



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, December 18, 2018 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Marsh  
Councilors: Overcash, Fogle, Ball, Clark, Johnson, Olson, and Wright.

**COUNCIL ABSENT:** Jersvig

**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 13, 2018 and November 27, 2018 Study Session and Special Meeting and the November 20, 2018 Regular Meeting.

***A Motion to Approve the City Council minutes for the November 13, 2018 and November 27, 2018 Study Session and Special Meeting and the November 20, 2018 Regular Meeting***

CARRIED.

**2.2 CITY CLERK  
CALL FOR SPECIAL MEETING ON JANUARY 8, 2019 FOR A PERFORMANCE REVIEW  
FOR THE CITY MANAGER WITH POSSIBLE EXECUTIVE SESSION**

This action is for City Council to conduct the City Manager's quarterly performance review meeting on January 8, 2019 at 6:00 PM, which may include an executive session to provide performance evaluation feedback.

***A Motion Calling For A Special Meeting To Be Held On January 8, 2019, At 6:00 PM, For The Purpose Of Conducting An Employee Performance Evaluation Meeting And Discussion Of Personnel Matters For The City Manager, Steve Adams, With A Possible Executive Session***

CARRIED.

**2.3 CITY CLERK  
MEMBER APPOINTMENTS TO BOARDS AND COMMISSIONS**

LOVELAND CITY COUNCIL MEETING  
December 18, 2018

This item is the recommendation to City Council to appoint members to the Planning Commission, the Open Lands Commission, and the Visual Arts Commission.

The objective is to complete the membership for these commissions.

*1) A Motion To Reappoint Patrick McFall To The Planning Commission For A Term Effective Until December 31, 2021*

CARRIED.

*2) A Motion To Appoint Susan Peterson To The Planning Commission For A Term Effective Until December 31, 2021*

CARRIED.

*3) A Motion To Appoint Deborah Tygesen To The Planning Commission For A Term Effective Until December 31, 2021*

CARRIED.

*4) A Motion To Reappoint Jean Whittaker To The Open Lands Advisory Commission For A Term Effective Until December 31, 2022*

CARRIED.

*5) A Motion To Reappoint Michael Hinterberg To The Open Lands Advisory Commission For A Term Effective Until December 31, 2022*

CARRIED.

*6) A Motion To Appoint Scott James To The Open Lands Advisory Commission For A Term Effective Until December 31, 2022*

CARRIED.

*7) A Motion To Appoint Cindy Ticer As Alternate To The Open Lands Advisory Commission For A Term Effective Until December 31, 2022*

CARRIED.

*8) A Motion To Reappoint Blas Estrada To The Visual Arts Commission For A Term Effective Until December 31, 2021*

CARRIED.

*9) A Motion To Reappoint Sara Turner To The Visual Arts Commission For A Term Effective Until December 31, 2021*

CARRIED.

*10) A Motion To Reappoint Greg Hoff To The Visual Arts Commission For A Term Effective Until December 31, 2021*

CARRIED.

*11) A Motion To Reappoint Margaret Rosborough To The Visual Arts Commission For A Term Effective Until December 31, 2021*

CARRIED.

*12) A Motion To Reappoint Phyllis Moore As Alternate To The Visual Arts Commission For A Term Effective Until December 31, 2021*

CARRIED.

#### **2.4 CITY CLERK**

##### **CANCELLATION OF DECEMBER 25, 2019 STUDY SESSION AND JANUARY 1, 2019 REGULAR CITY COUNCIL MEETING**

Loveland Municipal Code Section 2.12.010 provides for the place and time for City Council meetings. It addresses meeting dates that fall on a holiday or Christmas Eve or New Year's Eve stating that, in the event a regular meeting falls on one of these dates, that the meeting of City Council shall be continued to the next succeeding day. Based on this code section, a motion is required as the meeting on January 1, 2019 is scheduled to be cancelled.

*A Motion Canceling The December 25, 2018 Study Session And January 1, 2019 Regular City Council Meeting*

CARRIED.

#### **2.5 CITY CLERK**

##### **2019 CITY COUNCIL, BOARDS AND COMMISSIONS MEETING SCHEDULES**

This resolution is adopted at the end of each year for the upcoming year. Section 2.14.020B of the Loveland Municipal Code requires the City Council to establish meeting dates for all City Boards and Commissions and other policymaking and rulemaking bodies of the City. The attached resolution has an Exhibit A which lists the meeting dates, times, and places for the City Council and all City Boards and Commissions for 2019. The City Manager is authorized, in Section 2 of the Resolution to schedule City Council study sessions, as needed, on the second, fourth, and fifth Tuesdays of the month, and to cancel them if not needed.

*A Motion To Adopt Resolution #R-128-2018 Adopting The Schedule Of The 2019 Meeting Dates For The Loveland City Council And The City's Boards And Commissions*

CARRIED.

**2.6 HUMAN RESOURCES  
2019 CITY PAY PLAN**

The adoption of the resolution will approve the City's Pay Plan for 2019. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the city utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with identified labor market, while also providing a financially sustainable plan.

*A Motion To Adopt Resolution #R-129-2018 Adopting A Pay Plan For City Employees, And Superseding All Prior Ordinances And Resolutions Adopting An Employee Pay Plan*

CARRIED.

**2.7 CITY MANAGER  
CITY OF LOVELAND 2019 LEGISLATIVE POLICY AGENDA**

The policy agenda helps underscore the impacts of pending legislation to Loveland and City Council's areas of interest. Through the use of a policy agenda, Council's viewpoints on broad areas of legislation are identified. This allows the Loveland City Council to speak with a unified voice as the policy agenda provides a tool for both Council and staff to respond to inquiries.

The Council Legislative Review Committee, whose members include Mayor Pro Tem Don Overcash, Councilor John Fogle, Councilor Leah Johnson, and Councilor Steve Olson as well as City staff are seeking a motion to approve the attached 2019 City of Loveland Legislative Policy Agenda. Approval of this document will allow City Council and staff to respond promptly and appropriately to legislative positions indicated within Council's Legislative Policy, in addition to other legislative items or actions that may adversely impact the interests of the City and its citizens as they arise.

*A Motion to Adopt Resolution #R-130-2018 Approving the City of Loveland 2019 Legislative Policy Agenda, dated December 18, 2018*

CARRIED.

**2.8 LOVELAND FIRE RESCUE AUTHORITY  
FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERGOVERNMENTAL  
AGREEMENT (IGA) FOR LOVELAND FIRE RESCUE AUTHORITY**

This Resolution is to adopt a revision to the Intergovernmental Agreement (IGA) between the City of Loveland and Loveland Rural Fire Protection District, which allows the authority the option of moving funds borrowed through lease purchase financing to construct Fire Station 7, from the City to the Authority. Additionally, the City and District desire to modify the Consolidated Firemen's Pension Fund Agreement in such a manner to reflect the Authority's sole responsibility for the provision of legal representation and other legal services as may be required to the Consolidated Board and the parties desire to codify such an amendment to the Consolidated Pension Agreement.

The primary objective is to move the funds borrowed by the Authority to construct Station 7 to an account custodian separate from the City, so the Authority may manage the funds and associated construction of Fire Station 7. The modification of the Consolidated Firemen's pension fund reflects

the Authority's sole responsibility for the provision of legal representation, and other legal services that may be required.

*A Motion To Adopt Resolution #R-131-2018 Approving The First Amendment To The Amended And Restated Intergovernmental Agreement For The Establishment And Operation Of The Loveland Fire Rescue Authority As A Separate Governmental Entity*

CARRIED.

**2.9 COMMUNITY PARTNERSHIP OFFICE  
LOVELAND FIRE RESCUE AUTHORITY REIMBURSED IMPACT FEES**

City Council approved reimbursing the Loveland Fire Rescue Authority impact fees for affordable housing developments by updating the Municipal Code at Sections 16.38 and 16.43. In 2018, three projects were presented to council with Loveland Fire Rescue Authority fees totaling \$49,379 that must now be reimbursed. Reimbursement will come from the Community Housing Development Fund.

*A Motion To Adopt Resolution #R-132-2018 Amending Resolutions #R-48-2018, #R-47-2018, and #R-57-2018 Which Waived Certain Capital Expansion Fees For Affordable Housing Developments*

CARRIED.

**2.10 FINANCE  
CONTRACT AWARD FOR TREE TRIMMING AND REMOVAL**

The purpose of this item is to maintain proper trimming of all trees in the City for esthetical value, keep trees in good condition and out of right-of-way and electrical overhead lines. This is an administrative action to approve a contract with Asplundh Tree Experts Company for \$700,000 for tree trimming in Parks, Golf Courses, Right-of-Ways, facility grounds, around City owned electrical lines, and trimming or removal of trees for Code Enforcement. There was a selective bid process on November 15, 2018 with two respondents, with Asplundh Tree Experts being the low bidder.

*A Motion To Adopt Resolution #R-133-2018 To Approve Contract For Tree Trimming Services*

CARRIED.

**2.11 DEVELOPMENT SERVICES  
PUBLIC COMMENT  
CENTERRA EMERGENCY ACCESS EASEMENT VACATION**

This 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.

This item was presented to City Council on first reading at the December 4, 2018 Regular meeting where it passed with a 8-0 vote on the regular agenda.

*A Motion To Adopt, On Second Reading, Ordinance No. 6265 Vacating An Emergency Access Easement Located in Millennium Addition, City Of Loveland, County Of Larimer, State Of Colorado*

CARRIED.

## **2.12 PUBLIC WORKS**

### **PUBLIC COMMENT**

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

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. (Attachment 1) 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.

This item was presented to City Council on December 4, 2018 as a first reading on the regular agenda, where it passed with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6266 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.

## **2.13 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.

This item was presented to City Council on December 4, 2018 as a first reading, where it passed on the consent agenda with a 7-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6267 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Annual Year-End Wrap-Up*

CARRIED.

**2.14 FINANCE**

**PUBLIC COMMENT**

**DESIGNATION OF NON-LAPSING APPROPRIATIONS FOR CAPITAL IMPROVEMENT AND GRANT PROJECTS**

This item would 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. It would also 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.

This item was presented on first reading to City Council on December 4, 2018 on the regular agenda where it passed with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6268 Amending Chapter 3.04 Of The City Of Loveland Municipal Code To Create Non-Lapsing Appropriations For Capital Improvement And Grant Projects*

CARRIED.

**2.15 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 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.

The first reading of this item was passed on the consent agenda with a 7-0 vote at the December 4, 2018 Regular Council Meeting.

*A Motion to Adopt, On Second Reading, Ordinance No. 6269 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.

**2.16 WATER & POWER  
PUBLIC COMMENT**

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

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.

This item was presented to City Council on first reading on December 4, 2018 where it passed on the regular agenda with a 8-0 vote.

*A Motion to Approve, On Second Reading, Ordinance No. 6270 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.

**2.17 PARKS AND RECREATION  
PUBLIC COMMENT**

**PERMANENT RIGHT OF WAY (ROW) DEDICATION OF CITY PROPERTY AT THE NAMAQUA AVENUE BRIDGE ON THE BIG THOMPSON RIVER**

Larimer County has secured CDBG Disaster Recovery funds for this bridge replacement project. The new bridge will be 156' long, 57' wide which includes two 12' travel lanes, two 7' bike lanes, two 8' wide sidewalks and 3' of railing (Attachment 1). It will also have a pedestrian underpass on the



south side of the river. The City of Loveland owns three properties that will be effected by the bridge reconstruction. Medina's Crossing Natural Area is on the SW corner of the bridge, Namaqua Park is on the SE corner of the bridge, and Namaqua Natural Area which is on the NE corner of the bridge as shown on Attachment 2. A map of Permanent ROW (RW) and Temporary Easements (TE) needed are shown (Attachment 3). The Notice of Interest to Acquire is shown on Attachment 4. The Appraisal Summary pages are attached as Attachment 5. Offers to purchase Medina's Crossing Natural Area, Namaqua Park and Namaqua Natural Area are shown in Attachment's 6,7 and 8. The Consent to Right Of Way Agreement with Colorado Open Lands regarding Namaqua Natural Area is Attachment 9.

*A Motion to Adopt an Ordinance, On First Reading, Authorizing The Sale Of Right-Of-Way To Larimer County For The Namaqua Bridge Project BRO C060-084 Pursuant To Section 4-7 Of The City Of Loveland Municipal Charter*

CARRIED.

**2.18 DEVELOPMENT SERVICES**

**PUBLIC COMMENT**

**FALLGOLD DRIVE UTILITY EASEMENT VACATION**

Ordinance No. 6258 was approved by Council on second reading on November 20, 2018. However, the legal description was not attached to the ordinance. As a result, this item is being resubmitted for approval to make this correction. The attached ordinance to this item provides for the vacating of a 34.25 sq ft portion of a postal and utility easement at 5296 Fallgold Drive. A single family house was recently constructed in a manner that encroaches slightly into the existing easement. There are currently no utilities or postal facilities in the area of encroachment, and it is not anticipated that the area of encroachment will be needed for utility or postal purposes in the future. The vacating of the easement in the area of encroachment will have no negative impacts, and it will allow the existing house to be free of any associated encumbrance.

*A Motion To Adopt, On First Reading, An Ordinance Vacating A Portion of A Postal and Utility Easement Located On Lot 12, Block 3, Alford Lake Fourth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado*

CARRIED.

**2.19 PUBLIC WORKS**

**PUBLIC COMMENT**

**A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR THE US 34 WIDENING FROM DENVER AVENUE TO ROCKY MOUNTAIN AVENUE**

The widening of US 34 from Denver Avenue to I-25 has been a City Council, City Staff and regional priority for many years. In recent years, funding has been identified in the City's Transportation Capital Improvement Program for this purpose. In addition, applications were submitted through the North Front Range Metropolitan Planning Organization (NFRMPO) for Federal Funding through several different sources, several of which were successful. This current request is for a Supplemental Budget and Appropriation of \$2,670,000 of Federal Funds (82.79% of total) coupled with \$555,027 of Local Funds (the required Local Match of 17.21% of total), for a total of \$3,225,027.

The Local Match Funds consist of a combination of General Fund and Cash-in-Lieu sources. The General Fund portion is from the appropriation included in the approved 2019 City of Loveland Budget. The Cash-in-Lieu is from funds collected from existing development along this section of US 34 for the portion of the ultimate street that would be equivalent in cost to a collector street (Collector Street Equivalent) adjacent to their property. The Cash-in-Lieu amount of \$409,584 was not previously appropriated and is included in the proposed supplement. In support of citywide budget efforts, the equivalent amount of General Fund is being returned to the fund balance for other uses.

The next phase of the US 34 Widening Project will be to add an additional travel lane on the westbound side from Boyd Lake Avenue to Denver Avenue and on the eastbound side from east of Denver to west of Boyd Lake Avenue. The project also includes expansion of the network of bike lanes and sidewalks. This supplement will be in addition to the \$4,259,848 included in the 2019 City of Loveland Budget. This is addition to the widening planned by CDOT for US 34 from west of Rocky Mountain Avenue to east of Centerra Parkway.

With the Local Match Funds coming from existing City funds, the total amount for the US 34 widening in 2019 is \$6,929,848. This is the total of the previously budgeted amount in 2019 of \$4,259,848 and the additional Federal Funds of \$2,670,000. The additional funding, in conjunction with CDOT's widening plans will allow for potential partnerships and better construction pricing due to economies of scale.

*A Motion To Adopt An Ordinance On First Reading Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For The Widening Of U.S. Highway 34 From Denver Avenue To Rocky Mountain Avenue Project*

CARRIED.

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

**4. MOTION TO ADOPT THE CONSENT AGENDA**

Moved by Councilor Fogle seconded by Councilor Olson

*A Motion To Adopt The Consent Agenda, Items 2.1 to 2.19.*

CARRIED UNANIMOUSLY 8-0.

**5. PUBLIC COMMENT**

Gaylon Lyle, Loveland resident, requested disclosure of the fee schedule related to capital expansion fees. Staff was directed contact Mr. Lyle to explain the fees and fee calculation method; it was noted that much of the information was located in the municipal code.

Hugh McKean, state representative for Loveland, addressed Council. Representative McKean distributed a legislative policy pamphlet and reported there would be a meeting in January regarding legislative policies.

**6. NEW BUSINESS FROM CITY COUNCIL**

There was no new business from City Council.

**7. REGULAR AGENDA**

**7.1 LOVELAND POLICE DEPARTMENT**

**A RESOLUTION APPROVING AN INCREASE IN THE LARIMER HUMANE SOCIETY'S ANIMAL LICENSING FEES FOR THE CITY OF LOVELAND**

This matter comes before City Council at the request of the Larimer Humane Society and the City. There has not been a licensing fee increase since 2012. With the construction of the new facility, the timing is appropriate. The licensing fee increase puts the City of Loveland in harmony with Larimer County and the City of Fort Collins and will result in cost savings to the City for the proposed 2019 animal control services agreement.

The amount the City of Loveland pays to the Larimer Humane Society will be reduced for 2019 by the increase of altered animal fees from \$12.00 to \$15.00 and unaltered animals going from \$35.00 to \$50.00, and the senior discount for an altered animal be eliminated.

Judy Calhoun, Larimer County Human Society reviewed the power point included in the council packet. Ms. Calhoun presented the proposed license increases stating an altered animal would have an increase of \$3, intact animals would see an increase to \$15 and senior citizens would see an increase of \$10 for licensing purposes. This would bring the total licensing fee to \$15 for an altered animal and \$50 for intact; a senior citizen would now pay \$15 - they previously paid \$5. Ms. Calhoun stated that Larimer County had already passed the fee increase and Fort Collins would be signing off on it later in the month.

It was reported that the Police Advisory Committee was divided on the fee increase as there were concerns with the change in the senior citizen rate. Council discussed operating costs, the senior rate and the impact if the senior rate is not approved by the City of Loveland.

Ms. Calhoun stated that there are 70 veterinarians that participate in the licensing program across Larimer County and would be difficult to administrate a different programs between Loveland and Fort Collins as the license fee is based on where the pet resides. She expressed concern if there was a difference in the fees required to be collected due to the time and effort involved for small businesses and believes that many would stop issuing the licenses.

Mayor Pro Tem Overcash recommended amending the resolution to adopt the fees as proposed and include the waiving of fees for senior citizens for the licensing of altered animals.

The recommendation was moved by Councilor Fogle, seconded by Councilor Ball.

Mayor Marsh opened the meeting for public comment.

Roger Weedleman, Loveland resident, recommended the City keep the fees where they are at and explore options for 2020. He expressed concern with the City picking up additional fees.

Gary Lindquist, Loveland resident, concurred with the amendment and advised that perhaps the senior citizen licenses do not expire year to year.

Bruce Croissant, Loveland resident, objected to being included in a specially favored demographic group. He stated that the costs are going up for everyone. The problem is a non-profit providing a service and needing to enforce ordinances that they don't create. He spoke in support of the Humane Society's recommendation.

Mayor Marsh closed public comment.

Mayor Marsh stated she could go either way; Councilor Olson spoke in favor of the amendment.

Moved by Councilor Ball to call for the question, seconded by Councilor Fogle

CARRIED 6-2  
No votes – Wright, Marsh

Moved by Councilor Ball, seconded by Councilor Fogle

*A Motion to Amend the Resolution to Waive the Fee for Senior Citizens as Determined by the Larimer County Humane Society for Animals that have been Altered*

CARRIED 5-3  
No votes – Wright, Johnson, Fogle

Moved by Councilor Fogle, seconded by Councilor Ball

*A Motion To Adopt Resolution #R-116-2018 As Amended Approving An Increase In The Larimer Humane Society's Animal Licensing Fees For The City Of Loveland*

CARRIED UNANIMOUSLY 8-0

**RECESS AS CITY COUNCIL AND CONVENE AS THE LOVELAND ELECTRIC AND COMMUNICATIONS ENTERPRISE**

**7.2 WATER & POWER  
PUBLIC COMMENT  
ELECTRIC AND COMMUNICATIONS ENTERPRISE BOND ISSUANCE AND SALE  
ORDINANCE**

This Ordinance relates to the Electric and Communication Enterprises' issuance of revenue bonds for the City of Loveland proposed broadband system. The Ordinance authorizes the financing and construction of a municipal broadband system to provide telecommunication facilities and services, including the transmission of voice, data, graphics, and video to customers within the Electric and Communication Enterprise service territory.

The broadband system plan calls for approximately \$97 million of bond proceeds; the exact amount depends on a number of factors including the interest rate on the bonds, the term of the bonds, and

structure of the financing. The bond issue includes both tax-exempt bonds and taxable bonds. The net effective interest rate on both types of bonds shall not exceed 6.0%. Based on the most recent bond issuance financing plan, the latest maturity on the taxable bonds is projected to be 2032 and the latest maturity on the tax exempt bonds is projected to be 2049. These dates are subject to change based on results of meeting with the rating agencies and final pricing recommendations from the underwriter.

The purpose of the item is to present the Ordinance and receive a motion by City Council, acting as the governing body of the Electric and Communications Enterprise, authorizing the issuance and sale of the tax-exempt and taxable revenue bonds for the Electric and Communications Utilities and providing for the sources of payment and other details concerning the bonds.

Alan Krcmarik, Financial Advisor and Acting Finance Director reported on the two ordinances stating that if both are adopted, the bonds would be on sale in February. The power point presentation included a timeline, the planned uses of the bonds, and bond structure. Municipal market data was presented and it was noted that the standard \$5,000 denomination bonds would address the City's goal in the best way. If small denomination mini bonds are desired by Council to serve the people in Loveland or northern Colorado, staff would undertake that effort after the \$97M issue is completed.

Council questioned if unity of the Council would impact the bond rating. Mr. Krcmarik stated he would rather talk to the rating agency with a unanimous vote.

Mayor Marsh asked if any of the municipalities that opted out of SB152 had not gone to the voters to approve the debt. Staff will research that information.

Council discussed who to delegate responsibility to accept the proposal or proposals to purchase the bonds and to make final determinations related to the bonds.

Jim Manire, Hilltop Securities, stated that he does not believe there would be an impact whether the vote is unanimous or not. Mayor Marsh asked if there would be better bond ratings if it went to the voters and passed. Mr. Manire stated he had no real answer; it had been discussed and variables were considered.

Moved by Councilor Fogle, seconded by Councilor Ball

Mayor Marsh opened the meeting for public comment.

Gary Lindquist, Loveland resident, recommended to refer this matter to the voters and stated that it is required by Colorado state law. Councilors have made reference to 2A which he stated made no reference authorization of debt.

Mayor Marsh closed public comment.

Mayor Marsh stated she strongly supports broadband and believes that staff will do a great job working with other cities. Her concern with broadband is that other technologies may come up during the time the bonds are paid off. She is concerned with the 2015 ballot opt out as it did not authorize the debt or a dollar amount for the project. Ms. Marsh referenced the City of Fort Collins election

process and stated that Loveland voters would pass the bond question but believes this should go to a vote. She will vote no on agenda item but does support broadband in Loveland.

Councilor Olson stated the only people at risk are those that sign up for the municipal broadband, only the users are responsible for the debt.

Councilor Ball stated that the City of Fort Collins was required to go back to voters as their charter was deficient related to the authority to set up the municipal broadband utility. The City of Loveland Charter is broader and allows this process. Mr. Ball noted that this topic has been vetted in numerous forums over the past couple of years and garnered support.

Councilor Fogle noted there are two distinct types of bonds we deal with; this bond is not debt of the City of Loveland. If it was a debt to the city there would be a question to the electorate and an election required. This is a decision of the electric and communications enterprise which is an exception to TABOR. If you have a government owned business and bonds are paid solely by the revenues from the business, no election is required as the taxpayers are not on the hook. The Colorado Constitution does not require an election.

*A Motion To Adopt, On First Reading, An Ordinance Of The City Of Loveland, Colorado, Electric And Communications Enterprise Authorizing The Issuance And Sale Of Its Tax-Exempt Revenue Bonds, Series 2019A And Its Taxable Revenue Bonds, Series 2019B, Providing For The Sources Of Payment Of The Bonds, And Providing Other Details Concerning The Bonds And The Enterprise's System*

CARRIED 7-1.  
No vote - Marsh

**ADJOURN AS THE LOVELAND ELECTRIC AND COMMUNICATIONS  
ENTERPRISE AND RECONVENE AS CITY COUNCIL**

**7.3 WATER & POWER  
PUBLIC COMMENT  
ELECTRIC AND COMMUNICATIONS ENTERPRISE TAX-EXEMPT AND TAXABLE REVENUE  
BONDS**

This item is to authorize the terms and provisions of the tax-exempt and taxable revenue bonds for the Electric and Communications Utilities. To issue debt to provide funding for capital improvements, limited operations expenses, and capitalized interest for the broadband system project, approval of two separate ordinances is required. This ordinance is for Council, as the governing body of the City, to authorize the terms and provisions of the bond ordinance. In a separate action, the City Council, acting as the Board of Electric and Communication Enterprise, will consider on first reading an ordinance to approve the issuance and sale of the Broadband Enterprise Revenue Bonds, Series 2019A and Series 2019B.

Moved by Councilor Fogle, seconded by Councilor Olson

Mayor Marsh opened the meeting for public comment.

Gary Lindquist, Loveland resident, recommended referring this to the voters.

Bond counsel stated that this does not require an election as the city is not issuing debt.

*A Motion To Adopt, On First Reading, An Ordinance Authorizing The Terms And Provisions Relating To The Tax-Exempt Revenue Bonds, Series 2019A And Taxable Revenue Bonds, Series 2019B, To Be Issued By The City Of Loveland, Colorado, Electric And Communications Enterprise, To Finance Improvements To The City's Electric And Communications System, Including, Without Limitation, Covenants And Agreements Of The City In Connection Therewith*

CARRIED 7-1.  
No vote - Marsh

#### **7.4 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

There were no items removed from the Consent Agenda.

#### **8. REPORTS**

##### **8.1 REPORTS FROM CITY COUNCIL**

Councilor Wright reported on the Winter Holiday Council stating that there would be a meeting on January 4 at 9:30 am at City Hall; she has about a dozen volunteers who are interested in participating.

Mayor Marsh stated that she had spoken with a homeless person who told her he found the term "homeless" as dehumanizing. Ms. Marsh noted using terms such as "at risk" or "people in need" and asked Council to think if there was a better term for people without housing.

##### **8.2 CITY MANAGER REPORT BEHAVIORAL HEALTH POLICY UPDATE**

Steve Adams, City Manager, reported on a letter from Steve Johnson regarding the membership of the Behavioral Health Committee. The draft bylaws state that the Mayor or designee from Loveland would be on the committee. Mr. Adams was looking for direction as to who would be attending the first meeting.

Council noted that they should discuss the topic and see who is interested. It was noted that Steve Olson is interested in participating.

Mayor Marsh stated that people had been told during the marketing of the behavioral health initiative that she would be the designee.

Steve Olson reported on his work in this area and participation.

Council discussed appointing a member and an alternate. Moses Garcia, City Attorney, stated that only one person has been allowed to be appointed by Larimer County and a formal vote would need to be taken.

Vote for Mayor Marsh to serve as the member representing the City of Loveland on the Behavioral Health Committee:

Tied: 4-4  
Yes votes: Marsh, Ball, Wright, Johnson

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No votes: Clark, Olson, Overcash, Fogel

Vote for Councilor Olson to serve as the member representing the City of Loveland on the Behavioral Health Committee:

Tied: 4-4

Yes votes: Clark, Olson, Overcash, Fogle

No votes: Ball, Wright, Johnson, Marsh

Mayor Marsh will request to have two appointees on the committee.

Mr. Adams also reported on the work Water & Power has been doing on Wilson Avenue as there have been eight leaks in the water line over the past three weeks. Based on a recommendation from the Director of Power and Water, a declaration of emergency was established on the line. He stated there are sufficient funds for the project and that a second phase will come back for supplemental appropriation at a later date. The project will start immediately and is estimated to be completed in February.

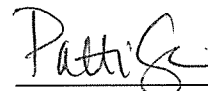
**8.3 CITY ATTORNEY REPORT**

The City Attorney did not have a report.

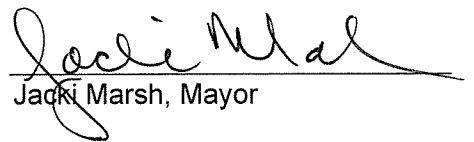
**9. ADJOURN**

Mayor Marsh adjourned the December 18, 2018 Regular City Council Meeting at 9:08 p.m.

Respectfully Submitted,



\_\_\_\_\_  
Patti Garcia, City Clerk



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Jacki Marsh, Mayor