FROM RAYEMAN ELEMENTS INC.

Marcie Erion, Business Development Specialist along with Samantha Wester, Michael Thomas and Alan Nichols of Rayeman Elements, Inc., presented this item as an initial discussion of a business assistance request on behalf of Rayeman Elements Inc. (REI). REI is looking to locate their production and research operations at the Rocky Mountain Center for Innovation Technology and they have approached the City of Loveland about a business assistance package. REI is focused on production of a patented cattle feed product and revolutionary extrusion process that increases the nutritional value of the feed and is transported in a way that minimizes losses. It nutritionally outperforms any feed currently being produced. The technology is cross-cutting and has applications for other types of feed and in other industries. Discussion ensued and Council directed staff to look

at a Business Use Tax and work on bringing a formal proposal to council for a vote in a few weeks. Council thanked the presenters.

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the April 12, 2016 Study Session at 9:58 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

AGENDA ITEM: 2
MEETING DATE: 4/19/2016
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill, City Manager



TITLE:
Appointment to the Cultural Services Board

RECOMMENDED CITY COUNCIL ACTION:

1. Adopt a motion to appoint Heather Fortin Rubald to the Cultural Services Board for a partial term effective until December 31, 2018.

OPTIONS:

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

SUMMARY:

This is an administrative item appointing a member to the Cultural Services Board.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

Desiree Eremondi resigned from the **Cultural Services Board** at the end of 2015 due to relocation. One application was received and interviews were held. The committee recommends appointing Heather Fortin Rubald to the Cultural Services Board for a partial term effective until December 31, 2018.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

None

AGENDA ITEM: 3
MEETING DATE: 4/19/2016
TO: City Council
FROM: Steve Adams, Water and Power
 Brent Worthington, Finance
PRESENTER: Steve Adams, Water and Power Director
 Brent Worthington, Finance Director



TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The Broadband RFP due date to the City is April 7, 2016. Any delay in approving this Supplemental Budget and Appropriation item would prohibit staff from awarding a consultant contract for initiation of the Broadband Assessment and Feasibility Analysis Study.
3. Refer back to staff for further development and consideration. It is vital that City Council receive the information they need to make a decision regarding this item. Further information requests will be addressed by staff with the outcome that the project will be delayed in starting the crucial first step of this consultant study.

SUMMARY:

This is an administrative item. The City of Loveland Broadband Project Team is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland. We are requesting an appropriation of \$250,000 for the 2016 budget from the General Fund. This initial budget is intended to cover expenses for broadband studies, community engagement, marketing and other items that may be needed for the initial broadband initiative. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

This supplemental appropriation is shown as a negative budget impact as no 2016 Budgeted funds were identified for this item pending the outcome of the community vote on Broadband ballot issue. Now with the release of a consultant Request for Proposal (RFP) staff has taken some time to prepare some estimated costs for upcoming tasks anticipated for the next phase of work on the community issue. The remaining unassigned General Fund balance will be \$6,446,959 if approved.

BACKGROUND:

On November 3, 2015, 82% of Loveland citizens voted in support of Ballot Issue 2C. The passage of this ballot measure effectively overturned Loveland's restrictions imposed through Senate Bill 152 (SB 152) and allows the City of Loveland to investigate alternatives for promoting broadband options while considering the needs and desires of our community. The passage of this ballot measure did not commit the City to providing broadband services, nor does it make such services available immediately.

The Broadband Project Team has been working with Finance to evaluate broadband program costs for other municipalities and determine a recommended budget for Loveland's initiative. Based on this research we believe the requested amount of \$250,000 will cover these identified expenses in 2016 for broadband studies, community engagement, marketing and other items. This supplemental appropriation will need to be approved prior to the award of the contract for the proposed Broadband Assessment and Feasibility Analysis.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

[Link to Ordinance on First Reading: Item 4](#)

AGENDA ITEM: 4
MEETING DATE: 4/19/2016
TO: City Council
FROM: John Schumacher, Development Services
PRESENTER: John Schumacher, Chief Building Official



TITLE:
An Ordinance Amending Paragraph U. Of Section 15.10.020 Of The Loveland Municipal Code To Permit Property Owners With Residential Property Or Structures Thereon That Cross Interior Lot Lines To Construct Additions And Certain Accessory Structures

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action were to be denied the ability to expand or alter the footprint of existing structures that cross lot lines would be contingent upon consolidation of lots prior to issuance of a permit.
3. Refer back to staff for further development and consideration. If referred back to staff for further consideration some permits for proposed projects would be delayed or possibly denied.

SUMMARY:

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

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

BACKGROUND:

Prior to the adoption of the 1967 subdivision ordinance, it was common practice to construct a singular structure on multiple lots without consolidating those multiple lots into a single lot. Often times this created a situation where a structure was erected across numerous interior property or lot lines, many cases of which exist currently in the City, primarily in the downtown area.

For several decades building codes have used property or lot lines as the basis for determining the fire-rating and minimum separation requirements of structures. Structures are required by building codes to maintain a minimum distance of separation from the lot or property lines to avoid more costly fire-rated construction or are required to use fire-rated construction, if they are a closer distance to the property or lot lines than established in the code for the particular type of construction. While permitted to be directly adjacent to the property or lot line if properly fire-rated,

in no portion of the building code are requirements established which permit a structure to cross over a property or lot line.

The existence of residential structures constructed over interior property lines poses a dilemma for owners that wish to reconstruct portions of their existing structure, such as a deck or porch, or that wish to add on to an existing structure or add an accessory structure such as a garage to their home. Under the currently adopted building code, it is not permissible to reconstruct a portion of a structure or add to the footprint of a structure if the proposed reconstruction or addition would cross over a property or lot line. It is also not possible to add an accessory structure such as a garage or shed if that structure were to cross over a property or lot line.

The proposed amendment to the 2012 International Residential Code would allow residential property owners, under particular and limited circumstances, the ability to renovate, increase, or add to, existing residential structures defined as Group R-3 one- or two-family dwellings spanning interior property or lot lines, without the need to engage in the process of consolidating their existing multiple into a single lot, saving several thousand dollars in each instance.

The proposed ordinance would insure that the requirements for compliance with building codes for separation from adjacent structures and from properties and lots owned by other than applicant would remain intact, maintain the intent of the code in relation to fire spread and protection of structures and protection of the general public, while permitting flexibility for residential property owners in the use of their existing residential structures as it relates to reconstruction of portion of the structure or adding new structures and square footage.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

[Link to Ordinance on First Reading: Item 5](#)

AGENDA ITEM: 5
MEETING DATE: 4/19/2016
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Matthew Elliott, Senior Budget Analyst



TITLE:

An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 City Of Loveland Budget For Projects Appropriated But Not Completed In 2015

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action is denied, projects currently underway and/or projects anticipated to begin in 2016 will be delayed or canceled until funding is appropriated.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If the action is referred back to staff, projects that are on-going or anticipated to begin in 2016 will be delayed or canceled until additional funding is appropriated.

SUMMARY:

This is an administrative action. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total net expenditures (total expense less transfers) included in the ordinance is \$46,676,794. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that laps at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs do not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

BACKGROUND:

This action is the re-appropriation of funds for projects or programs approved in the 2015 Budget that have not been completed or closed out at the end of 2015. By City Charter and State law, all appropriations for any one fiscal year expire on December 31st of said fiscal year. Re-appropriation is necessary to allow the expenditures of ongoing projects to continue into 2016.

City Council approved all of the projects included in the referenced ordinance as a part of the 2015 Budget. The ordinance is organized by fund, with revenues and line item appropriations within each fund shown.

A detailed explanation of each project or program requested is included in the attached Staff Report. The descriptions are organized by project with the funding source(s) for each project or program identified. The projects or programs are listed by dollar amount. Many capital projects are funded by multiple funding sources. Most of these projects are requested to be appropriated in the Capital Projects Fund. Resources are transferred into the Capital Projects Fund where the total expenses for the project are budgeted to allow the funding to be isolated in one place so the total impact of said project is identified. This eliminates the complexity and increases transparency of the projects true cost.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

[Link to the Ordinance on First Reading: Item 6](#)

AGENDA ITEM: 6
MEETING DATE: 4/19/2016
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Matthew Elliott, Senior Budget Analyst



TITLE:

An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 Ft. Collins-Loveland Municipal Airport Budget To Appropriate Funds For Projects Approved But Not Completed In 2015

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action is denied, projects currently underway and/or projects anticipated to begin in 2016 will be delayed or canceled until funding is appropriated.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If the action is referred back to staff, projects that are on-going or anticipated to begin in 2016 will be delayed or canceled until additional funding is appropriated.

SUMMARY:

This is an administrative action. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total request is for \$1,354,013. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs do not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

BACKGROUND:

This action is the re-appropriation of funds for projects or programs approved in the 2015 Airport Budget that have not been completed or closed out at the end of 2015. By City Charter and State law, all appropriations for any one fiscal year expire on December 31st of said fiscal year. Re-appropriation is necessary to allow the expenditures of ongoing projects to continue into 2016.

City Council approved all of the projects included in the referenced ordinance as a part of the 2015 Airport Budget.

A detailed explanation of each project or program requested is below:

Airport Fund Balance

\$ 1,252,549	<u>Snow Removal Equipment Building</u>	This is for a Federal and State Grant funded design and construction of a Snow Removal Equipment Storage Building. The building is anticipated to be constructed in 2016 and is a multi year funded project.
\$ 84,811	<u>DOT Air Service Grant</u>	This is a US Department of Transportation Grant that has been extended through January of 2016. The grant is to be used for Air Service Development purposes.
\$ 10,000	<u>Audit Fees</u>	Auditor contract for year end 2015 audit. Fees increased from 2015, and this is the remainder of the 2015 PO.
\$ 6,653	<u>Parking Kiosk Refurbishment</u>	This is a refurbishment of our parking payment kiosk which has become inoperable due to wear and tear.
\$ 1,354,013	Total	

REVIEWED BY CITY MANAGER:

William H. Cavill

LIST OF ATTACHMENTS:

[Link to Ordinance on First Reading: Item 7](#)

AGENDA ITEM: 7
MEETING DATE: 4/19/2016
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Matthew Elliott, Senior Budget Analyst



TITLE:

An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 Loveland Urban Renewal Authority Budget To Re-Appropriate The Façade Grant Program Approved In 2015 But Not Completed

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action is denied, projects currently underway and/or projects anticipated to begin in 2016 will be delayed or canceled until funding is appropriated.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. If the action is referred back to staff, projects that are on-going or anticipated to begin in 2016 will be delayed or canceled until additional funding is appropriated.

SUMMARY:

This is an administrative action. Reserves in the amount of \$88,630 are re-appropriated for the Façade Grant Program. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs do not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

BACKGROUND:

This action is the re-appropriation of funds for the Façade Grant Program approved in the 2015 Loveland Urban Renewal Authority Budget that have not been completed or closed out at the end of 2015. By City Charter and State law, all appropriations for any one fiscal year expire on December 31st of said fiscal year. Re-appropriation is necessary to allow the expenditures of ongoing projects to continue into 2016.

Loveland Urban Renewal Authority Fund Balance

\$ 88,630 Façade Program

City Council approved Resolution R-88-2015 with an effective date of 12/15/2015. In summary, the LDP, under the terms of the Services Contract (separate, annual contract) will administer the LURA Façade Program including marketing, processing and funding recommendations. The LDP receives the applications and has authority to approve. The terms and conditions of the program are the same as when the City administered the program. The applicant will sign an agreement with the City and when the terms and conditions have been met the City will issue a reimbursement.

\$ 88,630 Total

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

[Link to the Ordinance on First Reading: Item 8](#)

AGENDA ITEM: 8
MEETING DATE: 4/19/2016
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Matthew Elliott, Senior Budget Analyst



TITLE:
An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Projects Or Programs Not Anticipated At The Time Of Adoption For The 2016 Budget

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (If the action is denied, currently scheduled projects will be delayed until funding is available.)
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. (If the action is referred back to staff, currently scheduled projects will be delayed until funding is available)

SUMMARY:

This is an administrative item. Since the adoption of the 2016 Budget, several issues and new projects have emerged that require increased appropriations. This ordinance addresses those issues. \$18,793 in revenue and \$523,710 in unassigned General Fund balance, \$40,000 of unassigned fund balance in the Conservation Trust Fund, \$17,000 of unassigned fund balance in the PEG Fee Fund, \$400,000 of unassigned fund balance in the Open Lands Capital Expansion Fee Fund, & \$92,000 in refunds and \$110,000 of unassigned fund balance in the Employee Benefits Fund are available for appropriation. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

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

BACKGROUND:

Since the adoption of the 2016 Budget, there are several issues and projects requiring additional appropriations. These are listed in detail by funding sources in attachment A.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

[Link to the Ordinance on First Reading: Item 15](#)

AGENDA ITEM: 9
MEETING DATE: 4/19/2016
TO: City Council
FROM: Tim Brown, Police
PRESENTER: Bill Cahill, City Manager



TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. Officers currently hired or in the hiring process would not have compensation appropriated upon completion of their field training.
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. Delay of this action would result in police salaries exceeding their current appropriations.

SUMMARY:

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

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The additional officers are funded by existing appropriations. Therefore, there is no impact to fund balance in the General Fund.

BACKGROUND:

In October, 2015, City Council approved an additional three Police officers. Council directed staff to fund the additional officers through existing 2016 appropriations. At the February 29 City Council meeting, the Council reviewed proposed reductions and did not accept them. The Council directed that:

- other reductions be found,
- that reductions come from within the Police Department or from reductions to other departments that would not affect programs,
- and that departments be asked for statements of the effects of any such reductions.

A new combination of budget reductions is now returned to the Council, following the February 29 Council direction. A detailed breakdown of the reductions by department is attached in Exhibit A. A total of \$253,350 in reductions are listed, with \$215,600 from Police and \$37,750 from other departments. The departments making reductions have made the statements in Attachment 3, showing no program impact.

The future on-going expenditures associated with the additional officers will be funded by the ongoing reductions from Police and from other departments (a total of \$163,350 in permanent reductions) and the balance from anticipated General Fund revenue growth.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

[Link to the Ordinance on First Reading: Item 16](#)

AGENDA ITEM: 10
MEETING DATE: 4/19/2016
TO: City Council
FROM: Randy Maizland, Public Works
PRESENTER: Ian McCargar, Town Attorney, Town of Windsor

**TITLE:**

Resolution Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Town Of Windsor, Colorado Regarding The Grant Of Easement Rights For A Public Recreational Trail

RECOMMENDED CITY COUNCIL ACTION:

Public Works, Engineering Staff recommends approval of the Resolution and Intergovernmental Agreement (IGA) and Grant of Easement for Public Recreational Trail for the proposed sidewalk/Trail system adjacent to Fairgrounds Avenue and the Highland Meadows Golf Course, Eighth Filing Subdivision.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action (Windsor and/or Developer Colorado Holdings, LLC would not be permitted to construct the proposed recreational trail).
3. Adopt a modified action.
4. Refer back to staff for further development and consideration (construction of the trail and potentially development of the subdivision may be delayed).

SUMMARY:

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

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The Town of Windsor has approved development plans for the Highland Meadows Golf Course Subdivision. Such plans include the construction of a ten-foot wide public recreational trail, a portion of which will extend into the City's right-of-way at Fairgrounds Avenue (the "Trail Segment"). This Trail Segment within a public easement is being proposed to substitute for a standard six-foot wide detached public sidewalk adjacent to the East side Fairgrounds Avenue as required by the Larimer County Urban Area Street Standards. The Town of Windsor has requested that the City grant it a perpetual easement for the construction and maintenance of the Trail Segment, subject to revocation and termination of such easement upon action by the City Council. All construction and maintenance responsibility for the Trail Segment will be provided by

the adjacent Highland Meadows Subdivision or the Town of Windsor. The City of Loveland will reserve the right to maintain portions of the trail within the City right-of-way as needed. The attached Intergovernmental Agreement and Grant of Easement sets forth the specific terms of the City's grant of easement and all responsibilities and liabilities associated with the Trail Segment.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. IGA and Easement Agreement
3. Vicinity Maps

RESOLUTION #R-26-2016

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE TOWN OF WINDSOR, COLORADO REGARDING THE GRANT OF EASEMENT RIGHTS FOR A PUBLIC RECREATIONAL TRAIL

WHEREAS, the Town of Windsor (the “Town”) has given development approval to a subdivision known as the Highland Meadows Subdivision, and has entered into a development agreement dated June 26, 2014 (“Development Agreement”), with Colorado Holdings, LLC, describing the public improvements to be completed in such subdivision; and

WHEREAS, the Development Agreement recognizes that a portion of the proposed recreational trail intended to serve the Highland Meadows Subdivision will be constructed and maintained within the City’s right-of-way along Fairgrounds Avenue (the “Trail Segment”); and

WHEREAS, the Town has requested that the City grant it a perpetual easement, subject to revocation and termination as set forth in the Intergovernmental Agreement between the City and Town, in order to permit the construction and maintenance of the Trail Segment within the City’s right-of-way; and

WHEREAS, as governmental entities in Colorado, the City and the County 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, the City Council desires to approve the Intergovernmental Agreement between the City and Town attached hereto as “Exhibit A” on behalf of the City.

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

Section 1. That the Intergovernmental Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

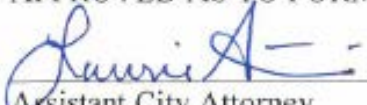
ADOPTED this 19th day of April, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

INTERGOVERNMENTAL AGREEMENT
AND
GRANT OF EASEMENT RIGHTS FOR PUBLIC RECREATIONAL TRAIL

THIS INTERGOVERNMENTAL AGREEMENT is dated _____, 2016, and is between THE CITY OF LOVELAND, a Colorado home rule municipal corporation (“City”), and THE TOWN OF WINDSOR, a Colorado home rule municipal corporation (“Town”). The parties may collectively be referred to herein as “the Parties”.

RECITALS

1. The City is the owner of certain road right of way immediately adjacent to the east side of Larimer County Road 5 (“Fairgrounds Avenue”).
2. The Town has given development approval to a subdivision known as Highland Meadows Golf Course, Eighth Filing (“Highland Meadows Subdivision”), the public improvements for which are generally described in that certain Highland Meadows Golf Course Subdivision, Eighth Filing, Subdivision Development Agreement (“Development Agreement”) dated June 26, 2014.
3. The Development Agreement recognizes that a portion of the proposed recreational trail serving Highland Meadows Subdivision will be constructed and maintained along Fairgrounds Avenue in the City’s Fairgrounds Avenue right of way (“Trail Segment”).
4. The Development Agreement calls for the Town to negotiate with the City the terms under which the City will allow the Trail Segment to be constructed and maintained.
5. The parties intend that this Intergovernmental Agreement shall set forth the terms under which the Trail Segment will be permitted, constructed and maintained.
6. The statutes of the State of Colorado, specifically the Local Government Land Use Control Enabling Act, Colorado Revised Statutes, 29-20-101, *et seq.*, further authorizes the parties to enter into mutually binding and enforceable agreements regarding the matters set forth herein.

NOW, THEREFORE, the Parties agree as follows:

I. GRANT OF EASEMENT RIGHTS

1.1 Grant of Easement, incorporation of Exhibit A. The City hereby grants to the Town an easement (“Easement”) for the purpose of constructing, maintaining, replacing and relocating the Trail Segment. The Easement Area is and shall be defined as set forth in the attached Exhibit A, consisting of an engineering depiction of the “future 10’ sidewalk” for which the easement as granted by the City herein.

1.2 Term of Easement. The Easement granted herein shall be perpetual, subject to revocation and termination as set forth herein.

- 1.3 Revocation. The Easement may be revoked by the City by resolution formally adopted by the City Council, but only with prior notice to the Town not less than sixty (60) days prior to official action by the City Council.
- 1.4 Termination. Upon revocation by the City, the Town shall have no less than one (1) year to remove the Trail Segment from the entire Easement Area, and to restore the Easement Area to a condition substantially similar to its condition prior to construction of the Trail Segment. The Town shall bear all costs associated with removal and restoration as required in this sub-section, without reimbursement or contribution from the City.

II. TRAIL SEGMENT CONSTRUCTION

- 2.1 Responsibility for Construction. The Parties anticipate that the Developer of Highland Meadows will assume responsibility for construction of the Trail Segment. The Town reserves the ability to itself undertake construction of the Trail Segment. The City shall have no right to determine the responsible party for construction of the Trail Segment, so long as the requirements of this Article are met. The City shall bear no expense associated with design or construction of the Trail Segment, except to the extent objections or comments are provided in accordance with Section 2.3 below.
- 2.2 Notice to City (pre-construction activity). Prior to any activity within the Easement Area pursuant to this Intergovernmental Agreement, including surveys, staking and other preliminary surface activity, the Town shall provide the City notice of such activity.
- 2.3 Notice to City (Improvement Plans). Prior to any Trail Segment construction activity, the Town will provide the City with the approved improvement plans for the Trail Segment, which improvement plans shall depict all aspects of Trail Segment design, elevations, materials, drainage, traffic control and location. Upon receipt of the improvement plans as required in this sub-section, the City shall have no more than thirty (30) days to object to or comment on the improvement plans. Upon the expiration of this thirty (30)-day period without objection or comment from the City, the City will be deemed to have approved the improvement plans for the Trail Segment. Any timely objections or comments delivered to the Town by the City shall be resolved to the Parties' satisfaction before construction activity may commence.
- 2.4 Construction Conformity to Plans. All Trail Segment construction shall conform to the approved improvement plans as submitted by the Town and as refined through resolution of the City's objections and comments. No material departure from the approved improvement plans shall occur unless and until the City and Town specifically agree to such departure or departures.
- 2.5 As-Built Survey. Upon completion of Trail Segment construction, the Town shall deliver to the City an as-built survey of the Trail Segment in a format specified by the City.
- 2.6 Payment of Claims. Notwithstanding the foregoing grant of easement rights, the easement rights granted by the City to the Town shall be expressly conditioned upon

satisfaction of laborer and materials claims arising out of the Trail Segment construction. The easement rights granted herein shall not take effect until all claims for payment by laborers and materials suppliers are satisfied in full.

III. TRAIL SEGMENT MAINTENANCE

- 3.1 Town Responsibility for Maintenance, Assignability. The ongoing maintenance of the Trail Segment shall be the responsibility of the Town, which responsibility may be assigned by the Town to the Metropolitan District which serves Highland Meadows. The City shall have no maintenance responsibility for the Trail Segment, unless the Parties otherwise agree in writing. Nothing herein shall preclude the Parties from entering into other agreements for allocation of maintenance responsibility in the vicinity of Fairgrounds Avenue.
- 3.2 Maintenance Level of Service. The Trail Segment shall be maintained to a level of service typical of public recreational trails in Larimer County, Colorado. The Town (or its assignee) shall see to it that public access to the Trail Segment is generally assured, except as may be necessary for public safety, traffic movement, routine maintenance and repairs.
- 3.3 City's Maintenance Privileges, Notice, Costs. Notwithstanding the foregoing allocation of maintenance responsibility to the Town, the City shall have the authority to undertake Trail Segment maintenance activity upon prior notice of required or requested maintenance not less than thirty (30) days to the Town. Should the Town not undertake the required or requested maintenance activity during the thirty (30)-day notice period, the City shall be entitled to compensation for the cost of such services at a rate consistent with the City's actual cost. Nothing herein shall preclude the Parties from reaching specific understandings with respect to maintenance issues on a case-by-case basis.
- 3.4 Maintenance Standard of Care. All maintenance activity within the Easement Area shall be undertaken in conformity with the standard of care customary for recreational trail maintenance, and with due care to assure the safety of Trail Segment users, vehicular traffic in the vicinity and maintenance personnel. Except for maintenance work performed by the City pursuant to Section 3.3, the Town shall be solely responsible for establishing policies for maintenance activity within the Easement Area.

IV. INDEMNIFICATION AND INSURANCE

- 4.1 No Claims. Except as set forth herein, neither party shall be liable for the acts or omissions of the other arising out of this Intergovernmental Agreement. Neither party will make any claim or demand against the other for any injury, damage or loss arising out of the design, construction or maintenance of the Trail Segment.
- 4.2 Insurance. Each party shall continue to maintain liability insurance for governmental operations. The Town's liability insurance shall be deemed the primary source of recovery for any third-party claims associated with injury, damage or loss occurring within the Trail Segment. Neither party waives its rights under the Colorado

Governmental Immunity Act with respect to any claims for injury, damage or loss arising out of this Intergovernmental Agreement.

V. MISCELLANEOUS

- 5.1 Entire Agreement; Amendment. This Agreement is the entire and only agreement between the Parties regarding the subject matter set forth herein. There are no promises, terms, conditions, or other obligations other than those contained in this Agreement may be amended only in writing signed by the Parties.
- 5.2 Severability. Except as otherwise provided in this Agreement, if any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision of this Agreement and the rights of the Parties will be construed as if that part, term, or provision was never part of this Agreement.
- 5.3 Colorado Law. This Agreement is made and delivered with the State of Colorado and the laws of the State of Colorado will govern its interpretation, validity, and enforceability.
- 5.4 Jurisdiction of Courts. Personal jurisdiction and venue for any civil action commenced by any of the Parties to this Agreement for actions arising out of or relating to this Agreement will be the District Court of Larimer County, Colorado.
- 5.5 Representatives and Notice. Any notice or communication required or permitted under the terms of this Agreement will be in writing and may be given to the Parties or their respective legal counsel by (a) hand delivery; (b) deemed delivered three business days after being deposited in the United States mail, with adequate postage prepaid, and sent via registered or certified mail with return receipt requested; or (c) deemed delivered one business day after being deposited with an overnight courier service of national reputation have a delivery area of Northern Colorado, with the delivery charges prepaid. The representatives will be:

If to the City: City Manager
 500 E. Third Street
 Loveland, CO 80537

With a copy to: City Attorney
 500 E. Third Street
 Loveland, CO 80537

If to the Town: Town Manager
 Windsor Town Hall
 301 Walnut Street
 Windsor, CO 80550

With a copy to: Town Attorney
 Windsor Town Hall

301 Walnut Street
Windsor, CO 80550

- 5.6 Good Faith. In the performance of this Agreement or in considering any requested approval, acceptance, or extension of time, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition or delay any approval, acceptance or extension of time required or requested pursuant to this Agreement.
- 5.7 Authorization. The signatories to this Agreement affirm and warrant that they are fully authorized to enter into and execute this Agreement, and all necessary action, notices, meetings, and hearings pursuant to any law required to authorize their execution of this Agreement have been made.
- 5.8 Assignment. Neither this Agreement nor the City or Towns’ rights, obligations or duties may be assigned or transferred in whole or in part by either Party without the prior written consent of the other Party.
- 5.9 Execution in Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which taken together will constitute one and the same agreement.
- 5.10 No Third Party Beneficiary. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, are strictly reserved to the Parties and nothing in this Agreement shall give or allow any claim or right or cause of action whatsoever by any other person not included in this Agreement. It is the express intention of the Parties that no person and/or entity, other than the undersigned Parties, receiving services or benefits under this Agreement shall be deemed any more than an incidental beneficiary only.
- 5.11 Recordation of Agreement. The Town shall record a copy of this Agreement in the office of the Clerk and Recorder of Larimer County, Colorado.
- 5.12 Execution of Other Documents. The Parties agree to execute any additional documents and to take any additional actions necessary to carry out the terms of this Agreement.

DATED THIS _____ day of _____, 2016.

CITY OF LOVELAND:

By: _____
William D. Cahill, City Manager

TOWN OF WINDSOR:

By: _____
Kelly Arnold, Town Manager

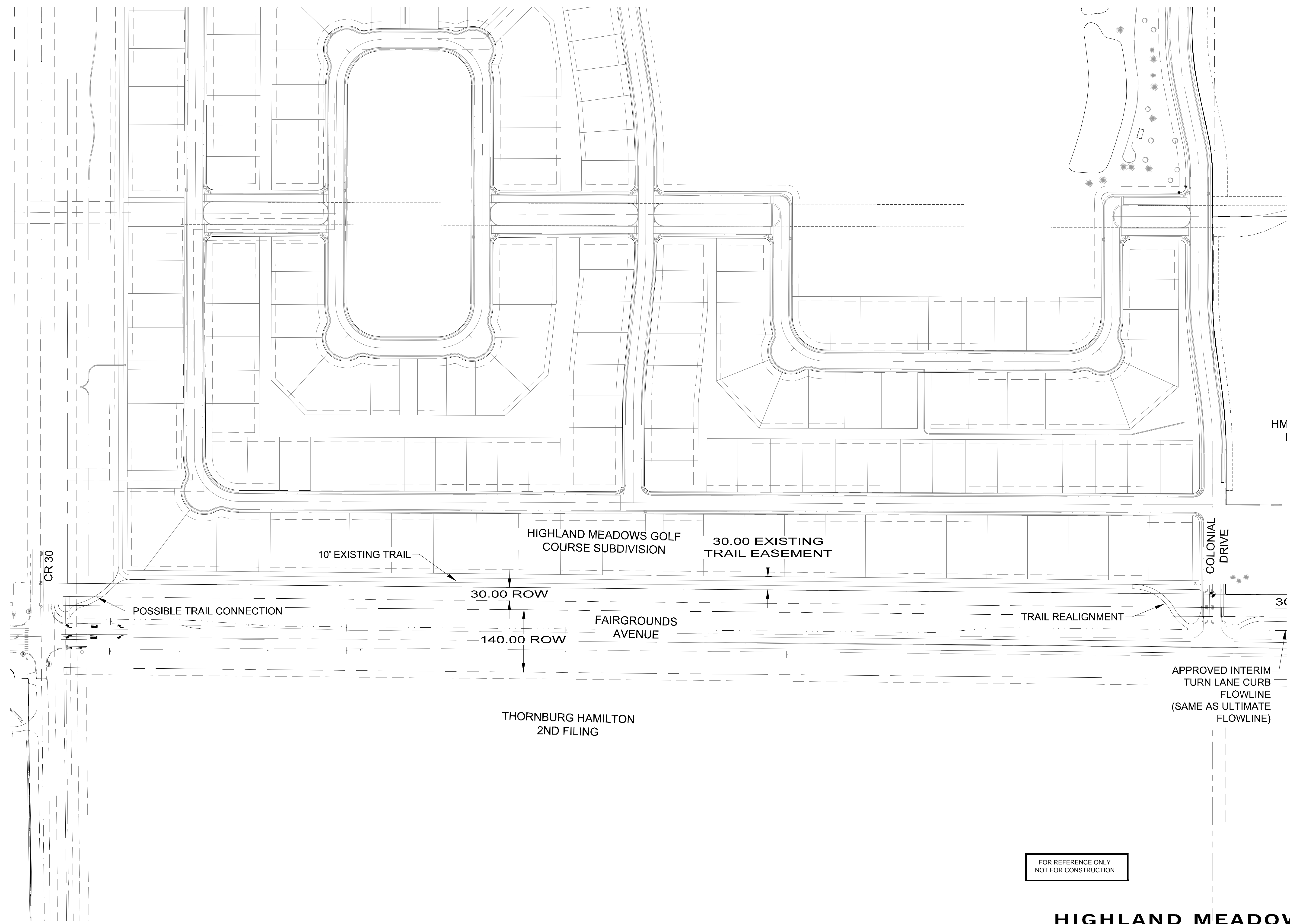
ATTEST:

Terry Andrews, City Clerk

Patti Garcia, Town Clerk

[Seal]

[Seal]

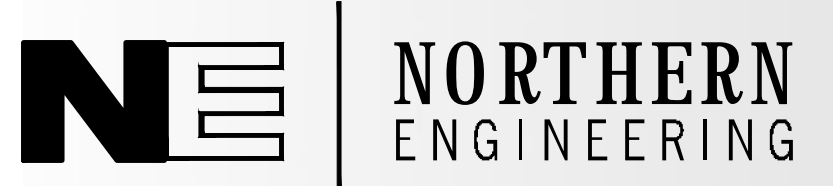


**HIGHLAND MEADOWS GOLF COURSE
SUBDIVISION, TRACT H
WINDSOR, COLORADO**

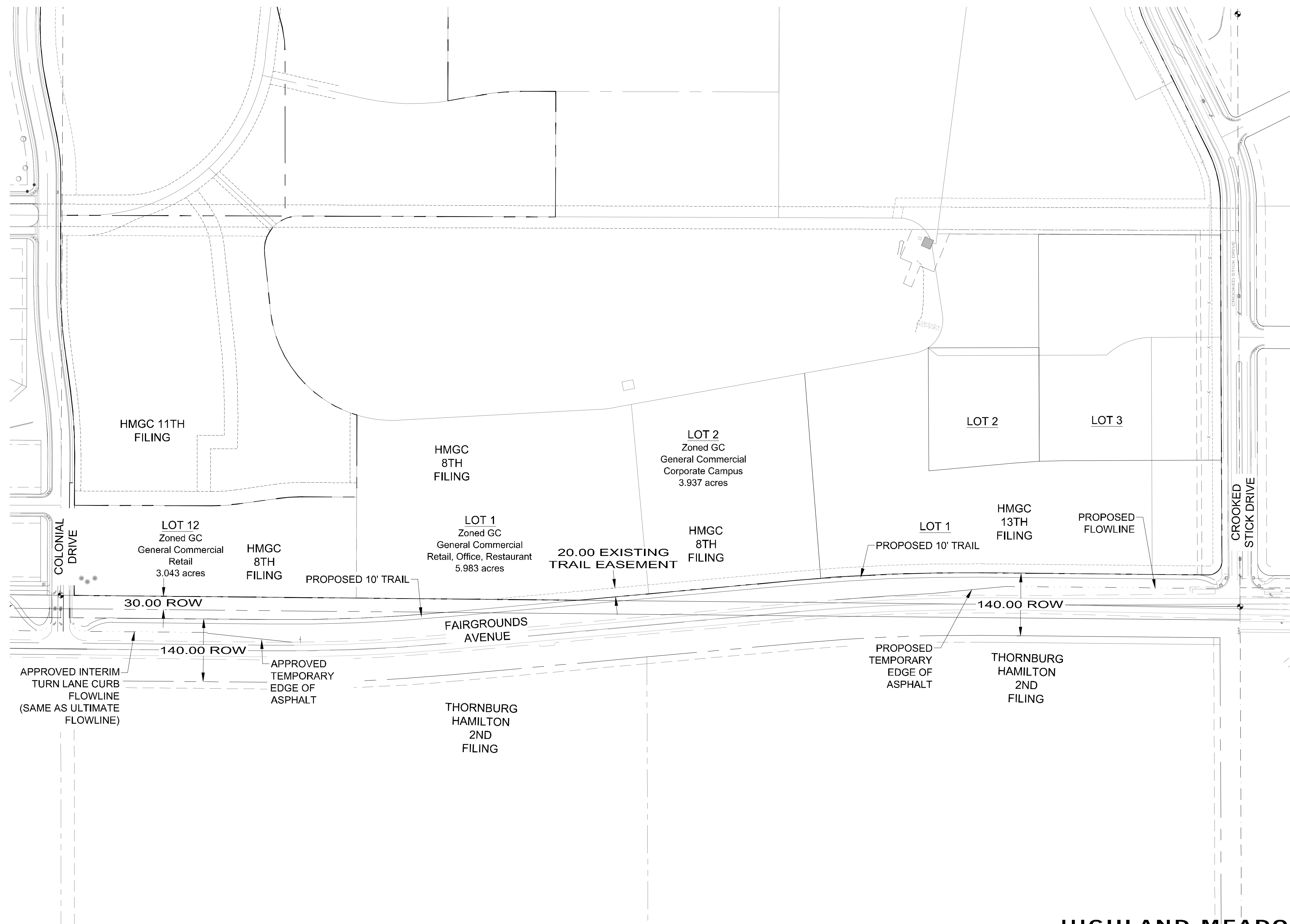
FAIRGROUNDS AVENUE SIDEWALK/TRAIL LOCATION EXHIBIT

SHEET 1 OF 2

April 4, 2016



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FOR REFERENCE ONLY
NOT FOR CONSTRUCTION

**HIGHLAND MEADOWS GOLF COURSE
SUBDIVISION, TRACT H
WINDSOR, COLORADO**

FAIRGROUNDS AVENUE SIDEWALK/TRAIL LOCATION EXHIBIT

April 4, 2016



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LO. AND

FOSSIL CREEK RESERVOIR

STATE HIGHWAY 302

FAIRGROUNDS BLVD

LC ROAD 30

PROJECT SITE

INTERSTATE 25

ARENA CIR

CROSSROADS BLVD.

WINDSOR

LARIMER CO.
WELD CO.

THORNBURG-HAMILTON
2nd FILING

HIGHLAND MEADOWS GOLF COURSE
SUBDIVISION



HIGHLAND MEADOWS GOLF COURSE, TRACT H
WINDSOR, CO

04.08.16



VICINITY MAP

C:\USERS\RYAN.NORTHERN\DESKTOP\VICINITY MAP.DWG

1"= 1000'

AGENDA ITEM: 11
MEETING DATE: 4/19/2016
TO: City Council
FROM: Public Works (Engineering Division)
PRESENTER: Jeff Bailey, Interim City Engineer



TITLE:

A Resolution Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Maintenance

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion to approve the Resolution as submitted.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. If the action is denied the City will not be able to address their responsibility for providing the public with a safe and all-weather driving surface.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. Delay of this item may cause the City to miss the construction season needed for the completion of the surface repairs.

SUMMARY:

This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide maintenance and resurfacing of portions of North Taft Avenue aka County Road 17 and South Saint Louis Avenue aka South County Road 13C. This is an IGA for the 2016 calendar year.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Funding was approved by City Council as part of the adopted 2016 City Budget on April 5, 2016.

BACKGROUND:

Public Works Engineering was approached by Larimer County Road and Bridge regarding partnering in the resurfacing of two roadway sections for which the City and County have adjoining maintenance responsibility. These roadway areas are on the fringe of the City and is a benefit to both entities by partnering in this work. These two areas are relatively small maintenance sites when you consider the City's system is over 7-Million square yards and this project will consist of approximately 9,500 square yards. Additionally they are adjoining the County's larger roadway system being resurfaced.

The City's portion of this work is located on:

North Taft Avenue aka County Road 17 as shown on the Longview-Midway Fourth Addition to the City of Loveland. This portion of North Taft Avenue is a half-mile north of 57th Street for one half-mile (along Horseshoe Substation);

South Saint Louis Avenue aka South County 13C as shown on the South Village First Addition to the City of Loveland. This portion of South Saint Louis Avenue is from State Highway 402 south for one quarter-mile.

The project is for placement of a chip seal surface treatment to both roadways. This process adds 8 to 10 years of life to a roadway surface. The City's portion of this work is not to exceed \$23,000.

Per the Agreement, Larimer County will be reimbursed an amount not to exceed \$23,000.00, within 30 days of receipt of a detailed invoice for the work performed.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. IGA Agreement

RESOLUTION #R-27-2016

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND LARIMER COUNTY, COLORADO REGARDING ROAD MAINTENANCE

WHEREAS, the City is responsible for maintenance of Taft Avenue aka County Rd 17 north of 57th Street and South Saint Louis south of Hwy 402; and

WHEREAS, the City finds it a benefit to partner with the County for the placement of a chip seal surface on Taft Avenue aka County Rd 17 north of 57th Street and South Saint Louis south of Hwy 402 in order to provide and maintain a safe roadway for the public; and

WHEREAS, it is necessary for City to reimburse County for the placement of these street surface materials which are in order to meet the traveling public's needs; and

WHEREAS, as governmental entities in Colorado, the City and the County 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, 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. That the Intergovernmental Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 19th day of April, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

**INTERGOVERNMENTAL AGREEMENT REGARDING
STREET MAINTENANCE**

THIS AGREEMENT is made and entered into this ___ day of _____, 2016 by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter called the “City,” and LARIMER COUNTY, COLORADO, hereinafter called the “County” and collectively referred to as “the Parties.”

WITNESSETH

WHEREAS, portions of North Taft Avenue aka County Road 17 with Longview-Midway Fourth Addition and South Saint Louis Avenue aka South County Road 13C with South Village First Addition were annexed into the City of Loveland (hereinafter the “Roadways”); and

WHEREAS, the City is now responsible for maintenance of these portions of the Roadways; and

WHEREAS, the County is resurfacing its adjoining portions of the Roadways. The City finds it desirable to partner with the County to resurface the City’s portion of the Roadways in order to provide and maintain a safe roadway for the public; and

WHEREAS, it is necessary for City to reimburse the County for the placement of street surface materials on the City’s portion of the Roadways; and

WHEREAS, as governmental entities in Colorado, the City and the County 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 contained herein, it is agreed as follows:

1. Project Location. The Parties agree to cooperate with the placement of a new chip seal surface (hereinafter the “Project”) in the following two locations:

North Taft Avenue aka County Road 17 as shown on the Longview-Midway Fourth Addition to the City of Loveland. This portion of North Taft Avenue is a half-mile north of 57th Street for one half-mile (along Horseshoe Substation);

South Saint Louis Avenue aka South County 13C as shown on the South Village First Addition to the City of Loveland. This portion of South Saint Louis Avenue is from State Highway 402 south for one quarter-mile.

2. County’s Project Responsibilities: The County shall, at its sole cost and expense provide the labor, equipment and materials to place a new chip seal surface on the

Roadways along with sweeping and associated traffic control, as detailed in Exhibit A incorporated herein and attached thereto.

Upon completion of the work the County will provide a detailed invoice for the costs of the work provided to City.

3. Reimbursement of Costs: The City will make full reimbursement to the County for the labor, equipment and material costs necessary to complete the chip seal surface placement.

City will reimburse the County within 30-days of receipt of a detailed invoice for the actual costs for the County's work on the Project. The estimated not to exceed amount eligible for reimbursement is Twenty-Three Thousand Dollars (\$23,000).

4. 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.* or any other applicable law.
5. Appropriation Required. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the Parties, it shall be subject to annual appropriation. Neither party shall have an obligation to continue this Agreement in any fiscal year in which no such appropriation is made.
6. Enforceability. The Parties to this Agreement recognize that there are legal constraints imposed on the City and the County by the Constitution, statutes, and laws of the State of Colorado and the United States, and the laws, ordinances and rules of each entity and that, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any of the provisions of this Agreement to the contrary, in no event shall the Parties exercise any power or undertake any action that shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.
7. Time of the Essence. Time is of the essence of this Agreement and is a significant and material term of this Agreement.
8. Force Majeure. No Party shall be considered in default in respect to any obligation hereunder if prevented from fulfilling such obligation by reason of uncontrollable forces, which, for the purposes of this Agreement, shall mean any cause beyond the control of the Party affected, including, without limitation, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, or, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by due diligence and foresight such party could not reasonably have been expected to avoid. Any Party rendered unable to fulfill any obligation

by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

- 9. Notices. Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three (3) days after being sent by certified mail, return receipt requested:

To the City:

Leah Browder, Director
Department of Public Works
2525 E. 1st Street
Loveland, CO 80537

To the County:

Mark Peterson, Interim Director
Public Works - Road and Bridge
2643 Midpoint Dr. # C
Fort Collins CO 80525

11. 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. 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. No party shall assign this Agreement without the remaining parties' prior written consent. The covenants, agreements and obligations herein contained, except as herein otherwise specifically provided, shall extend to, bind, and inure to the benefit of the Parties and their respective successors and assigns. Nothing contained herein shall be deemed or construed by the Parties, nor by any third party, as creating the relationship of principal and agent or a partnership or a joint venture between the Parties. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be only in the courts of County of Larimer, State of Colorado.

12. Counterparts. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.

In witness whereof, the Parties have executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM:

THE CITY OF LOVELAND
A Municipal Corporation

Assistant City Attorney

William Cahill
City Manager

ATTEST:

[SEAL]

City Clerk

LARIMER COUNTY:

Signature: _____
Chair of the Board of County Commissioners
200 West Oak Street
Second Floor
P.O. Box 1190
Fort Collins, CO 80522-1190

Secretary

ATTEST (if a Corporation):

[SEAL]

**EXHIBIT A
LOCATION of PROJECT**

The City’s portion of this work is in the following two locations:

North Taft Avenue aka County Road 17 as shown on the Longview-Midway Fourth Addition to the City of Loveland. This portion of North Taft Avenue is a half-mile north of 57th Street for one half-mile (along Horseshoe Substation);

South Saint Louis Avenue aka South County 13C as shown on the South Village First Addition to the City of Loveland. This portion of South Saint Louis Avenue is from State Highway 402 south for one quarter-mile.

The City will make full reimbursement to the County for the labor and equipment costs necessary to complete the chip seal surface placement.

City will reimburse County within 30-days of receipt of a detailed invoice for the actual costs for the County’s work on the Project. The estimated not to exceed amount eligible for reimbursement is Twenty-Three-Thousand-Dollars (\$23,000).

From: Rick Johnson [<mailto:johnsorb@co.larimer.co.us>]
Sent: Wednesday, December 30, 2015 3:24 PM
To: Dave DeBaere <Dave.DeBaere@cityofloveland.org>
Subject: Chip Seal estimate

Dave

Here is the estimate for the 2016 chip seal. Chip seal will be a single 1/2 inch application with a fog seal.

\$ 2.40 SY

CR 13C 1228' x 24' = 3274 SY = \$ 7,857.60
 CR 17 2640' x 21' = 6160 SY = \$ 14,784.00
 TOTAL = \$ 22,641.60

Please let me know if there are any questions.
 Thanks

--
 Rick B Johnson
 Road & Bridge Paved Roads Group Manager

Office # 970-498-5671
Cell # 970-213-9380
Fax # 970-498-5678

AGENDA ITEM: 12
MEETING DATE: 4/19/2016
TO: City Council
FROM: Public Works (Engineering Division)
PRESENTER: Jeff Bailey, Interim City Engineer



TITLE:
A Resolution Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Construction And Maintenance; And Authorize The City Manager To Execute The Agreement

RECOMMENDED CITY COUNCIL ACTION:
 Adopt a motion to approve the Resolution as submitted.

- OPTIONS:**
1. Adopt the action as recommended.
 2. Deny the action. If the action is denied the City will not be able to address their responsibility for providing the public with a safe and all weather driving surface.
 3. Adopt a modified action.
 4. Refer back to staff for further development and consideration. Delay of this item may cause the City to miss the construction season needed for the completion of the surface repairs.

SUMMARY:
 This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide road construction and maintenance on High Plains Boulevard (Larimer County Road 3). This is an IGA for the 2016 calendar year.

- BUDGET IMPACT:**
- Positive
 - Negative
 - Neutral or negligible

Funding in the amount of \$150,000 for this project has been programmed in the City Transportation Capital Improvement Plan, approved by City Council as part of the 2015 Rollovers for 211-23-232-1700-49360 EN1502 on April 5, 2016.

BACKGROUND:
 High Plains Boulevard a/k/a Larimer County Road 3 is an existing gravel-surfaced roadway that connects Crossroads Boulevard and Eisenhower Boulevard (US 34) and was annexed to the City of Loveland in 2002. Larimer County forces maintain and provide dust control measures for this 2-mile roadway under a service trade agreement with the City's Streets Division.

In addition to annual grading and spot application of gravel surface materials, it is periodically necessary for full-length application of new surface material in order to maintain the structural integrity of the unpaved roadway. It is this periodic maintenance that is the subject of this resolution.

As the Larimer County Road and Bridge Department currently has the staffing, expertise, and equipment necessary to maintain their large network of unpaved roadways, it is most cost-effective for the City to provide material and partial expenses in return for their performing the necessary heavy maintenance.

The planned work will alleviate areas of roadway flooding, rough traveling conditions and citizen complaints. Currently during rainy periods a portion of the roadway floods which can causes the loss of one-lane of travel. Additionally during these same weather events portions of the roadway becomes muddy and difficult for travel.

The City will provide 18,000 tons of CDOT Class 5 aggregate base course material and will reimburse Larimer County for the costs of labor and equipment to haul and place the aggregate material. The resulting roadway will be 28 feet in width and have a minimum 8-inch depth aggregate surface with a roadway crown of 4%. Additionally, the City will be responsible for any driveway culvert repairs/modification necessary due to the proposed improvements, and will provide improved paved transitions at each end of the 2-mile roadway.

In order to address the concerns of the residents along the northern portion of LCR3 regarding property damage incurred by u-turning commercial trucks, a semi-truck turnaround will be constructed along the west side of the roadway approximately 300' south of the Crossroads Boulevard intersection. City forces will install a concrete pan along the length of the turnaround to facilitate improved drainage.

As Larimer County is scheduled to perform the routine annual maintenance on High Plains Boulevard this summer, if approved, the additional improvements could be added to that project, with a proposed completion time of 3-weeks.

Per the Agreement, Larimer County will be reimbursed an amount not to exceed \$150,000.00, within 30 days of receipt of a detailed invoice for the work performed.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

- 1. Resolution
- 2. IGA Agreement

RESOLUTION #R-28-2016

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND LARIMER COUNTY, COLORADO REGARDING ROAD CONSTRUCTION AND MAINTENANCE OF HIGH PLAINS BOULEVARD A/K/A COUNTY ROAD 3

WHEREAS, the County was responsible for maintenance and construction of County Road 3 between US 34 and Crossroads Boulevard prior to the City's annexation of property that included County Road 3; and

WHEREAS, the City is now responsible for construction and maintenance of the County Road 3, now known as High Plains Boulevard; and

WHEREAS, the City finds it necessary and desirable to partner with the County for the installation and maintenance of street surface material on High Plains Boulevard in order to provide and maintain a safe roadway for the public; and

WHEREAS, it is necessary for the City to reimburse County for the placement of these street surface materials which are required to meet the traveling public's needs; and

WHEREAS, as governmental entities in Colorado, the City and the County 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, the City Council desires to approve the Intergovernmental Agreement between the City and County attached hereto as "Exhibit A" on behalf of the City.

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

Section 1. That the Intergovernmental Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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


ADOPTED this 19th day of April, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

**INTERGOVERNMENTAL AGREEMENT REGARDING
STREET MAINTENANCE**

THIS AGREEMENT is made and entered into this ___ day of _____, 20__ by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter called the “City,” and LARIMER COUNTY, COLORADO, hereinafter called the “County” and collectively referred to as “the Parties”.

WITNESSETH

WHEREAS, the County was responsible for maintenance and construction of County Road 3 between US 34 and Crossroads Boulevard prior to the City’s annexation of property, including County Road 3; and

WHEREAS, the City is now responsible for construction and maintenance of the County Road 3, now known as High Plains Boulevard (“the Roadway”); and

Whereas, the City finds it necessary and desirable to partner with the County for the installation and maintenance of street surface material on High Plains Boulevard in order to provide and maintain a safe roadway for the public; and

WHEREAS, it is necessary for City to reimburse County for the placement of these street surface materials which are necessary to meet the traveling public’s needs; and

Whereas, as governmental entities in Colorado, the City and the County 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 contained herein, it is agreed as follows:

1. Project Description. The Parties agree to cooperate with one another to place a new gravel surface on and provide maintenance of the Roadway between Crossroads Boulevard and Eisenhower Boulevard/US 34 in accordance with this Agreement and all applicable laws and regulations.
2. City’s Project Responsibilities. The City shall, at its sole cost and expense:
 - a. provide 18,000 tons of a CDOT Class 5 aggregate base course material;
 - b. reimburse the County for its labor costs and equipment to haul and place the aggregate base course on the Roadway;
 - c. perform any driveway culvert work required on the Project;
 - d. place a concrete drainage pan in the road ditch to accommodate the semi-truck turnaround on the west side of the Roadway near the Wal-Mart distribution property. The drainage pan will be placed after County’s work is complete;
 - e. extend the asphalt pavement north of the Greeley Loveland Canal box culvert for approximately 100-feet; and

f. regrade and pave the south leg of the Roadway at its intersection with Crossroads Blvd for approximately 150-feet south of the intersection.

3. County's Project Responsibilities: The County shall, at its sole cost and expense continue to perform routine maintenance of the Roadway, which consists of the chemical treatment, compacting and blading of the aggregate base course surface;

The County shall haul and place the City-provided aggregate base course the entire length of the Roadway, an approximately 2-mile section, at a thickness of 8-inches, a width of 28-feet, and with a roadway crown of 4-percent.

In addition to the placement of the roadway surface, the County will place 8-inches of aggregate base for a semi-truck turnaround area at the location field staked by the City.

Upon completion of the work, County will provide a detailed invoice for the costs of the work provided to City.

4. Reimbursement of Costs: The City will make full reimbursement to the County for the labor and equipment costs necessary to complete the installation of the street surface materials; less the value of the annual maintenance costs. The City will reimburse County within 30-days of receipt of a detailed invoice for the actual costs for the County's work on the Project. The estimated not to exceed amount eligible for reimbursement is \$150,000.
5. 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.* or any other applicable law.
6. Appropriation Required. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the Parties, it shall be subject to annual appropriation. Neither party shall have an obligation to continue this Agreement in any fiscal year in which no such appropriation is made.
7. Enforceability. The Parties to this Agreement recognize that there are legal constraints imposed on the City and the County by the Constitution, statutes, and laws of the State of Colorado and the United States, and the laws, ordinances and rules of each entity and that, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any of the provisions of this Agreement to the contrary, in no event shall the Parties exercise any power or undertake any action that shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.
8. Time of the Essence. Time is of the essence of this Agreement and is a significant and material term of this Agreement.
9. Force Majeure. No Party shall be considered in default in respect to any obligation hereunder if prevented from fulfilling such obligation by reason of uncontrollable forces, which, for the purposes of this Agreement, shall mean any cause beyond the control of the Party affected,

including, without limitation, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, or, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by due diligence and foresight such party could not reasonably have been expected to avoid. Any Party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

10. Notices. Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed, or three (3) days after being sent by certified mail, return receipt requested:

To the City:

William Cahill, City Manager
City of Loveland
410 E. 5th Street
Loveland, CO 80537

To the County:

Mark Peterson, Interim Division Director
Larimer County Public Works
200 West Oak Street
Suite 3000
PO Box 1190
Fort Collins CO 80522-1190

11. 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. 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. No party shall assign this Agreement without the remaining parties' prior written consent. The covenants, agreements and obligations herein contained, except as herein otherwise specifically provided, shall extend to, bind, and inure to the benefit of the Parties and their respective successors and assigns. Nothing contained herein shall be deemed or construed by the Parties, nor by any third party, as creating the relationship of principal and agent or a partnership or a joint venture between the Parties. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be only in the courts of County of Larimer, State of Colorado.
12. Counterparts. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.

In witness whereof, the Parties have executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM:

THE CITY OF LOVELAND
A Municipal Corporation

Assistant City Attorney

William Cahill, City Manager

ATTEST:

[SEAL]

Teresa Andrews, City Clerk

LARIMER COUNTY:

ATTEST (if a Corporation):

[SEAL]

Mark Peterson, Interim Division Director
200 West Oak Street
Suite 3000
PO Box 1190
Fort Collins CO 80522-1190

Secretary

AGENDA ITEM: 13
MEETING DATE: 4/19/2016
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill, City Manager



TITLE:
A Resolution Appointing Members to the Downtown Development Authority Board

RECOMMENDED CITY COUNCIL ACTION:
Adopt the action as recommended.

- OPTIONS:**
1. Adopt the action as recommended.
 2. Deny the action.

SUMMARY:
This is an administrative action item appointing Ray Steele, Jr. to the Downtown Development Authority Board for a partial term effective until June 30, 2016.

- BUDGET IMPACT:**
- Positive
 - Negative
 - Neutral or negligible

BACKGROUND:
Jacki Marsh resigned from the DDA Board on February 16, 2016, causing a vacancy for the remainder of her term effective until June 30, 2016. A nominating committee of the DDA Board has conducted candidate interviews, and as a result, the DDA Board is recommending the appointment of Ray Steele, Jr. to fill the remaining initial term vacated by Jacki Marsh effective until June 30, 2016.

This appointment meets the qualifications as established in C.R.S. §31-25-806.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:
Resolution

RESOLUTION #R-29-2016**A RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN
DEVELOPMENT AUTHORITY BOARD**

WHEREAS, by Ordinance No. 5960, approved on second reading by the City Council of the City of Loveland, Colorado (“City Council”) on December 2, 2014, City Council determined to establish a downtown development authority, pursuant to Title 31, Article 25, Part 8, Colorado Revised Statutes, as amended, (the “DDA Act”) and to submit the question to a vote of the qualified electors within the central business district and downtown; and

WHEREAS, pursuant to the DDA Act at C.R.S. §31-25-804, as amended, and Ordinance 5960, the question of establishing a downtown development authority was submitted to and approved by a majority of the qualified electors at a special election held on Tuesday, February 10, 2015, and,

WHEREAS, pursuant to Ordinance No. 5927, approved on second reading by the City Council on April 7, 2015, the Loveland Downtown Development Authority (the “DDA”) was established in accordance with the DDA Act and the boundaries of the DDA (the “District”) were established; and

WHEREAS, pursuant to the DDA Act at CRS §31-25-805 and by adoption of Resolution #R-26-2015, City Council established a board to supervise and control the DDA (“DDA Board”) consisting of seven (7) members to be appointed by City Council, including one (1) City Council member and six (6) members meeting the qualifications set forth in the DDA Act at CRS §31-25-806; and

WHEREAS, by adoption of Resolution #R-26-2015 City Council also appointed City Council member John Fogle to serve at the pleasure of the Council as a member of the DDA Board and so long as Larimer County owns real property within the boundaries of the District as set forth in Ordinance 5906, one of the remaining six (6) members of the DDA Board shall be a Larimer County Commissioner selected by the Larimer County Commissioners and recommended to the City Council to serve in such capacity; and

WHEREAS, by adoption of Resolution #R-28-2015 City Council also appointed the remaining six (6) members of the DDA Board with members meeting the qualifications set forth in CRS §31-25-806.

WHEREAS, the DDA Board has a vacancy for a term effective until June 30, 2016 due to the resignation of Jacki Marsh; and

WHEREAS, Council desires to make the following appointments with members meeting the qualifications set forth in CRS §31-25-806.

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

Section 1. The City Council hereby appoints the following resident, business lessee or owner of real property within the District as member of the DDA Board for the terms set forth below:

<u>Name</u>	<u>Expiration of Term</u>
Ray Steele, Jr., Friendly Pawn	June 30, 2016

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

ADOPTED this 19th day of April, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

AGENDA ITEM: 14
MEETING DATE: 4/19/2015
TO: City Council
FROM: Karen Rees, Human Resources
PRESENTER: Karen Rees, Acting Director of Human Resources

**TITLE:**

City Employee Clinic (Healthstat) Contract Renewal Of The Contract Dated May 2, 2014 Between The City And Healthstat, Inc, For Operation Of The City Employee Clinic

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. (denial would close the employee Healthstat clinic)
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. (further consideration could mean a temporary closure of the employee Heathstat clinic)

SUMMARY:

This is an administrative annual process to continue the contract with Healthstat for operation of the Employee Clinic and related services. The agreement may cover operations and services for up to five years. The contract runs from May 1, 2016 to April 30, 2017. Expenditures will be an amount not to exceed \$569,000. Healthstat will provide clinic services to eligible participants during the period as outlined in the contract.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The amount of \$569,000 is within the projected and approved 2016 Budget.

BACKGROUND:

The City had renewed the contract with Healthstat annually between 2011 and 2014 without authorization from Council, as the annual amount had not previously exceeded \$500,000. As a result of the projected 2016 amount, this is the second year the contract requires authorization from Council. The 2016 contract is within the projected and approved 2016 Budget. The projected amount of \$569,000 includes clinic administration fees, medical supplies, prescriptions, laboratory expenses, Health Risk Assessments, and our annual flue serum/shots.

A Clinic update was presented at a study session in October last year. Clinic objectives are to reduce the cost of medical care (control office visit, Rx and lab costs), reduce time away from work for medical treatment, reduce healthcare inflation trend, and improve employee health through health risk and disease management programs. Data showed that wellness impact for high risk patients/participant (top 20%) showed 33% improvement in the number of risk factors at the end of 2014.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

[Link to October 13, 2015 Study Session Materials](#) *Item 2

AGENDA ITEM: 15
MEETING DATE: 4/19/2016
TO: City Council
FROM: Economic Development Department
PRESENTER: Mike Scholl, Economic Development Manager



TITLE:
Contract Award For The South Catalyst Project Abatement And Demolition

RECOMMENDED CITY COUNCIL ACTION:

Adopt the action as recommended

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action - If the action is denied, the abatement and demolition would not proceed.
3. Adopt a modified action – Council could seek conditions to the approval
4. Refer back to staff for further development and consideration. Council could seek modifications to the contract or to rebid

SUMMARY:

This is an administrative action directing the City Manager to sign the contract with Hudspeth & Associates, Inc. to perform the abatement and demolition for the South Catalyst project. Hudspeth’s bid of \$543,820.50 was deemed the most responsive and responsible by staff. Hudspeth is General Abatement Contractor (GAC) based out of Englewood, Colorado. Because the contract exceeds \$500,000 it requires City Council approval.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

No appropriation is necessary; funds are already budgeted.

BACKGROUND:

Staff completed a competitive bid process for the abatement and demolition in support of the South Catalyst project. Staff reviewed the bids and completed a reference check of Hudspeth. Based on the bid amount, bid presentation, and reference check, staff is recommending Hudspeth as the contractor for this project.

Bid results are listed below:

Contractor:	Bid Amount:
Alpine Demolition	\$497,913 <i>(bid was deemed non-responsive by staff)</i>
Hudspeth & Associates	\$543,820
ARC	\$598,606
Northstar Demolition	\$640,613
Peak Environmental	\$937,555

Hudspeth, based out of Englewood, CO, has been in business for almost 20 years and has a clean record with both the Colorado Department of Health and the Environment (CDPHE) and the Environmental Protection Agency (EPA). In addition, the company has extensive experience on similar projects and is able to self-perform 90 percent of the work.

If the contract is approved by Council, the contractor has indicated that they would mobilize immediately. Staff anticipates that the work will be complete by the end of August. When completed, the block will be fenced and secure and 2nd Street will be closed. The lot at 3rd and Cleveland Avenue will be converted into a temporary surface parking lot. In addition, staff is working with the contractor to identify opportunities for salvage by members of the community.

The table below includes the total cost of the abatement and demolition. Staff is requesting a 25 percent contingency due to the possibility of Underground Storage Tanks and other unknown environmental conditions that would not be covered under the liability insurance. Council is required to approve the contract with Hudspeth because it exceeds \$500,000. The other contracts can be approved administratively.

Summary Estimated	
Abatement and Demolition (Hudspeth)	\$543,820
3rd Party Oversight Subsurface (Pinyon)	19,400
3rd Party Oversight Asbestos/Air Monitoring (SJR)	25,400
3rd Party Civil Engineering (CCG)	7,912
Project Management Consultant	99,000
Contingency (25%)	135,955
Total	\$831,487

The 3rd party oversight is required by state law to monitor compliance and assist with ongoing reporting. In addition, the City has hired a private-sector based abatement and demolition consultant to assist with the bid and overall project management. Upon successful conclusion, the state will issue a “no further action” letter that will clear the way for development.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Map

