

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 15, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER Mayor Gutierrez called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Gutierrez, Clark, Farley, Shaffer, Trenary, Fogle, Krenning responded. Councilor Taylor was absent. Councilor McKean arrived at 6:35 p.m.

Councilor Trenary read aloud the proclamation declaring September 2015 as suicide awareness month. Alliance for Suicide Prevention representatives, Sabrina Steel and Kayeleanne Murdock received the proclamation.

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

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit comments to no more than three minutes.

There were not items removed from the consent agenda. Councilor Shaffer moved to approve the Consent Agenda. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the September 1, 2015 Regular Meeting and the September 4, 2015 Special Meeting was approved.

1. This is an administrative action to approve the City Council meeting minutes for the September 1, 2015 Regular Meeting.
2. This is an administrative action to approve the City Council meeting minutes for the September 4, 2015 Special Meeting.

2. **PUBLIC WORKS** (presenter: Chris Carlson)
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FLOOD RECOVERY
A Motion To Approve And Order Published On Second Reading Ordinance #5958 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For A Temporary Flood Administrative Technician Position And For Final Flood Reconstruction Work At The Fire Training Grounds was approved.
This is an administrative action. The ordinance on second reading appropriates funding to continue a temporary flood recovery Administrative Technician position. This position and funding was initially approved upon second reading of an ordinance on March 4, 2014. It provided \$46,780 for a temporary position providing administrative support to the engineering teams working on flood recovery projects. This supplemental appropriation request of \$54,449 includes \$33,941 to allow the Administrative Technician position to continue through the 2015 budget cycle while still remaining within the original \$46,780 appropriation. Since flood recovery work is still ongoing, it is our intention to continue the position until April 6, 2016, which is approximately when the originally appropriated funds will have been spent. The total requested funding of \$54,449 also provides \$20,508 for the Facilities Management Division to cover final Flood reconstruction costs at the Fire Training Grounds. These funds were also included in the original Flood funding approved on March 4, 2014. On September 1, 2015, City Council unanimously approved this ordinance on first reading.
3. **WATER & POWER** (presenter: Jim Lees)
WATER AND WASTEWATER ENTERPRISE FUNDING
1. **A Motion to Approve on Second Reading Resolution #R-55-2015 Concerning Funding for the Water Enterprise to Complete Improvements at the Water Treatment Plant and Construct More Water Storage was approved.**
2. **A Motion to Approve on Second Reading Resolution #R-56-2015 Concerning Funding for the Wastewater Enterprise to Complete Improvements at the Wastewater Treatment Plant was approved.**
This is an administrative action to adopt a resolution that provides funding mechanisms for the Water Enterprise through a series of rate increases and an external loan. This funding will be used to complete improvements at the Water Treatment Plant and for construction of more water storage. A second resolution provides funding mechanisms for the Wastewater Enterprise through a series of rate increases and an external loan. This funding will be used for improvements at the Wastewater Treatment Plant. These resolutions carry out the Council's direction from the July 28, 2015 Study Session, which was also the recommendation of both the LUC and Staff. Both resolutions maintain the rate tracks that Council gave their approval to that were developed from the previous cost-of-service rate study that was conducted in 2012. These rate tracks still provide sufficient funding to meet the projected needs of both the Water and Wastewater Utilities over the next ten years. On July 15, 2015, the Loveland Utilities Commission recommended approval. On September 1, 2015, City Council unanimously approved these resolutions on first reading.
4. **DEVELOPMENT SERVICES** (presenter: Nikki Garshelis)
PUBLIC COMMENT
SUBSTATION HISTORIC LANDMARK
A Motion To Approve And Order Published On First Reading An Ordinance Of City Council Designating As A Historic Landmark The Public Service Company Of Colorado Loveland Substation, Located At 105 E 1st Street In Loveland, Colorado was approved.
This is a legislative action requiring a public hearing to consider adopting an ordinance on first reading designating as a Historic Landmark the "Public Service Company of Colorado

Loveland Substation," at 105 E 1st Street, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff has reviewed the benefits and obligations of historic designation with the property owner. The Historic Preservation Commission (HPC) recommends approval.

5. **PUBLIC WORKS** (presenter: Justin Stone)

PUBLIC COMMENT

SUPPLEMENTAL BUDGET AND APPROPRIATION FOR SIGNAL CABINETS

1. A Motion To Approve And Order Published On First Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Traffic Signal Cabinets and Related Equipment within the City of Loveland was approved.

2. A Motion to Adopt Resolution #R-59-2015 Approving an Intergovernmental Agreement between the City of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, To Update Traffic Equipment In The City Of Loveland was approved.

This is an administrative action. The City of Loveland (City) has received a federal grant through the Colorado Department of Transportation (CDOT) in the amount up to \$497,000 to fund traffic signal cabinets and related equipment at up to 40 locations across the City. This item consists of consideration of a resolution approving an Intergovernmental Agreement between the City and CDOT, including authorization for the City Manager, in consultation with the City Attorney, to sign the IGA, and the first reading of an ordinance to appropriate the federal funds for the project. The project is funded from federal funds in the amount of \$497,000 and City of Loveland local match funds in the amount of \$103,315, for a total project cost of \$600,315. The City funds are included within the approved 2015 budget for the Public Works Department for Transportation Capital Projects.

6. **FINANCE** (presenter: Brent Worthington)

ANNUAL AUDIT CONTRACT

A Motion to Adopt Resolution #R-60-2015 Appointing a Certified Public Accountant to Audit the Financial Statements of the City of Loveland, Colorado was approved.

This is an administrative action. Pursuant to section 11-7 of the City of Loveland Charter, Council shall provide for a financial audit, which shall be performed by a certified public accountant selected by Council. The audit shall be performed in accordance with the State statutes establishing the local government audit laws. Rubin Brown LLP was selected by staff for the annual financial audit for fiscal years 2015, 2016, and 2017 with the option of renewing the contract for two additional one year terms (2018, 2019). On September 9, 2015 the Citizen's Finance Advisory Commission (CFAC) recommended approval.

7. **HUMAN RESOURCES** (presenter: Julia Holland)

WORKERS' COMPENSATION INSURANCE COVERAGE

A Motion to Amend the City's Workers' Compensation Coverage with Pinnacol Assurance and Authorize the City Manager to enter into a contract with Pinnacol, and establish a purchase order in the Amount of \$1,240,000 with a Renewal Date of July 1 was approved.

This is an administrative action to authorize the City Manager to enter into a contract with Pinnacol Assurance to amend the workers' compensation coverage renewal date to July 1 and includes continued premium costs and claims payable from prior years. The terms of the revised contract remain unchanged. Pinnacol will adjust workers' compensation claims and bill the City for the amounts paid under the \$75,000 per occurrence deductible. The 2015/16 premium \$9,579 is slightly higher than the prior quote based on increased estimated payroll through June 30, 2016; however, the City will receive a credit of the

prorated amount, estimated to be \$75,000 (pro-rated), if the LFRA separates from the City effective January 2016.

8. **CITY ATTORNEY**

(presenter: Tami Yellico)

PULLIAM AGREEMENT UPDATE

A Motion Approving The Settlement Of The Pulliam Quiet Title Litigation As Set Forth In The Stipulation And Joint Motion For Entry Of Decree And Authorizing The City Attorney To Sign The Stipulation And Joint Motion For Entry Of Decree was approved.

This is an administrative action. It is recommended, if City Council desires to approve the settlement of the Pulliam quiet title litigation, that City Council approve the motion set forth above approving the Stipulation and Joint Motion for Entry of Decree ("Stipulation").

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT

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

Jackie Marsh, Owner of Rabbask Designs, downtown submitted signature of other business and residents expressing concern with probation moving into the proposed County building downtown. Traudl Renner, 418 W. 12 St, expressed concern regarding train horns downtown. Train noise will be one of the topics of discussion at an October 13, 2015 meeting regarding Safety.

Kim Rack, Owner of Skinny Rack Sweet Shop, expressed concern with placing the County building on the prime real estate property within the South Catalyst project property.

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

9. **PUBLIC WORKS**

(presenter: Leah Browder)

HIGHWAY 34 COALITION

This is an administrative action. Public Works Director, Leah Browder introduced this item to Council. The City of Loveland (City) has been asked to participate in the formation of a U.S. Highway 34 Coalition and to continue to participate as an ongoing member in the Coalition. Evans, Greeley, Johnstown and Windsor have all approved Resolutions, along with Weld and Larimer Counties, supporting the creation of the Coalition. This item consists of a Resolution supporting and encouraging the creation of the Coalition; pledging to have a City Council Member and a staff member in attendance at Coalition meetings; pledging that the City Council will consider matching funds for grants as part of the City's budget process should such opportunities arise; and stating that the City Council will seek to integrate its efforts with other regional transportation coalitions. There were no public comments. **Councilor Shaffer moved to Adopt Resolution #R-61-2015 Of The**

Loveland City Council Concerning Support For The Creation Of A U.S. Highway 34 Coalition. The motion, seconded by Councilor, carried with all Councilors present voting in favor thereof.

10. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)
SOUTH CATALYST PROJECT RFP AND UPDATE

This is an administrative item. Economic Manager, Mike Scholl introduced this item to Council. This is a discussion on the South Catalyst project and seeking a motion to authorize the City Manager to issue a Request for Proposals (RFP) for a development partner for the South Catalyst project in Downtown Loveland. Mayor Gutierrez asked for public comment. Roger Weideman, 4814 recommended Council wait the extra three weeks to send out the RFP. **Consensus of Council was for staff to make the proposed changes to the RFP and bring it to the October 6, 2015 Regular meeting for consideration. Council directed Staff to bring something to them for consideration to enable them to hire a consultant to assist in reviewing and assessing the RFPs submitted for this project.**

11. FINANCE (presenter: Brent Worthington)
COUNCIL DIRECTED REVISIONS TO THE CITY MANAGER'S RECOMMENDED BUDGET FOR 2016

Finance Director, Brent Worthington introduced this item to Council. At the September 8, 2015 Study Session, City Council directed staff to make several revisions to the City Manager's 2016 Recommended Budget. Council discussion at the Study Session was incomplete and will be continued at this September 15 meeting. Staff will bring the Budget ordinances and resolutions to Council on October 6, 2015 for consideration on first reading.

BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.

- Farley** Community Foundation event Tuesday, September 21. The topic will be the Downtown Development Authority (DDA)
- McKean** Reminding Council to be aware of how many emails they are generating around issues.
- Fogle** The Loveland Glass building will be used as a Haunted House during the month of October.
- Shaffer** MPO and Windsor will be cosponsoring an event that will address the economic advantages of walking and biking. The October 1, 2015 MPO meeting has been cancelled.
- Trenary** September 17 at noon Artworks is having an event.
- Gutierrez** CML Region 2 meeting will be held on October 5 in Severance, CO.

CITY MANAGER REPORT

- Cahill** Council will now be receiving an email message that someone has left them voice mail on their City provided phone service. They can call in to check them upon receipt of the email; Study Sessions scheduled for November 25 and December

22 will be canceled, since they occur so close to the holidays; CML is requested
Legislative Bill subjects by October 16, 2015.

CITY ATTORNEY REPORT

None

ADJOURN

Mayor Gutierrez asked if there was anything else to go before Council this evening,
Hearing none, Mayor Gutierrez adjourned the September 15, 2015 Regular Meeting of the
Loveland City Council at 10:32 p.m.

Respectfully submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

