



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, November 5, 2019 CITY COUNCIL CHAMBERS 6:00 PM**

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

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1. CALL TO ORDER**

**1.2. PLEDGE OF ALLEGIANCE**

**1.3. ROLL CALL**

**PROCEDURAL INFORMATION**

**1.4. PROCLAMATION**

**Proclamation Declaring November 10-16, 2019 as Nurse Practitioner Week**

Councilor Olson presented the proclamation to Joyce Honea and Laura Ornowski-Hildebrand.

**2. PUBLIC COMMENT**

The Mayor opened the meeting for public comment.

Nancy Rumfelt, Loveland resident, read from the article she submitted to the Reporter Herald regarding metropolitan districts. She expressed concern regarding metropolitan districts, Centerra Metropolitan District, specifically. She noted her support of Mayor Marsh in her efforts related to the letter sent to the IRS.

Darren Barrett, Loveland resident, reported on the new "Super" Veterans Administration clinic that will be built in Loveland.

Mayor Marsh closed public comment.

**3. CONSENT AGENDA**

**3.1. CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the September 17, 2019 and October 15, 2019 Regular Meetings.

***A Motion to Approve the City Council minutes for the September 17, 2019 and October 15, 2019 Regular Meetings***

CARRIED.

**3.2. CITY CLERK  
CALL FOR A SPECIAL MEETING TO BE HELD ON NOVEMBER 12, 2019 AT 6:00 PM**

This request is for a Special Meeting to be held on November 12, 2019. If approved, this item will allow for a Special Meeting to be held on November 12, 2019 which currently anticipates the swearing in of new City Councilors and the Mayor, as well as appointment to the City Boards and Commissions.

*A Motion To Call For A Special Meeting To Be Held On November 12, 2019 At 6:00 PM*

CARRIED.

**3.3. LOVELAND POLICE DEPARTMENT  
MOTION TO APPROVE THE STAFF APPLICATION AND AWARD FOR THE 2019 FEDERAL JUSTICE ASSISTANCE GRANT (JAG)**

To secure grant funding in order to support overtime activities for Loveland Police Department (LPD) Special Investigations Unit (SIU) who work in conjunction with the Northern Colorado Drug Task Force (NCDTF).

*A Motion To Approve The Staff Application And Award For The 2019 Federal Justice Assistance Grant*

CARRIED.

**3.4. FINANCE  
FINANCIAL 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 September 30, 2019. Citywide Revenue of \$256.0 million is 54.0% of total annual budget. Sales Tax collections September YTD are 4.6% above August 2018 YTD, and 74.9% of the total annual budget. Building Material Use Tax collections for September are 30.2% below September 2018 YTD, and 78.8% of the total annual budget. Sales and Use Tax collections combined are 75.3% of total annual budget. Citywide total expenditures of \$200.7 million are 68.0% of the total annual budget.

*Information Only*

CARRIED.

**3.5. FISCAL ADVISOR  
INVESTMENT REPORT SEPTEMBER 2019**

At the three-quarter mark of 2019, the market value (including accrued interest) of the City's investment portfolio is estimated to be \$233,150,688. This is about \$141,000 more than the prior month. The proceeds of the Electric and Communication Enterprise Revenue Bond issue are being kept separate from the investment portfolio. The value of the Bond proceeds plus interest earnings was \$95,206,774 at the end of September.

The budget revenue projection for the full year of 2019 was set at \$3,319,680. So far this year, actual interest received is \$372,696 ahead of the nine-month projection. Using the portfolio's beginning year balance, the rate needed to reach the annual interest earning target is 1.43%. The annualized interest rate at the end of September was 1.87%. For the month, accounting staff posted \$394,997 to various fund accounts. The year to September month-end total is \$2,999,549. U.S. short-term (under five years) Treasury interest rates were inverted (short term rates higher than longer term rates) most of September. At the time this summary was written, the rate on the 10 year U.S. Treasury Note was 1.78%, the rate on the 2-Year Note was 1.60%, and the rate on the 3-month Treasury was 1.65%.

*Information Only*

CARRIED.

**3.6. PUBLIC WORKS  
PUBLIC COMMENT  
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE  
2019 CITY OF LOVELAND BUDGET FOR TWO TRANSIT BUSES**

This ordinance will allow City of Loveland Transit (COLT) to proceed with placing an order for two Gillig 29-foot, low floor transit buses. COLT will be using an option from the contract of the Commonwealth of Virginia to place the order. Placing the order before the end of 2019 will avoid the possibility of a price increase in 2020. COLT will have the ability to replace two aging transit buses that have passed their years of service and are no longer in a state of good repair.

The first reading of this item passed unanimously at City Council on October 15, 2019 with an 8-0 vote on the consent agenda.

*A Motion To Adopt, On Second Reading, Ordinance No. 6344 Ordinance Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Two Transit Buses*

CARRIED.

**3.7. PUBLIC WORKS**

**ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019  
CITY OF LOVELAND BUDGET FOR PULLIAM BUILDING PHASE II RENOVATIONS AND  
RESOLUTION APPROVING A CONSTRUCTION CONTRACT CHANGE ORDER AND**

**RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT FOR THE PULLIAM BUILDING PROJECT**

This item will authorize the expenditure of Pulliam Community Foundation funds, in the amount of \$250,000, via appropriation to the 2019 City budget, and approve an amendment to the construction contract, funded in part by the supplemental appropriation, and enact the ordinance authorizing the supplemental budget and appropriation to the 2019 City budget, thereby funding an amendment to the Construction contract for Phase II renovations.

This item was heard at the October 15, 2019 Council meeting where it passed on the consent agenda with a 8-0 vote.

*A Motion to Adopt, On Second Reading, Ordinance No. 6348 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Pulliam Building Phase II Renovations*

CARRIED.

*A Motion To Adopt Resolution #R-114-2019 To Approve An Amendment To The Contract For The Pulliam Building Project*

CARRIED.

**3.8. FINANCE**

**PUBLIC COMMENT**

**2020 BUDGET FOR THE CITY OF LOVELAND**

To establish rates, charges, and fees associated with the 2020 City of Loveland budget, to establish the City's 2019 mill levy for property taxes due and payable in 2020 (which remains unchanged over 2018), and to enact the 2020 City of Loveland Budget. The City's Draft 2020 Budget cannot be enacted without City Council's approval; if City Council fails to adopt the budget, then 90% of the operating and maintenance amounts appropriated in the current fiscal year shall be deemed re-appropriated for the 2020 budget year.

On October 15, 2019, City Council passed the first reading of the 2020 Budget on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Resolution #R-108-2019 Adopting the 2020 Schedule of Rates, Charges, and Fees for Services Provided by the City of Loveland, The Stormwater Enterprise, and the Water and Power Department, and Superseding all Prior Resolutions Establishing Such Rates, Charges, and Fees*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No. 6346 Adopting the 2019 Mill Levy for the General Fund of the City of Loveland, Colorado*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance NO. 6356 Adopting the 2020 Budget for the City of Loveland, Colorado*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No.6357 Making Appropriations for the Fiscal Year Beginning January 1, 2020 and Ending December 31, 2020 for the City of Loveland, Colorado*

CARRIED.

**3.9. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ADOPTING THE 2020 BUDGET FOR THE NORTHERN COLORADO REGIONAL AIRPORT**

The Cities of Loveland and Fort Collins jointly own and operate the Northern Colorado Regional Airport. The City of Loveland provides administrative support to the airport through an Intergovernmental Agreement (IGA) with the City of Fort Collins. The airport is within the City of Loveland boundaries thereby receiving a direct financial benefit. As a part of this function City Council approves and appropriates its 50% share of the total airport budget. On August 15, 2019, the Northern Colorado Regional Airport Commission reviewed and recommended for approval, the 2020 Airport Budget to the Loveland and the Fort Collins City Councils.

On October 15, 2019, City Council passed the first reading of the 2020 Northern Colorado Regional Airport Budget on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6347 Adopting The 2020 Budget For The Northern Colorado Regional Airport*

CARRIED.

**3.10. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ADOPTING THE 2020 BUDGET FOR THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

This ordinance will approve the fiscal year 2020 budget for the Downtown Development Board (DDA). The 2020 budget recommended to Council by the DDA Board is \$87,115. On November 7, 2017, the ballot issue submitted to the voters authorizing the City to incur debt was approved. State statute requires approval of a budget each fiscal year by the DDA Board and City Council.

On October 15, 2019, City Council passed the first reading of the 2020 Budget for the Loveland Downtown Development Authority on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6349 Adopting The 2020 Budget For The Loveland Downtown Development Authority (DDA)*

CARRIED.

**3.11. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ADOPTING THE 2020 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT NO. 1**

The City serves as the sponsoring agency for the Special Improvement District No. 1 and City Council acts as its ex officio Board of Directors. By State law, all special districts with a connection to the City must adopt a budget. The Board of Directors is responsible for adopting the annual budget for the District. These materials are needed for the adoption of the 2020 Budget for the District.

On October 15, 2019, City Council passed the first reading of the 2020 Budget for the Special Improvement District on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance 6350 Adopting The 2020 Budget For The Loveland Special Improvement District No. 1*

CARRIED.

**3.12. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ADOPTING THE 2020 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY**

The City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA). By State law, the LURA must adopt a budget. The Board of Commissioners is responsible for adopting the annual budget for the LURA. These materials are needed for the adoption of the 2020 Budget for the LURA.

On October 15, 2019, City Council passed the first reading of the 2020 Loveland Urban Renewal Authority Budget on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6351 Adopting The 2020 Budget For The Loveland Urban Renewal Authority*

CARRIED.

**3.13. FINANCE**

**PUBLIC COMMENT**

**2020 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT NO. 1**

The City Council serves as the ex officio Board of Directors for the General Improvement District No. 1. The Board of Directors is responsible for adopting the annual budget for the District. These materials are needed for the adoption of the 2020 Budget for the District.

On October 15, 2019, City Council passed the first reading of the 2020 Loveland General Improvement District Budget on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6352 Adopting The 2019 Mill Levy For The Loveland General Improvement District No. 1*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No. 6353 Adopting The 2020 Budget For The Loveland General Improvement District No. 1*

CARRIED.

**3.14. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE AMENDING CHAPTER 3.08 OF THE LOVELAND MUNICIPAL CODE TO ELIMINATE SECTION 3.08.020 REGARDING THE GENERAL FUND RESERVE ACCOUNT**

This item will eliminate the requirement to place 2.5% of all General Fund Revenues derived from sales, use, and property taxes into what is known as the Council Special Projects Reserve, and improve the Financial Master Plan (General Fund) trajectory for the 2020 Budget and 2021-2029 Forecast. This and other measures taken to balance the 2020 Budget and improve the Financial Master Plan (General Fund) trajectory have significantly improved the fiscal health of the General Fund for the 2020-2029 planning horizon.

On October 15, 2019, City Council passed the first reading of this item on the regular agenda with a 8-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6355 Amending Chapter 3.08 Of The Loveland Municipal Code To Eliminate Section 3.08.020 Regarding The General Fund Reserve Account*

CARRIED.

**3.15. WATER & POWER**

**PUBLIC COMMENT**

**ORDINANCE AUTHORIZING THE TRANSFER OF RIGHT-OF-WAY TO THE TOWN OF BERTHOUD FOR LARIMER COUNTY ROAD 14 WIDENING AND PUBLIC IMPROVEMENTS PURSUANT TO SECTION 4-7 OF THE CITY OF LOVELAND MUNICIPAL CHARTER**

The purpose of this item is to assist the Town of Berthoud with installing sidewalk on the South side of County Road 14 adjacent to the city's water tank parcel. It will also provide permanent right-of-way for road improvements. The objective is to authorize the sale by dedication of 11,976 square feet (0.275 acres) of City property to the Town of Berthoud for County Road 14 Improvements, including a proposed sidewalk and future widening/turn lane. The City property to be dedicated includes the north 20 feet of the water tank parcel located on the west side of County Road 17 (Taft Ave/Berthoud Parkway) and just south of County Road 14 (42nd Street Southwest). The Town of Berthoud will acquire the right-of-way needed to complete an important sidewalk project. The City of Loveland will give up a very small amount of undevelopable property.

*A Motion To Adopt, On First Reading, Ordinance No. 6358 Authorizing The Transfer Of Right-Of-Way To The Town Of Berthoud For Larimer County Road 14 Widening And Public Improvements Pursuant To Section 4-7 Of The City Of Loveland Municipal Charter*

CARRIED.

**3.16. PUBLIC WORKS**

**RESOLUTION APPROVING THE AWARD OF A CONSTRUCTION CONTRACT FOR THE US HIGHWAY 34 WIDENING PROJECT TO COULSON EXCAVATING COMPANY, INC.**

The purpose of this agenda item is to award the construction contract to Coulson Excavating Company to build curb, gutter, sidewalk, asphalt paving, and miscellaneous work required to widen eastbound and westbound US 34 from Denver Avenue to Boyd Lake Avenue. The US 34 Widening Project will increase capacity and improve travel time consistency for the US 34 corridor.

There is no impact to unassigned fund balance in the Capital Projects Fund or Transportation Fund. The City's match was fully appropriated within the 2019 Budget.

*A Motion To Adopt Resolution #R-112-2019 Approving The Award Of A Construction Contract For The US Highway 34 Widening Project To Coulson Excavating Company Inc.*

CARRIED.

**3.17. PARKS AND RECREATION**

**RESOLUTION SUPPORTING THE APPLICATIONS FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT FROM THE COLORADO STATE DEPARTMENT OF TRANSPORTATION (CDOT) AND FOR MULTIMODAL OPTIONS FUND (MMOF) MONEY FROM THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION FOR PLANNING AND CONSTRUCTING SOUTH BOYD LAKE TRAIL FROM NORTH DENVER AVENUE TO NORTH BOYD LAKE AVENUE**

The City of Loveland is seeking financial support from the Colorado Department of Transportation (CDOT) Transportation Alternatives Program (TAP) and from the North Front Range Metropolitan Planning Organization (NRFMPO) Multimodal Options Fund (MMOF) for the planning and construction of the South Boyd Lake Trail from North Denver Avenue to North Boyd Lake Avenue.

The project will provide users with 1.77 miles of concrete, accessible trails and off-road connections between the City's Recreation Trail Loop and eastern Loveland. The grant request seeks funding for construction between 2020 and 2023. The approximate cost for planning and construction is \$1,500,000. The City is requesting \$1,250,000 from TAP and \$250,000 from MMOF. The City is offering \$250,000 to \$500,000 in City matching funds, which satisfies the local match requirement for both grant applications.

*A Motion To Adopt Resolution #R-113-2109 Supporting The Applications For Transportation Alternatives Program (TAP) Grant From The Colorado State Department Of Transportation (CDOT) And For Multimodal Options Fund (MMOF) Money From The North Front Range Metropolitan Planning Organization For Planning And Constructing South Boyd Lake Trail From North Denver Avenue To North Boyd Lake Avenue*



CARRIED.

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

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

Councilor Wright moved, Olson seconded.

A Motion To Adopt The Consent Agenda, Items 3.1 to 3.17.

PASSED UNANIMOUSLY 8-0.

**6. REGULAR AGENDA  
PROCEDURAL INFORMATION**

**6.1. WATER & POWER  
RESOLUTION TO APPROVE CONTRACT FOR FIBER-TO-THE-PREMISE CONSTRUCTION SERVICES**

This item approves the award of a \$35.5 million contract to Jacobs Investment LLC dba Colorado Boring Company for Construction Services for the build-ready broadband network and authorizes the City Manager to execute the contract. The objective of this item is to approve a resolution awarding a contract to Jacobs Investment LLC dba Colorado Boring Company for Construction Services for the build-ready broadband network.

There is no impact on unassigned fund balances with the Municipal Fiber Fund due to the requested funds already being appropriated within the 2019 Budget.

Brieana Reed-Harmel, Municipal Fiber Manager, noted the scope of work and introduced the contractors for the project. Ms. Reed-Harmel reported the City is excited to recommend and award the contract to a company that is local and has worked in Loveland in the past with a good record. The services being completed, including directional drilling, were addressed in the power point.

Ms. Reed-Harmel noted the award of \$35.5 million is in line with what was recommended in the budget and was less than the other competitors.

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

Moved by Councilor Wright; seconded by Councilor Johnson.

*A Motion to Adopt Resolution #R-109-2019 To Approve Contract For Fiber-To-The-Premise (FTTP) Construction Services*

CARRIED UNANIMOUSLY 8-0.

**6.2. WATER & POWER  
RESOLUTION TO APPROVE CONTRACT FOR FIBER-TO-THE-PREMISE INSTALLATION SERVICES**

This item approves the award of a \$10.0 million contract to On Trac for FTTP installation services for the broadband network and authorizes the City Manager to execute the contract. The objective of this item is to approve a resolution awarding a contract to On Trac for premise installation services for the broadband network.

There is no impact on unassigned fund balance with the Municipal Fiber Fund due to the requested funds already being appropriated within the 2019 Budget.

Brieana Reed-Harmel, Municipal Fiber Manager, reported on this agenda item stating it is for installation services from the curb to the building and includes work inside the building to make sure the equipment is set up correctly. It was noted this is the premise contract piece and staff recommended awarding it to On Trac for residential and commercial buildings. This contract would extend over the five-year period during the time the City expects to have most of the work on this project.

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

Moved by Councilor Wright; seconded by Councilor Fogle.

*A Motion to Adopt Resolution #R-110-2019 To Approve Contract For The Fiber-To-The-Premise (FTTP) Installation Services*

CARRIED UNANIMOUSLY 8-0.

### 6.3. FINANCE

#### **ORDINANCE AMENDING TITLE 3 OF THE LOVELAND MUNICIPAL CODE TO ELIMINATE THE VENDOR FEE FOR SALES TAX COLLECTION AND ADMINISTRATION**

This item will eliminate the 2% vendor fee for sales tax collection and administration, enabling the City to fully benefit from 100% of sales tax collected by vendors on behalf of the City, and enhance a key General Fund revenue source in a fair and equitable manner, in a manner consistent with 45% of Colorado home rule cities. This measure will result in an estimated additional amount of \$500,000 in General Fund sales tax revenue.

On October 15, 2019, City Council passed the first reading of this item on the regular agenda with a 8-0 vote.

Theresa Wilson, Budget Manager, reported to Council that this is the largest revenue enhancement proposed and including it prevented the City to have to add additional expenditure reductions. In review of 70 home rule cities, over half have eliminated their vendor fees. Ms. Wilson reported on data and analysis of the vendor fees showing the average total vendor fee per year and per return for monthly, quarterly and annual filers.

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

Moved by Councilor Wright; seconded by Councilor Johnson.

*A Motion To Adopt, On Second Reading, Ordinance No. 6354 Amending Title 3 Of The Loveland Municipal Code To Eliminate The Vendor Fee For Sales Tax Collection And Administration*

CARRIED.

**6.2. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**7. REPORTS**

**7.1. BUSINESS AND REPORTS FROM CITY COUNCIL**

Councilor Olson reported on the Behavioral Health Committee meeting he had attended and noted there would be about \$2.5M to allocate to organizations in Larimer County.

Mayor Marsh stated she had attended the Lakes of Centerra Metropolitan District board meeting and expressed concern regarding who is considered an eligible elector and the amount of the debt that is carried.

Councilor Fogle requested City Attorney Garcia to check to see how many eligible electors there are in Centerra Metropolitan District #1.

Councilor Wright reported on the Wastewater Treatment Plant ribbon cutting and noted that bus ridership is up and that student ridership is up 43% due to youth being able to ride free.

**7.2. CITY MANAGER REPORT**

City Manager Adams reported on upcoming events; November 7 is Council Member orientation, November 12 is the scheduled transition meeting and on December 19 is the 4<sup>th</sup> Quarter Regional Elected Officials Meeting.

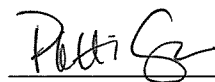
**7.3. CITY ATTORNEY REPORT**

No report.

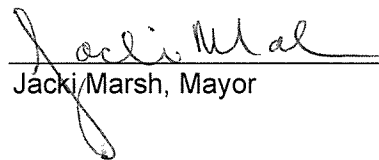
**8. ADJOURN**

Upon a motion duly made, the meeting was adjourned at 7:09 pm.

Respectfully Submitted,



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



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Jacki Marsh, Mayor