



AGENDA

TUESDAY, OCTOBER 4, 2016

5:00 PM - Dinner - City Manager's Conference Room

6:00 PM LOVELAND CITY COUNCIL MEETING

Board of Directors of the General Improvement District #1

CITY COUNCIL CHAMBERS

500 EAST THIRD STREET

LOVELAND, COLORADO

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319.

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org o al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org

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

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 PROCLAMATIONS

Proclamation Declaring October 2016 as Domestic Violence Awareness Month

Glenda Shayne, Executive Director, Alternatives to Violence

[PROCLAMATION Domestic Violence Month 2016](#)

Proclamation Declaring Saturday, October 8, 2016 as the Day of the Annual Waterway Clean-up

Leah Browder, Public Works Director

[PROCLAMATION Annual Waterway Cleanup Day](#)

(6:15) 2. CONSENT AGENDA

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.

2.1 CITY CLERK (presenter: Terry Andrews) **APPROVAL OF MEETING MINUTES**

Approval of the City Council minutes for the August 30, 2016 and September 13, 2016 Study Sessions and the September 20, 2016 Regular Meeting.

A Motion Approving the City Council minutes for the August 30, 2016 and September 13, 2016 Study Sessions and the September 20, 2016 Regular Meeting.

[08302016 Minutes SS](#)

[09132016 Minutes SM & SS](#)

[09202016 Minutes RM](#)

2.2 CITY MANAGER (presenter: Steve Adams) **APPOINTMENT TO THE SENIOR ADVISORY BOARD**

This is an item appointing a member to the Senior Advisory Board.

Adopt a motion to appoint Karol Stroschein as the Chilson Senior Advisory

Committee representative on the Senior Advisory Board for a two-year term effective until October 4, 2018.

[2.2 CMO B+C Appointment Coversheet](#)

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

2.3 DEVELOPMENT SERVICES (presenter: Troy Bliss)
THE FOUNDRY INCLUSION IN THE GID

The proposal by the City for including all of the The Foundry project site in the General Improvement District No. 1 is a necessary adjustment to its boundaries due to the acquisition of properties and the established redevelopment area. The boundaries of the General Improvement District No. 1 are situated so as to align with whole properties (lots, parcels, tracts, etc.) or developments in order to apply additional tax for contribution in maintaining/upgrading public parking and pedestrian facilities downtown. The General Improvement District No. 1 is not established over portions of properties. Consequently, this adjustment is appropriate so that all of The Foundry project site is within the boundaries and not just a portion. The first reading of the ordinance was unanimously approved by the City Council at the September 20, 2016 Council meeting

A Motion to Approve, on Second Reading, Ordinance #6050 Granting A Petition For Inclusion Of The Area Of The City Of Loveland, County Of Larimer Generally Bounded By Lincoln Avenue To The East, Cleveland Avenue To The West, Opera Alley To The North And East First Street To The South Within The Loveland General Improvement District No. 1 In The City Of Loveland, Colorado.

[2.3 DS The Foundry GID Coversheet](#)

[ORD for GID inclusion of the South Catalyst Project aka The Foundry second reading](#)

[Att 2 DS GID inclusion Memo](#)

[Att DS GID Petition for Inclusion in the GID No 1 Exhibit A](#)

[Att DS GID Walker Parking Analysis Exhibit B](#)

[Att DS GID Downtown URA Map Exhibit C](#)

[Att DS Lee Farm letter to Council](#)

ADJOURN AS THE BOARD OF DIRECTORS OF THE GID#1 AND RECONVENE AS THE LOVELAND CITY COUNCIL

2.4 PUBLIC WORKS (presenter: Chris Carlson)
WILSON TO TAFT AVE FLOOD RECOVERY

This project contains all remaining flood recovery work between Wilson Avenue and Centennial Park, including the following: replacement of the pedestrian bridge crossing the Big Thompson River downstream of Wilson Avenue; repair and realignment of several sections of concrete pedestrian trail between Wilson and Taft Avenue; repairs, utility protection, trail realignment, and erosion protection north of the Cottonwood Meadows Subdivision at an avulsion area; repair of three damaged storm sewer outfalls; repair and restoration of a pre-flood stormwater quality treatment pond; and construction of a trail connection to the west sidewalk on Taft Avenue. The first reading of the ordinance was unanimously approved by the City Council at the September 20, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6051 Enacting A Supplemental Budget Appropriation To The 2016 City Of Loveland Budget For Construction Of The Wilson To Taft Avenue Flood Recovery Project.

[2.4 PW Wilson-Taft Flood Recovery Project Coversheet](#)

[ORD Supp Approp Wilson to Taft \(flood recovery\) second reading](#)

2.5 DEVELOPMENT SERVICES (presenter: Kerri Burchett)
MIRASOL SECOND ADDITION ANNEXATION

This is a consideration of the following items on second reading:

- Adoption of an ordinance to annex 6.8 acres of property to be known as the Mirasol Second Addition; and
- A quasi-judicial action to zone the 6.8 acres to Mirasol Community Planned Unit Development.

The property is located at the southeast corner of 4th Street SE and St. Louis Avenue. The applicant is the Housing Authority of the City of Loveland.

The City Council public hearing was held on September 20, 2016. After receiving public testimony, the Council voted unanimously to approve the annexation and zoning ordinances. After annexation and zoning, the next step in the process is a preliminary development plan that requires a Planning Commission hearing. This will provide the neighborhood with another opportunity to participate and comment on the site plan and building design.

1. A Motion to Approve, on Second Reading, Ordinance #6052 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Mirasol Second Addition" To The City Of Loveland.

2. A Motion to Approve, on Second Reading, Ordinance #6053 Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Mirasol Second Addition" To The City Of Loveland.

[2.5 DS Mirasol 2nd Annexation Coversheet](#)

[ORD Mirasol Second Addition Annexation second reading](#)

[Att 2a Exh A Annexation Agreement Mirasol Second Addition EXH](#)

[ORD Mirasol Second Addition Zoning second reading](#)

[Att 4 DS Mirasol 2nd Annexation Staff Memo](#)

[Att 4 DS Mirasol 2nd Annexation Staff Memo 2](#)

[Att 5 Mirasol Powerpoint](#)

2.6 ECONOMIC DEVELOPMENT (presenter: Mike Scholl)
SUPPLEMENTAL APPROPRIATION FOR EWI

City Council approved an agreement with EWI on October 20, 2015 to fund EWI operations at the Rocky Mountain Center for Innovation and Technology (RMCIT). The agreement called for the City to invest \$2 million, and EWI would identify an additional \$4 million for the project. The total development cost is \$6 million including the City's contribution. The initial appropriation for \$500,000 was approved at the October 2015 meeting and was paid to EWI. In accordance with the terms of the agreement, EWI has requested the next installment of \$1 million. EWI has met the performance measures as defined in the agreement that includes execution of RMCIT lease, contracts with financing partners, Colorado Advanced Manufacturing Alliance

(CAMA) and the Colorado State Office of Economic Development and International Trade (OEDIT), and hiring of four staff including a director, business development, technology leader, and engineer.

Based on feedback from Council at the 1st reading of the appropriation ordinance, staff will work with EWI to develop a reporting system to insure the City's investment is tracked and used in accordance with the terms of the agreement. The first reading of the ordinance was approved unanimously by the City Council at the September 20, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6054 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for Edison Welding Institute (EWI) Incentive.

[2.6 ED EWI Appropriation Coversheet](#)

[ORD Supp Approp EWI second reading](#)

[Att 2 ED EWI Letter of Request 2016](#)

[Att 3 ED EWI Project Updates](#)

[Att 4 ED EWI Colorado Fully Executed 10 21 15](#)

2.7 PARKS AND RECREATION (presenter: Marilyn Hilgenberg)

PUBLIC COMMENT

SUPPLEMENTAL APPROPRIATION FOR OPEN LANDS ACQUISITION

A supplemental budget ordinance to appropriate adequate funding for the acquisition of the Namaqua West Open Lands Acquisition along the Big Thompson River in west Loveland. A supplemental appropriation for \$1,600,000 from the Open Space Tax Fund is required to supplement available funding for the acquisition of the Namaqua West Open Lands acquisition. The current Open Space Tax Fund balance is \$6,064,377. The new fund balance would be \$4,464,377 upon approval of the supplemental appropriation.

A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Namaqua West Property Open Lands Acquisition.

[2.7 P&R Namaqua West Open Lands Coversheet](#)

[ORD Supp Appropriation Namaqua West first reading](#)

[Att P&R Purchase Contact Namaqua West](#)

[Att P&R Namaqua West Map](#)

2.8 ECONOMIC DEVELOPMENT (presenter: Cindy Mackin)

PUBLIC COMMENT

PHASE II OF THE WAYFINDING PROGRAM

The ordinance requests \$55,000 from the Lodging Tax Fund to support completion of Phase II of the wayfinding program. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. If the request is approved the remaining 2016 unassigned fund balance in the Lodging Tax Fund will be \$553,324.

A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental

Budget And Appropriation To The 2016 City Of Loveland Budget For Phase II Of The Wayfinding Program

[2.8 ED Wayfinding Signs Coversheet](#)

[ORD Supp Approp Wayfinding Signs first reading](#)

[Att ED Wayfinding Phase II Map](#)

2.9 PUBLIC WORKS (presenter: Chris Carlson)
PUBLIC COMMENT
BIG THOMPSON RIVER CORRIDOR MASTER PLAN

City Council approval is necessary to accept a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant awarded by the State of Colorado to the City of Loveland. The grant is intended to reimburse the City of Loveland for the cost of preparing a detailed, multi-objective Big Thompson River Corridor Master Plan. The ordinance on first reading appropriates funding for the engineering and planning costs to develop the Big Thompson River Corridor Master Plan. The project is anticipated to cost up to \$275,000, of which \$249,700 will be reimbursed by the CDBG-DR planning grant. The City's cost share is \$25,300 maximum. The City will contract with a consulting firm to develop the master plan, which is expected to be completed in approximately 12 months. The Stormwater Utility Capital Fund will be used as the primary funding source for the \$275,000 cost, but the fund balance will increase as the CDBG-DR grant reimbursements are received. A maximum amount of \$25,300 will be spent above the CDBG-DR grant amount of \$249,700. The existing working cash balance of the Stormwater Utility Capital fund is \$7,170,622. It will be reduced to a minimum of balance of \$6,895,622 before reimbursement from the grant and to a minimum balance of \$7,145,322 after reimbursement is received.

1. A Motion to Adopt Resolution R-91-2016, Authorizing the City Manager to Execute the Community Development Block Grant – Disaster Recovery (CDBG-DR) Planning Grant Agreement (Project No. CDBG-DR P16-025) Between the City of Loveland And The State of Colorado Department of Local Affairs.

2. A Motion to Approve, on First Reading, An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for the Big Thompson River Corridor Master Plan.

[2.9 PW Big T River Corridor Master Plan Coversheet](#)

[RES CDBG Grant River Corridor](#)

[EX A Resolution Re CDBG Disaster Recovery Resiliency Planning Grant Agreement](#)

[ORD Big Thompson River Master Plan first reading](#)

[PW Att River Master Plan Map](#)

2.10 PUBLIC WORKS (presenter: Leah Browder)
IGA WITH CDOT FOR ROADWAY MAINTENANCE

City Council approval will allow City staff to proceed with renewing an IGA with CDOT so that the City can continue to provide maintenance services on certain CDOT roadways totaling just over 123 lane miles within or abutting city boundaries. The IGA would become effective in 2016 and would be renewable annually for a term of up to five years, assuming both parties are amenable and that State funds are appropriated accordingly. The annual contract payment from CDOT to the City would total \$110,916

and is subject to yearly increase should the City request and validate the need for an adjustment and CDOT accept the request.

A Motion to Adopt Resolution R-92-2016, Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation Regarding Maintenance Services For U.S. Highways.

[2.10 PW IGA w CDOT for Roadway Maintenance Coversheet](#)

[RES Approving IGA with CDOT for Road Maintenance](#)

[EXH A to Resolution Approv CDOT IGA for Road Maintenance](#)

2.11 FINANCE

(presenter: Theresa Wilson)

AUGUST FINANCE REPORT

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 August 31, 2016. Citywide Revenue (excluding internal transfers) of \$193.2 million is 97.4% of year to date (YTD) budget. Sales Tax collections are 5.1% above the same period in 2015, and 99.3% of the YTD budget. This data spans eight months, and the trend has been slowly rising. Building Material Use Tax is 125.3% of YTD budget. Sales and Use Tax collections combined are 102.8% of YTD budget. Citywide total expenditures of \$186,449,533 (excluding internal transfers) are 71.1% of the YTD budget.

[2.11 FIN August Report Coversheet](#)

[FIN August 2016 SnapShot](#)

[FIN Att August 2016 SnapShot PP](#)

2.12 CITY MANAGER'S OFFICE

(presenter: Alan Krcmarik)

AUGUST INVESTMENT REPORT

The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the August monthly report, the estimated yield on the fixed income securities held by USBank was at 1.32%, for total assets the yield was 1.10%. For the year-to-date, total earnings of \$1,448,163 have been posted to City fund accounts. U.S. short-term Treasury interest rates rose in August; the portfolio's change in unrealized gain for the year-to-date eased down \$1.095 million. The end of August portfolio market value is estimated to be \$216.9 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of \$226.3 million.

[2.12 CMO August Investment Report Coversheet](#)

[CMO Att August Investment Focus](#)

(6:20) 3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:25) 4. PUBLIC COMMENT

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

5. REGULAR AGENDA

PROCEDURAL INFORMATION

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

5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

(7:00) 5.2 CITY ATTORNEY AND PUBLIC WORKS (presenter: Tami Yellico) IGA FOR FUNDING I-25 IMPROVEMENTS

In late 2015, the municipalities of Berthoud; Estes Park; Fort Collins; Loveland; Timnath; Wellington; Windsor and Johnstown passed Resolutions of Support for the Use of Larimer County Mill Levy Funds for Interstate 25 (I-25) Improvements.

As a result, Larimer County included in their 2016 budget a temporary increase to the Road and Bridge mill levy which is offset with an equal decrease in the County's general fund mill levy thus resulting in no net increase in the mill levy. The cooperative approach between the County and participating municipalities includes utilizing revenue realized from the temporary redistribution to establish a fund to create matching monies for a partially grant-funded \$237 million project to widen a 14-mile stretch of the I-25 from State Highway 14 to State Highway 402.

The proposed IGA is the result of the collective efforts of legal representatives from all municipalities participating in this effort. It puts into place the mechanics for participating agencies to direct the increased Road and Bridge mill levy proceeds to the collaborative I-25 project fund. Increased Larimer County property values provide an opportunity to increase the County Road and Bridge Mill Levy within the County's total Mill Levy commencing in 2016 for a period of five years by an estimated amount of \$2 million annually without decreasing the amount shared back to the participating municipalities and without increasing the total County Mill Levy.

A Motion to Adopt Resolution R-93-2016 Approving An Intergovernmental Agreement (IGA) For Funding Interstate 25 Improvements.

[5.2 PW I-25 IGA for Improvements Coversheet](#)

[RES Approving and IGA for funding I-25 Improvements](#)

[PW Att I-25 IGA for Funding EXH](#)

[PW att 3 I-25 Improvements Resolution of Support](#)

(7:30) 5.3 CITY ATTORNEY (presenter: Tami Yellico) DISCUSSION AND POSSIBLE EXECUTIVE SESSION

City Council may be asked to consider formal action, including the possibility of calling an Executive Session, to consider negotiations, legal advice, and personnel matters concerning the process for naming an interim or acting city attorney.

[5.3 CAO Ex Session Interim or Acting CA Coversheet](#)

(8:30)

6. REPORTS

6.1 **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.

6.2 **CITY MANAGER REPORT**

6.3 **CITY ATTORNEY REPORT**

7. ADJOURNMENT