



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, December 4, 2018 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Marsh
Councilors:
Overcash, Ball, Clark, Olson, Jersvig, Wright and Fogle (arrived at 6:10 pm)

COUNCIL ABSENT: Johnson

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

2. CONSENT AGENDA

2.1 CITY CLERK
APPROVAL OF MINUTES

Approval of the City Council minutes for the November 6, 2018 Regular Meeting.

A Motion to Approve the City Council minutes for the November 6, 2018 Regular Meeting

CARRIED.

2.2 CITY CLERK
CALL FOR A SPECIAL MEETING TO BE HELD ON DECEMBER 11, 2018, AT 6:00 PM
FOR THE CITY ATTORNEY'S QUARTERLY PERFORMANCE REVIEW WITH A POSSIBLE
EXECUTIVE SESSION

This item provides a motion calling for a Special Meeting on December 11, 2018. If approved, the City Clerk shall call for a Special Meeting on December 11, 2018 at 6:00 PM for items to be noticed at least twenty-four hours in advance. The item currently anticipated is the City Attorney's Review.

A Motion To Direct The City Clerk To Call For A Special Meeting To Be Held On December 11, 2018 At 6:00 PM For The Purpose of Conducting the City Attorney's Review With Possible Executive Session

CARRIED.

2.3 CITY CLERK
MEMBER APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION

This item is the recommendation to City Council to reappoint members to the Citizens' Finance Advisory Commission. The objective is to retain members for this board.

A Motion To Reappoint Leslie Snow To The Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2021

CARRIED.

A Motion To Reappoint Roger Weidelman To The Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2021

CARRIED.

2.4 PARKS AND RECREATION

A RESOLUTION APPROVING THE PARKS AND RECREATION DEPARTMENT TO PURSUE A TRANSPORTATION ALTERNATIVES GRANT FOR A TRAIL AND TRAIL UNDERPASS ON WILSON AVENUE

Steve Adams, City Manager, removed this item.

2.5 HUMAN RESOURCES

CITY EMPLOYEE MEDICAL INSURANCE THIRD PARTY ADMINISTRATOR

The purpose of this item is to pass a motion to authorize the city to renew the contract to provide self-insured medical coverage for eligible employees and family members for 2019. Additionally, this item will allow the City Manager to renew a contract for UMR to pay for medical claims processing and administrative duties not to exceed \$13,129,500. This total includes \$2,754,500 for administration fees and \$10,375,000 for medical and prescription claims. Administration costs include UMR paying on our behalf; Stop Loss and Vision Premiums; Prescription, Dental, COBRA and Flex Spending Administrator Service Fees. Dental claims will not be paid to UMR. Vision premiums are funded 100% by employee premiums. There will be no impact on the current unassigned fund balance within the Employee Benefits Fund due to these funds being already appropriated in the 2019 Budget.

A Motion To Approve Resolution #R-120-2018 To Renew The Contract Between The City And UMR for Medical Claims Administration

CARRIED.

2.6 HUMAN RESOURCES

CITY EMPLOYEE LIFE AND DISABILITY COVERAGE RENEWAL

The purpose of this item is to pass a motion to authorize the City to renew life and disability insurance coverage for employees and legal compliance for leave of absences. Additionally, this item will allow the City Manager to renew the contract for The Hartford to provide life and disability policies and legal compliance services for employee leave of absences for an amount not to exceed \$603,300. Included in this amount if the employee paid voluntary life insurance in the amount of \$150,000. The motion will allow the City Manager to renew this contract which will provide life and disability policies and legal compliance for employee of absences. The amount requested for 2019 is within the 2019 benefits budget.

A Motion To Adopt Resolution #R-121-2018 Approving Renewal Of A Contract Between The City Of Loveland And The Hartford For Employee Life And Disability Insurance Coverage

CARRIED.

**2.7 HUMAN RESOURCES
CITY EMPLOYEE WELLNESS CENTER RENEWAL**

The purpose of this item is to pass a resolution to authorize the City to renew the contract for operations of the Employee Wellness Center by Marathon Health. Additionally, this item will allow the City Manager to execute the contract with Marathon Health to provide wellness and episodic care for medical plan participants for an amount not to exceed \$600,000. This amount includes administration fees, prescriptions and lab tests. The motion will allow the City Manager to renew this contract which will provide wellness and episodic care for employees and family members enrolled in the medical plan.

A Motion To Adopt Resolution #R-122-2018 Approving Renewal Of A Contract With Marathon Health, LLC For Employee Health Clinic Services

CARRIED.

**2.8 HUMAN RESOURCES
CITY EMPLOYEE DENTAL CLAIMS ADMINISTRATOR RENEWAL**

The purpose of this item is to authorize the City to renew self-insured dental coverage and claims administration for eligible employees and family members for 2019 with Delta Dental of Colorado. Additionally, this item will allow the City Manager to renew the contact and subsequent purchase order for Delta Dental to process and pay dental claims not to exceed \$610,000. This dollar amount does not include the administration fees of \$39,000 which the City will pay to UMR who will, in turn, pay Delta Dental on the City's behalf.

A Motion To Adopt Resolution #R-123-2018 Approving Renewal Of A Contract With Delta Dental

CARRIED.

**2.9 LOVELAND POLICE DEPARTMENT
APPROVING THE VICTIM ASSISTANCE AND LAW ENFORCEMENT GRANT
AGREEMENT**

The purpose of this item is to accept a grant totaling \$35,000 from the Victim Assistance and Law Enforcement (VALE) Board, which would allow for the Loveland Police Department to continue a .5 Full Time Employee (FTE) largely grant funded position within the Police Department to support and continue to enhance the delivery of victims' services to all victims of crime articulated under the Colorado Victims' Rights Act of 1993 (VRA). This position has provided direct follow-up contact with VRA crime victims to ensure that they are fully informed of victim services available to them as a result of their victimization. Victims are still referred to Alternatives to Violence for victim advocacy services. This position has also been responsible for ensuring that the Police Department responsibilities for VRA services are met in accordance with applicable laws of the State

of Colorado. The position will continue to ensure annual training to all police personnel who come into contact with crime victims of VRA crimes. The objective of accepting this grant is to maintain the employment of a .5 FTE who will ensure that the Loveland Police Department is fully meeting its requirements under the VRA. This grant funded position may be renewed annually, or the Police Department may also pursue a grant through Colorado Organization for Victim Assistance (COVA), a statewide non-profit organization, for funding in 2020 and beyond. If neither of the two aforementioned grants are awarded in 2020, this position will be reevaluated and brought forth as a Decision Package Request or eliminated.

A Motion To Adopt Resolution #R-125-2018 Approving A Contract To Accept And Utilize Victim Assistance And Law Enforcement Board Grant Funds To Maintain A 0.5 FTE Victim Services Coordinator

CARRIED.

2.10 PUBLIC WORKS
COLORADO DEPARTMENT OF TRANSPORTATION GRANT FOR TRANSIT AND RAIL FACILITIES

The City of Loveland is seeking financial support from the Colorado Department of Transportation (CDOT) Division of Transit & Rail Facilities/Capital Grant program for the construction of the North Transit Center to be located at approximately US-287/Garfield and 37th Street. The goal of this project is to construct a long-term transfer facility to address the growing needs of the local and regional routes while providing a Park –N-Ride facility for Loveland transit users who currently drive to Fort Collins to use their transit/parking facility. This facility will support the recent increased ridership and the associated customer parking. In addition, the new facility will allow for easier access, mitigate traffic concerns, enhance pedestrian safety, and provide shelter from the elements. It is anticipated that this facility will support growth in the local and regional services as well as redevelopment along this segment of the US 287 corridor. There is no impact to the budget at this time. If Council approves this request, and ordinance will be brought back to Council at a later date for appropriation.

A Motion To Approve Resolution #R-127-2018 Supporting The Grant Application For A Colorado Department Of Transportation Division Of Transit And Rail Facilities/Capital Grant For Construction Of The City Of Loveland North Transit Center

CARRIED.

2.11 FINANCE
PUBLIC COMMENT
2018 YEAR-END WRAP-UP SUPPLEMENTAL BUDGET AND APPROPRIATION

At the end of each year, staff recommends a year-end budget “wrap-up” supplemental budget and appropriation to address unresolved budget items remaining at year-end to ensure there are sufficient appropriations available to meet projected expenditures. This ordinance is recommended to finalize the 2018 budget and ensure that the budget remains balanced. If approved, the remaining General Fund Unassigned Fund Balance would be

\$3,891,440 (an increase of \$39,605), the remaining Fleet Replacement Fund Balance would be \$6,772,832 (a decrease of \$23,170), and the impact to all other funds is neutral.

A Motion to Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget and Appropriation to the 2018 City of Loveland Budget for Year-End Appropriations

CARRIED.

2.12 PARKS AND RECREATION

PUBLIC COMMENT

PERMANENT RIGHT OF WAY (ROW) DEDICATION OF CITY PROPERTY AT VIESTENZ SMITH MOUNTAIN PARK/CEDAR COVE FOR COUNTY BRIDGE PROJECT

The 2013 flood destroyed the Larimer County Bridge across the Big Thompson River near Viestenz Smith Mountain Park and near the Cedar Cove area on Hwy 34. Larimer County has an established a Right Of Way (ROW) for Wildbriar Lane which is the old Hwy 34 prior to the 1930's. Larimer County plans to repair the bridge this winter starting in January 2019. The project will require permanent ROW and temporary easements from the City near Viestenz-Smith Mountain Park property. The bridge leads only to one residence but Larimer County has always maintained this bridge. Wildbriar Lane is a public road that allows access to the eastern side of Viestenz Smith Mountain Park. However, the property subject to conveyance and contemplated by the proposed ordinance has not been historically used for any park purpose nor is the aforementioned property utilized for any current park purpose. Granting the permanent ROW to Larimer County will allow the bridge repair to be completed in a timely manner when the river is low. The construction project will not effect access to Viestenz Mountain Park. The park is closed until April 1st and this part of the city's property is not open for public use nor part of the Viestenz Mountain Park. The city will receive \$700 in revenue from Larimer County for the ROW and temporary easements.

A Motion to Adopt an Ordinance, On First Reading, Authorizing The Sale of Right-of-Way To Larimer County For The Viestenz Smith Mountain Park/ Cedar Cove/ Wildbriar Lane Bridge Project Pursuant To Section 4-7 Of The City Of Loveland Municipal Charter

CARRIED.

2.13 DEVELOPMENT SERVICES

PUBLIC COMMENT

AMENDMENTS TO THE ADOPTED 2012 INTERNATIONAL CODES

This first item provides a method to reduce the number of people in a building that require a water fountain. Currently 15 occupants requires a tenant to install a drinking fountain for its customers. In some instances running water is not technically or financially feasible for the scope of work, and a water cooler would be an approved alternative. The proposed change would require a water fountain for 100 or more occupants. This change would make the requirements less restrictive for applicants.

The second proposed change is to increase the number of air exchanges from 3 to 4 required for a townhouse energy requirement. The current IECC testing requirements are almost impossible to meet when a party wall (common wall between townhouses) is

present. This will allow for the test to accurately reflect the additional openings to allow for more air exchange in a town-home. This change will make the requirements less restrictive for testing requirements mandated by the code.

The third proposed change is to the wind gust speeds that are established for design criteria, our change to this map is a reflection of what our actual needs are to build along the front range (against winds). The gusts are not measured as constant wind speeds, but highest recorded in our area. This change will also align us with our neighboring jurisdictions who have already started to adopt this local criteria.

The final proposed change is to reduce the fire separation distance requirements when a lot has a building that is over multiple lot lines. Currently we have multiple existing structures that are built over lot lines, especially downtown. This change will help these applicants when adding or altering their structures. This is less restrictive requirement for applicants to help meet current code requirements under limited existing conditions. The proposed change will also mirror the process adopted in the new Unified Development Code requiring a Unity of Title recognizing the total lots within a property as opposed to a re-plat of the property.

These are the some of the items discussed in 2017, where Council requested they be brought back after being vetted through the Construction Advisory Board. The first reading of this item was presented to City Council on November 20, 2018 where it passed on the consent agenda with a 9-0 vote. Please note that Attachment 1 is a hyper-link document.

A Motion To Approve, On Second Reading, Ordinance No. 6262 Amending Sections Of Title 15 Of The Loveland Municipal Code

CARRIED.

2.14 COMMUNITY PARTNERSHIP OFFICE

PUBLIC COMMENT

CODE CHANGES AFFECTING LOVELAND FIRE RESCUE AUTHORITY IMPACT FEES

The proposed code changes mandate that impact fees for Loveland Fire and Rescue Authority (LFRA) are reimbursed and not waived outright. The purpose of presenting this item to City Council now, instead of updating the Unified Development Code, is to ensure that payments to LFRA for affordable housing resolutions completed in 2018 will be made timely. Approve the attached changes to 16.43. These changes will be made to the Unified Development Code that was adopted by Council on November 6, 2018 in 2019.

A Motion To Approve, On Second Reading, Ordinance No. 6263 Amending The Loveland Municipal Code At Chapter 16.43, And Section 16.43.070 Regarding Waived Loveland Fire Rescue Authority Impact Fees By The City Of Loveland

CARRIED.

**2.15 FINANCE
FINANCE REPORT**

The Snapshot Report is submitted for City Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of October 31, 2018. Sales tax continues to trend up which is positive however, Citywide revenues are only up 1.9% from last year while Citywide expenditures have increased 11.7%.

Citywide Revenue of \$280.4 million is 73.3% of total annual budget; this is 10.1% below projections. Sales Tax collections October YTD are 2.9% above October 2017 YTD, and 84.8% of the total annual budget; this is 1.5% above projections. Building Material Use Tax collections for October are 6.1% above October 2017 YTD, and 88.0% of the total annual budget; this is 4.7% above projections. Sales and Use Tax collections combined are 84.8% of total annual budget; this is 1.5% above projections. Citywide total expenditures of \$277.6 million are 58.7% of the total annual budget; this is 24.7% below projections.

Information Only

CARRIED.

**2.16 FISCAL ADVISOR
INVESTMENT REPORT OCTOBER 2018**

Through October 2018, the market value of the City's investment portfolio is \$240,293,245. The budget revenue projection for the full year of 2018 was set at \$2,527,729. So far this year, actual interest received is \$665,707 ahead of schedule. Using the portfolio's beginning year balance, the rate needed to reach the annual interest earning target is 1.13%. The annualized interest rate at the end of October reached 1.91%. For the month, accounting staff posted \$553,625 to various fund accounts. The year to October month-end total is \$2,732,887. U.S. short-term (under five years) Treasury interest rates have moved sharply higher since November 2016. In mid-September, the Federal Open Market Committee increased the federal funds rate for the third time this year to the range of 2.00% to 2.25%. Another rate increase will likely be imposed in December. The Fed has also announced repeatedly their intention to stay on a path of gradual increases, with a high probability of an increase in March of 2019 with two more increases after that within 2019. The Fed will be watching economic conditions closely and also paying attention to the yield curve. When very short-term interest rates (3 months) are higher than the longer term rates (10 years), the yield curve is "inverted." An inverted yield curve has been one of the most accurate predictors of an upcoming recession, usually within one year. This agenda item and monthly investment Focus Report provide the existing values of the City's investment portfolio and how funds are invested. The report also provides some economic updates, interest rate trends, and other information that may affect the investment program.

Information Only

CARRIED.

3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4. MOTION TO ADOPT THE CONSENT AGENDA

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt The Consent Agenda, Items 2.1 to 2.16, with the exception of Item 2.4 pulled by Steve Adams, City Manager.

CARRIED UNANIMOUSLY 8-0.

5. PUBLIC COMMENT

Roger Gomez, Loveland resident, brought forward information regarding easement issues with his property.

Gaylon Lyle wanted to follow up regarding the fee discussion at last meeting.

Pat O'Brien, Loveland resident, asked City Council regarding their thoughts on climate change and the burning of fossil fuels.

**6. REGULAR AGENDA
PROCEDURAL INFORMATION**

6.1. DEVELOPMENT SERVICES

PUBLIC COMMENT

CENTERRA EMERGENCY ACCESS EASEMENT VACATION

Brett Limbaugh, Director of Development Services stated that the application proposes to vacate an unneeded emergency access easement within in an undeveloped area of the Millennium Addition. The 50-foot wide easement is located to the east of Interstate 25, north of the Promenade Shops, and south of the Crossroads Business Park. The easement was established in 2004 in conjunction with the development of the Promenade Shops. At that time, public streets were already planned for this area, but not yet able to provide the required second means of emergency access to the Promenade Shops. The easement was therefore provided in order to allow for the second means of access. A provision was written into the Grant of Easement stating that the easement would be terminated by the city, at the applicant's request, at the time it is no longer needed. Alternative access has since been obtained not only through the buildout of Centerra Parkway, but also Kendall Parkway and Sky Pond Drive. The applicant did not have specific need to pursue a vacation of the unneeded easement until a recent contact with the Colorado Department of Transportation (CDOT). CDOT is in the planning stages of an I-25 widening project, and the easement is situated in their anticipated right-of-way work area. In response, the applicant is now requesting the vacation of the unneeded easement.

The Mayor opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt, On First Reading, An Ordinance Vacating An Emergency Access Easement Located in Millennium Addition, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED UNANIMOUSLY 8-0.

**6.2 COMMUNITY PARTNERSHIP OFFICE
GRACE GARDENS AFFORDABLE HOUSING DESIGNATION**

Councilor Fogle recused himself from the meeting.

Alison Hade, Community Partnership Administrator, reported that the Loveland Housing Authority Grace Gardens project will bring 206 units of rental and for-sale housing built by the Housing Authority, Habitat for Humanity and Aspen Homes. All of the 144 rental units and 75% of the for-sale homes will be for residents living at 80% of the area median income (AMI) or below. At this point, the neighborhood will also contain 15 market rate for-sale homes for people living above 80% of the AMI. This designation is for all three partners for both rental and for-sale housing.

An Affordable Housing Designation locks in fees as of the date that the resolution is signed for a period of five years as per 16.43.035 of the Loveland Municipal Code. It also allows the recipient to ask for a waiver of development and capital expansion fees at a subsequent City Council meeting. At this point, Loveland Housing Authority, Habitat for Humanity and Aspen Homes believe they will be able to provide a variety of products for low-income Loveland residents with fee waiver assistance from the City of Loveland.

On February 7, 2017, City Council designated the Loveland Housing Authority and Loveland Habitat for Humanity as preferred partners.

The Grace Gardens project, a joint project of both partners, is a great opportunity to build an affordable complete neighborhood utilizing the Unified Development Code.

Jeff Feneis, Loveland Housing Authority, presented to Council noting the number of units, price points and the partnership within the community. The designation will provide more predictability moving forward.

Mayor Marsh opened the meeting for public comment.

Jane Collins, Loveland resident, stated her concern that Grace Gardens is considered affordable housing and questioned the AMI in this area. She was also concerned with multi-bubble housing.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt Resolution #R-124-2018 Approving An Affordable Housing Designation For The Housing Authority Of The City Of Loveland Within The Grace Community Church First Subdivision In Loveland, Colorado

CARRIED UNANIMOUSLY 7-0.

**6.3 COMMUNITY PARTNERSHIP OFFICE
AFFORDABLE HOUSING DESIGNATION FOR LOVELAND HOUSING AUTHORITY,
MINKA HOMES**

Councilor Fogle recused himself from the meeting.

Alison Hade, Community Partnership Administrator, presented to Council stating that the Loveland Housing Authority will construct nine Minka homes on property owned by the Housing Authority south of their Silver Leaf communities west of Lincoln Avenue and south of East 23rd Street. Minka homes are described as traditional Japanese style buildings used by farmers, artisans and merchants. The term has historically meant “houses of the people” but now describes simple, small homes that are energy-conscious with a universal design. The Minka homes that will be placed near the Silver Leaf community were designed by Dr. Bill Thomas (<https://myminka.com/about/>) using state of the art technology to create fabricated panels that are assembled on-site. Assembly duration from start to move-in date can be as short as one week.

The nine homes will be placed on a 5-acre parcel that the Housing Authority has owned for 40 years. All nine homes will be rentals and all will be affordable targeting residents 55 or 62 years of age and older and those with disabilities. Occupants will be able to access amenities located at the Silver Leaf II apartments, including onsite dining and resident services.

An Affordable Housing Designation for this project locks in fees as of the date that the resolution is signed for a period of five years as per 16.43.035 of the Loveland Municipal Code. It also allows the recipient to ask for a waiver of development and capital expansion fees at a subsequent City Council meeting. On February 7, 2017, City Council designated the Loveland Housing Authority and Loveland Habitat for Humanity as preferred partners. To obtain an Affordable Housing Designation will allow the Loveland Housing Authority to lock-in development fees, qualify for expedited development review, and qualify to request a waiver of fees.

Mayor Marsh opened the meeting for public comment.

Jane Collins, Loveland resident, inquired what the finished product would look like and had questions regarding safety. She asked if the project would go through the planning process and meet the requirements of the Loveland Municipal Code.

City Council discussed the project noting it was a great use at this particular site. They expressed excitement about the product and the innovation it is creating in the City and are looking forward to seeing prototype in January.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt Resolution #R-126-2018 Approving An Affordable Housing Designation For The Housing Authority Of The City Of Loveland For The Minka Homes Within The Stephenson Second Subdivision In Loveland, Colorado

CARRIED UNANIMOUSLY 7-0.

Councilor Fogle returned to the regular meeting.

6.4 PUBLIC WORKS

FREEDOM PARKWAY (SH 402 - LCR 7 TO KERSEY) ACCESS CONTROL PLAN (ACP) INTERGOVERNMENTAL AGREEMENT (IGA)

Dave Klockeman, Senior Civil Engineer, presented the item to City Council stating the purpose of this Access Control Plan (ACP) was to create a consistent plan to maintain and enhance the safety and mobility of the Freedom Parkway corridor while also providing reasonable access to adjoining properties. Safety is the main purpose for evaluating access and developing an ACP, although mobility and access are also important. The ACP establishes consistent criteria and recommendations for defining access management along the corridor to improve safety by defining the level of turning and crossing movements at specific locations. At the same time, the ACP looks at future development in order to create a framework for adequate access, including future turn lanes and intersection control, in order to maintain functional integrity of the overall corridor.

The Resolution allows the City to enter into an Intergovernmental Agreement (IGA) with the other members of the Freedom Parkway Coalition for the ACP for portions of SH 402, Larimer County Road 18, Weld County Road 54, and 37th Street from LCR 7 (0.5 miles west of I-25) to WCR 49 (Kersey) (collectively known as Freedom Parkway). The Freedom Parkway ACP will provide an overall access plan for this key regional roadway. The ACP is consistent with and supports plans for frontage near the soon to be improved I-25/SH-402 interchange.

Mr. Klockeman reviewed the PowerPoint presentation which identified the study area, ACP process, goals and policies.

City Council inquired about safety concerns to which Mr. Klockeman stated that there are sections of the road that are narrow with no shoulder, driveways with vision issues and hidden intersections.

Mayor Marsh opened the meeting for public comment.

Bruce Croissant, member of the Loveland Transportation Advisory Board, stated he reviewed the IGA and recommended the City Council accept it. He recommended that there needs to be a destination vision as well.

Pat O'Brien, Loveland resident, stated she does not like the truck traffic from the well sites on the road and that there are no lights on the road which makes it difficult to see. Ms. O'Brien expressed concern with landscaping and damage to roads.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt Resolution #R-119-2018 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Town Of Johnstown, The Town Of Milliken, The City Of Greeley, The City Of Evans, The Town Of Kersey, Larimer County And Weld County Regarding The Access Control Plan For Portions Of SH 402, Larimer County Road 18, Weld County Road 54 And 37th Street (Collectively Known As Freedom Parkway) And Authorizing The City Manager To Execute The Agreement

CARRIED UNANIMOUSLY 8-0.

6.5 PUBLIC WORKS

PUBLIC COMMENT

NORTH I-25 WIDENING – LAND DONATION AT SOUTHWEST CORNER OF SH 402 INTERCHANGE FOR EXPANDED PARK-N-RIDE FACILITY

Dave Klockeman, Senior Civil Engineer, presented to Council noting the North I-25 Widening Project is currently underway. The overall project adds an express lane between SH 402 (Loveland/Johnstown) north to about SH14 (Fort Collins). CDOT's project budget totals approximately \$237 million, and includes work at the several interchanges along the corridor. The City of Loveland (City) has previously committed \$2 million for the overall widening project and \$6 million for Local Companion Projects as part of the CDOT financing framework.

The final piece of the CDOT financing framework included the application of right-of-way credit (land donation) which includes a portion of the City owned property at I-25 and SH 402 toward the local projects. City and CDOT staff have worked cooperatively to finalize plans and estimates for the land donation, including improvements and accrued damages and a value of \$447,000 has been established. This reduces the City's contribution to \$8.447 million, while still accomplishing overall project objectives.

As stated in previous City Council actions, city staff is now returning with the land donation package for Council approval.

The Ordinance allows the city to complete the land donation of a portion of city owned property previously committed to as part of the overall funding package for the North I-25 Widening and Local Companion Projects. The North I-25 Widening and Companion Projects will improve portions of the key transportation system within and adjacent to Loveland.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt, On First Reading, An Ordinance Authorizing The Donation And Transfer Of Real Property Owned By The City Of Loveland To The Colorado Department Of Transportation Pursuant Section 4-7 Of The City Of Loveland Municipal Charter And Authorizing The City Manager To Sign The Intergovernmental Agreement And Other Documents Necessary For Such Transfer

CARRIED UNANIMOUSLY 8-0.

6.6. WATER & POWER

PLATTE RIVER POWER AUTHORITY RESOURCE DIVERSIFICATION POLICY

Joe Bernosky, Power & Water Director, presented on this item. Platte River Power Authority (PRPA) staff will present the Resource Diversification Policy to the Board of Directors for approval at the regularly scheduled PRPA Board Meeting on December 6, 2018. This item updates the Loveland City Council regarding that policy and requests comments and/or direction from Council that will be presented at the December 6, 2018 meeting.

Mr. Bernosky presented the power point that was included in the Council packet and reported on the three pillars and resource diversification policy timeline noting the policy is slated for approval by the PRPA Board of Directors.

The PRPA resource diversification policy was read verbatim and the nine caveats were brought forward.

Moved by Mayor Pro Tem Overcash, seconded by Councilor Olson

Mayor Pro Tem Overcash made a motion to develop a resolution to adopt the policy as stated under the condition that the nine caveats are included in the policy and satisfied and that the City of Loveland voting representatives would consider this motion when it is considered at the PRPA meeting and vote accordingly.

Council discussed the caveats making a request to possibly expand the caveats to include cost and timeline for implementation. Mr. Bernosky reported that PRPA is working on their next iteration of an Integrated Resource Plan (IRP) which will address costs, feasibility, studies regarding storage technologies and the resources available through to non-carbon.

Other items of discussion included the financial ability to achieve the caveats with Mr. Bernosky explaining the requirements of Western Area Power Administration (WAPA).

Moses Garcia, City Attorney, recommended that, based on Council discussion, that Councilor Overcash withdraw his motion and change it to "A motion to support the original PRPA Resource Diversification policy with the 9 caveats, to recommend that the City's PRPA appointees support the policy and 9 caveats, and recommend that PRPA develop a timeline and expense analysis for the 9 caveats".

Mayor Pro Tem Overcash made a motion to withdraw the initial motion and use the language as provided by City Attorney Garcia, seconded by Councilor Fogle

Mayor Marsh opened the meeting for public comment.

Dick Mollat, Loveland resident and representing Renewables by Loveland, spoke in support of the amendment.

Richard Gerne, Loveland, stated the technology would improve the environment.

Valorie McCullough, Loveland, spoke of concerns with days there are ozone alerts.

Amy Harris, Loveland, representing Earth Guardians recommended to vote yes on renewable energy by 2030.

Haley, Loveland crew director for Earth Guardians addressed Council stating the effects of climate change and carbon won't be known for some time.

Marta Turman, Loveland, wants to get back to roots of our community and looks to the City Council to support forward thinking choices and protect our planets evolution. She supports renewable energy and 100% renewable energy by 2030.

Jane Klemenger, Loveland, stated that climate crisis is a global emergency.

Pat O'Brian, Loveland, asked the City Council to think about the health and safety of the Loveland residents

Pat O'Brien, Loveland resident, representing Biodiversity for a Livable Climate, stated that the organization offers solutions to these problems.

Larry Rose, Loveland, representative of the Utility Commission stated that climate changes and global warming is caused by human beings. He trusts that PRPA will accomplish the caveats and stated that it is important that all four cities are united on this.

Roger Witteland, Loveland resident, stated he is a climate change skeptic. He stated there are things that can be done and does not support this effort.

Councilor Jersvig stated he would be voting yes on the policy and he defers to the experts; if they say it can be done then he believes it will get done.

Councilor Ball stated he would be voting yes. He has been told as a City Councilor that they are to concentrate as generalists and not specialists and PRPA has been operating as needed since its inception.

A motion to support the original PRPA Resource Diversification policy with the 9 caveats, to recommend that the City's PRPA appointees support the policy and 9 caveats, and recommend that PRPA develop a timeline and expense analysis for the 9 caveats

Moved by Councilor Overcash, seconded by Councilor Fogle

CARRIED 7-1
No vote – Councilor Clark.

**6.7 WATER & POWER
PUBLIC COMMENT**

**AGREEMENT WITH SOUTH SIDE DITCH COMPANY CONCERNING
CONVEYANCE OF THE O'HARA CONTRACT WATER RIGHT, WITH
POSSIBLE EXECUTIVE SESSION**

The purpose of this item is to seek approval by ordinance of an Agreement with South Side Ditch Company (SSDC) that would convey the City's one-half (1/2) interest in the O'Hara Contract Water Right under beneficial terms to both the City and SSDC. The objective being to approve the agreement and in return acquire a water right asset for the Golf Enterprise that can be used for irrigation water or for Water Bank credit that could be sold on the open market. The Enterprise would acquire two (2) shares of SSDC they can apply directly to irrigation, sell on the open market, or deposit into the City's Water Bank in exchange for water bank credit that could be sold on the open market. As part of the Agreement, the City would also acquire an additional three shares of SSDC for the City's Water Bank, with the commitment to acquire an additional share of SSDC within five shares of the executed agreement and upon the owner(s) request. In order for the City to use these shares for municipal or other beneficial uses, other than irrigation on the original lands, the City would have to change the shares through Colorado Water Court.

Ryan Van Pelt, Civil Engineer, presented to Council the power point presentation included in the packet. It was noted the purpose of the agreement would be to provide the City with the opportunity to acquire a more reliable water source, will benefit the SSDC and the City which owns 45% of the shares and will resolve disagreements between the City and SSDC.

The summary of the proposed agreement was stated as follows:

- City conveys its interest in the O'Hara contract water to SSDC (approximately 1/2 cfs);
- City acquires two shares of SSDC for Golf Enterprise;
- City agrees to recommend LUC's acceptance of 4 additional SSDC shares, 3 of which are accepted immediately into the city's water bank and 1 can be deposited within 5 years; and
- SSDC agrees to not oppose the City's application in water court to change this water.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Approve, on First Reading, An Ordinance Approving an Agreement with South Side Ditch Company Concerning Conveyance of the City of Loveland's Portion of the O'Hara Contract Water Right

CARRIED UNANIMOUSLY 8-0.

**6.8 PUBLIC WORKS
REAL PROPERTY PURCHASE OPTIONS WITH POSSIBLE EXECUTIVE SESSION**

Staff will provide Council with updates regarding the opportunity to obtain real property related to City projects, and will seek direction from Council regarding a potential purchase contract.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Recess Into Executive Session to Discuss the Potential Purchase of Real Property Related to City Projects, Discuss Matters Subject to Negotiation, and to Receive Legal Advice

CARRIED UNANIMOUSLY 8-0.

6.9 FINANCE

PUBLIC COMMENT

NON-LAPSING CAPITAL PROJECT APPROPRIATION CHANGES

Theresa Wilson, Budget Manager, presented and noted the item is to make one-time non-lapsing appropriations for any unspent appropriation related to capital improvement and state or federal grant projects and avoid re-appropriations year after year until such projects are complete. This will streamline the carryover process related to capital improvement projects and state or federal grant projects by making such appropriations non-lapsing allowing them to remain in funded projects throughout the life of the projects until completed or terminated. City Council would no longer have to review a re-appropriations ordinance for these projects each spring and projects would have continuity and minimal delays.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt, On First Reading, An Ordinance Amending Chapter 3.04 Of The City Of Loveland Municipal Code To Create Non-Lapsing Appropriations For Capital Improvement And Grant Projects

CARRIED UNANIMOUSLY 8-0.

ADJOURN AS THE LOVELAND CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

6.10 DEVELOPMENT SERVICES

PUBLIC COMMENT

SUPPLEMENTAL BUDGET APPROPRIATION TO THE 2019 LOVELAND URBAN RENEWAL AUTHORITY BUDGET FOR DOWNTOWN PARKING STUDY

Brett Limbaugh, Development Services Director, addressed Council stating that the item is to transfer sufficient funds in order to take a proactive look at parking needs in downtown Loveland in relationship to current needs and future growth and needs. The City is anticipating several major changes to its downtown parking system. These changes include the implementation of the recently adopted Heart Improvement Project (H.I.P.) Streets Modernization Plan, the opening of the Foundry project, and possible expansion or restriping of public parking resources. The H.I.P. Streets plan will result in the

conversion of some angled parking spaces to parallel parking, while the latter two projects will add new parking supply and/or new parking demand generators to the downtown.

The City is interested in understanding existing parking supply and demand patterns, determining the impacts of future development on existing parking, and conducting a robust stakeholder engagement process intended to both inform the public of quantitative and qualitative findings related to parking and obtain input to shape the parking planning process. A large part of this parking study will be conducted within the General Improvement District No. 1 (GID) boundaries. \$20,000 is included within the 2019 GID Budget for the downtown parking study. This supplemental budget request is to appropriate an additional \$40,000 in the 2019 Loveland Urban Renewal Authority (LURA) Budget to fulfill the total remaining budgetary needs of \$60,000 for 2019. If the study is not done now, the City will lose the window of having the numbers before the Foundry project is finished. Specifically with the garage completion nearing, there needs to be an understanding of the current supply and demand to establish a baseline.

City Council heard the first reading of this item on November 20, 2018 where it passed on the regular agenda with a vote of 9-0.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Adopt, On Second Reading, Ordinance No. 6264 Of The Loveland Urban Renewal Authority Enacting A Supplemental Budget And Appropriation To The 2019 Loveland Urban Renewal Authority Budget For The Downtown Parking Study

CARRIED.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND URBAN RENEWAL AUTHORITY(LURA) AND RECONVENE AS LOVELAND CITY COUNCIL

6.2 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

7. REPORTS

7.1 BUSINESS AND REPORTS FROM CITY COUNCIL

Mayor Pro Tem Overcash reported on the upcoming Council Retreat being held on January 26, 2019 in the Deveroux Room at the Rialto. Justine Bruno, Assistant to the Town Manager, will be facilitating the process. Mr. Overcash also noted the ongoing discussions regarding Devils Backbone and the option to charge for parking.

Councilor Ball commended Public Works on their work as he had driven up from 402 to First Street on Railroad Avenue and saw the improvements and the bridge.

Councilor Wright reported the Youth Advisory Commission met with the Transportation Advisory Commission last night and the youth provided excellent input. Ms. Wright also stated that the downtown tree lighting ceremony was well done.

Councilor Fogle thanked Parks & Recreation and Facilities for the Historical Preservation Society on the clean up at the Milner Schwartz House.

Councilor Clark stated that NCLA conducted their Regional Summit at the Embassy Suites; there were three main points – workforce development, water and transportation.

Mayor Marsh provided an update on oil and gas stating the City of Loveland has filed an objection with Magpie. She requested that the Broomfield and Timnath MOU's be sent to Council. Brett Limbaugh addressed Council and offered to send the current ordinances located in Title 18 to them which includes the base standards and the alternative process. Mr. Limbaugh stated that Larimer County does not have standards related to drilling and will be asking them if they would be willing to adopt the Loveland standards for drilling in the Loveland GMA.

7.2 CITY MANAGER REPORT

City Manager Adams reminded Council of the Larimer County Elected Officials meeting scheduled for December 5, 2018 at the Budweiser Event Center.

7.3 CITY ATTORNEY REPORT

There was not a report from the City Attorney.

8. ADJOURN

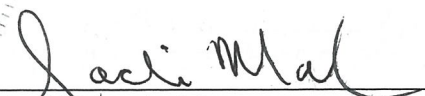
Mayor Marsh adjourned the December 4, 2018 Regular Meeting at 10:16 p.m.

Respectfully Submitted,





Patti Garcia, City Clerk



Jacki Marsh, Mayor