



AGENDA

TUESDAY, NOVEMBER 21, 2023
6:00 PM LOVELAND CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

5:15 p.m. - Dinner will be provided to Council. General public are not invited to the Council mealtime. No public business will be discussed.

Notice:

Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Study Sessions are held on the 2nd and 4th Tuesdays of each month in the City Council Chambers. All meetings are conducted in a hybrid format with a Zoom meeting in addition to the in-person meeting.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to View this Meeting:



Meetings are open to the public and can be attended in-person by anyone.



Meetings are televised live on:

- Pulse TV Channel 16
- Comcast Channel 16/880



Meetings are available through Zoom by PC, laptop or phone:

- Webinar ID: 975 3779 6504
- Passcode: 829866



Meetings are livestreamed on the City's website. You can find the link here: lovgov.org/tv

Public Comment:

There are in-person and remote options for members of the public who would like to participate in Council meetings.

1. In-Person:

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be

placed on the Regular Agenda for discussion and public comment or testimony.

- Individuals who wish to speak are asked to fill out a card provided in Chambers and give this to the City Clerk. The Mayor will call people up to comment in the order the cards were received. Cards are only required for the general public comment portion of the meeting. Each person will have three minutes to speak. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.
- Individuals who wish to speak in-person but did not fill out a card may have a chance to comment once all in-person and online speakers who have registered are called on, if there is any time remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No cards are required for individuals wanting to provide public comment on items included on the Regular Agenda.
- If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.
- Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.

2. Remote:

- Members of the public who wish to provide public comment remotely, can log in using the meeting ID provided above, or opening your meeting app or accessing the web browser and entering the Meeting ID shown above after 5:45 pm, at which time you will be muted and added to the meeting.

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.
- Remote Individuals who wish to speak are asked to register online at lovgov.org/CouncilPublicComment by 12:00 noon on the day of the meeting. The Mayor will call on people to comment in the order the registrations were received. This will follow in-person comment. Online registration is only required for the General Public Comment portion of the meeting.
- To speak to an agenda item when public comment is called for, please choose the raise your hand feature on the application. The moderator will then individually unmute the speaker and the speaker will need to follow the moderator's instructions before making comment. This will include turning on video. Each person will have three minutes to speak. The line will be muted at the end of the three minutes. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.
- Individuals who wish to speak remotely but did not register may have a chance to comment once all in-person and online speakers who have registered are called on, if there is any time

remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No online registration is required for individuals wanting to provide public comment on items included on the Regular Agenda.
- If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.
- Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.

3. Members of the public wishing to have their comments emailed to City Council and published in the agenda packet may use the form provided at the link below. Comments sent to City Council before 5 p.m. on the Friday prior to the regular or special meeting will be included in the agenda packet. Comments provided after such time or at the meeting will be posted in the agenda packet after the meeting. <https://www.lovgov.org/city-government/city-council/city-council-meetings/city-council-public-comment-form>

Notice of Non-Discrimination

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

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

Notificación en contra de la discriminación

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

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

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

Password to the public wireless network (colguest) is accesswifi

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

(6:00) 1.3. PROCLAMATION - SMALL BUSINESS SATURDAY

Kelly Sage
[Small Business Saturday - Proclamation 2023](#)

(6:05) 1.4. SWEARING IN OF COUNCILOR KRENNING

1.5. ATTENDANCE REPORT OUT

(6:10) 1.6. SELECTION OF MAYOR PRO TEM

1.7. PROCEDURAL INFORMATION

This meeting is subject to and incorporates by reference this evening's City of Loveland Agenda including without limitation all policies, rules, and procedural and legal statements therein.

Council may act on behalf of the City, the General Improvement District #1, the Special Improvement District #1, or the Loveland Urban Renewal Authority. Items requiring a public hearing or other public participation that remain on the Consent Agenda are considered to have been opened and closed, in the name of the applicable legal entity that is required to take action to approve such items. The information furnished in connection with these items, including any related public comment, is 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 using the meeting ID and link at the front of the agenda during any portion of tonight's meeting must be viewable to City Council by using their camera feature during the caller's public comment, and must be a Larimer County resident or an individual who owns property or has a business interest in the City. The caller should choose the raise your hand feature to let the moderator know you wish to speak.

Anyone making an in-person comment during any portion of tonight's meeting should come forward to a microphone. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments

will be limited to no more than three minutes; the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Please identify yourself and your city of residence.

(6:30)

2. PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Regular Agenda section of the agenda, may address the Council at this time. Any member of the public may request that an item on the Consent Agenda, labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.

Public Comment is intended to provide citizens with an opportunity to address Council directly. We encourage speakers to give public comment in a manner that promotes civil discourse. Generally, Council will not respond to public comment other than to seek clarification of the matter raised and defer such matter to the City Manager for review and resolution.

(7:15)

3. COUNCIL COMMENT

This is an opportunity for Council Members to address the community on any subject, limited to one round with a maximum time of three (3) minutes per member.

(7:25)

4. CONSENT AGENDA

At this time, any Council Member may request that an item on the Consent Agenda be moved to the Regular Agenda. These items will be heard at the end of the Regular Agenda. Members of the public, who have not previously provided public comment at this meeting on an item moved to the Regular Agenda, will be given an opportunity to speak to the item before the Council acts upon it.

4.1. CITY CLERK'S OFFICE APPROVAL OF MINUTES

(presenter: Delynn Coldiron)

A motion to approve the City Council minutes for the August 15, 2023 Regular Meeting and August 16, 2023 Study Session

Approval of the City Council minutes for the August 15, 2023 Regular Meeting and August 16, 2023 Study Session.

[08-15-23 Minutes](#)

[08-16-23 Minutes](#)

4.2. CITY CLERK'S OFFICE CALL FOR SPECIAL MEETING ON NOVEMBER 28, 2023, AT 6:00PM TO HOLD (1) BOARD AND COMMISSION LIAISON APPOINTMENTS FOR CITY COUNCIL MEMBERS, (2) THE 2024 CONTINGENCY BUDGET UPDATE AND POTENTIAL ACTION

(presenter: Delynn Coldiron)

A motion to call for Special Meeting on November 28, 2023, at 6:00pm to hold (1) Board and Commission Liaison Appointments for City Council Members, (2) the

2024 Contingency Budget Update and Potential Action

This item will call for Special Meeting on November 28, 2023, at 6:00pm in the City Council Chambers to hold (1) Board and Commission Liaison Appointments for City Council Members, (2) the 2024 Contingency Budget Update and Potential Action.

[AIR-102255](#)

4.3. CITY CLERK'S OFFICE (presenter: Delynn Coldiron) MEMBER APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

A motion to appoint Lisa Fitzpatrick to the Human Services Commission with a term dated November 22, 2023 to June 30, 2024

A motion to appoint Leslie Wasson to the Historic Preservation Commission with a term dated November 22, 2023 to June 30, 2026

This item is to fill vacancies on Boards or Commissions provided for in the motions.

[AIR-102256](#)

4.4. CITY CLERK'S OFFICE (presenter: Lindsay Van Wyk) ORDINANCE AMENDING SECTION 2.60 OF THE LOVELAND MUNICIPAL CODE TO ADD VOTING YOUTH MEMBERS AND UPDATE SECTION 2.60.240 REGARDING THE SENIOR ADVISORY BOARD

A motion to adopt, on second reading, Ordinance No. 6641 amending Section 2.60 of the Loveland Municipal Code to add voting youth members and update Section 2.60.240 regarding the Senior Advisory Board

The main purpose of this item is to add a voting youth member to all the City of Loveland's boards and commissions, with the exception of the Planning Commission. This item will also update the language in Section 260.240 of the Loveland Municipal Code to allow for more flexibility for the Senior Advisory Board to fill their community member positions.

Lastly, this item will make some amendments to the Boards and Commissions Handbook including clarifications regarding:

- Public comment at boards and commission meetings,
- The role of the alternate,
- Attendance Report due dates,
- Staff Liaison expectations, and
- Training of new Board Members.

This item was heard at the November 14, 2023 City Council Special Meeting where it passed with a vote of 6-0.

[AIR-102178](#)

[Ordinance](#)

[Att 1 Boards and Commissions Updates Presentation](#)

[Att 2 Redlined Boards and Commissions Handbook](#)

[Att 3 Redlined Senior Advisory Code Section 2.60.240](#)

[Att 4 Redlined Youth Member Code Changes](#)
[Att 5 Current interview Questions for Youth Members](#)
[Att 6 Applications for Youth Members](#)
[Att 7 Proposed One Sheets for Recruitment](#)

4.5. DEVELOPMENT SERVICES (presenter: Marika Kopp)

QUASI-JUDICIAL

AN ORDINANCE VACATING ONE THOUSAND FOUR HUNDRED SQUARE FEET OF RIGHT OF WAY WITHIN THE ORIGINAL PLAT OF LOVELAND AS RECORDED IN 1877, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

A motion to approve, on second reading, Ordinance No. 6664 vacating one thousand four hundred square feet of right of way within the original plat of Loveland as recorded in 1877, City of Loveland, County of Larimer, State of Colorado

This application proposes to vacate an alley Right-of-Way (ROW), between the Loveland Museum and the Beet Education Center. The area to be vacated is 10 feet wide by 140 feet long, a total area of 1400 square feet, as outlined in Vacation Exhibit A. The request to vacate the ROW is to allow for a future expansion of the museum. The museum property is located at 503 N Lincoln Avenue and the Beet Education Center is located at 201 E 5th St, between Cleveland and Lincoln avenues, and on the north side of East 5th Street.

This item was heard for first reading on the Regular Agenda at the October 24, 2023 City Council Regular Meeting where it passed with a vote of 7-0.

[AIR-102249](#)
[Ordinance](#)
[Att 1 Vicinity Map](#)
[Att 2 Site Plan](#)
[Att 3 November 21, 2023 City Staff & Applicant Presentation](#)

4.6. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)

RESOLUTION WAIVING CERTAIN DEVELOPMENT FEES FOR THE RENOVATION OF A SCHOOL TO CREATE A NOT-FOR-PROFIT CHILDCARE FACILITY FOR THE BOYS & GIRLS CLUB OF LARIMER COUNTY

A motion to adopt Resolution #R-139-2023 waiving certain development fees for the renovation of a school to create a not-for-profit childcare facility for the Boys & Girls Club of Larimer County

The Boys & Girls Club is requesting a waiver of development fees from the City of Loveland totaling \$46,437 to rehabilitate the building adjacent to their Pulliam Club located at 2500 E. 1st Street and the previous location of the New Vision Charter School, where comprehensive childcare will be offered for children ages 0 to 18. This request does not include any fees that require backfilling from the Community Housing Development Fund or the General Fund (GF) unassigned fund balance. The Human Services Commission voted in support of this request on October 5th.

[AIR-102251](#)

[Resolution](#)

[Att 1 Fee Amount Worksheet BGC](#)

[Att 2 PowerPoint Presentation](#)

4.7. DEVELOPMENT SERVICES (presenter: Noreen Smyth)

RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS THE BOEDECKER SOUTH FIRST ADDITION, FILED OCTOBER 20, 2023, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

A motion to adopt Resolution #R-140-2023 finding that certain petition for annexation known as the Boedecker South First Addition, filed October 20, 2023, to be in substantial compliance with Section 30 of Article II of the Colorado Constitution and with the requirements of Section 31-12-107(1), C.R.S.; and establishing a date, time and place for a hearing to determine whether the proposed annexation complies with the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the City of Loveland, Colorado

Per Colorado Revised Statutes (C.R.S.) concerning annexation, petitions for annexation and the associated maps must be presented to City Council for adoption of a resolution to determine compliance with statutory requirements. By adopting the resolution, this item will also set a public hearing date of January 2, 2024, for the consideration of the annexation and zoning application of parcels containing approximately 32.051 acres to be known as the Boedecker South First Addition.

The subject property is located in the west portion of Loveland's Growth Management Area, which is proposed to be annexed through a single addition. The property is situated on the southeast corner of County Road 21, to the southeast of Boedecker Lake, and is contiguous with City limits. The applicant is seeking to zone the property Public Park. The zoning would allow for civic/public uses and parks and open space uses. The land is owned by the City of Loveland and a portion of the land is planned for the new Loveland Fire Rescue Authority fire station. The Land Use Map of the Comprehensive Plan designates the property for Low Density Residential, and civic land uses including fire stations are allowed in areas so designated.

[AIR-102208](#)

[Resolution](#)

[Att 1 Vicinity Map](#)

[Att 2 Annexation Map](#)

[Att 3 Zoning Map](#)

4.8. HUMAN RESOURCES (presenter: Julia Holland)

RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH CAPITAL RX, INC. FOR EMPLOYEE PRESCRIPTION DRUG COVERAGE

A motion to approve Resolution #R-141-2023 approving renewal of a contract with Capital RX, Inc. for employee prescription drug coverage

The purpose of this item is to authorize the city to renew the contract to provide self-insured prescription coverage for eligible employees and family members for 2024. Additionally, this item will allow the City Manager to renew a contract with Cap-RX to pay for prescription claims processing in an amount not to exceed \$2,650,000.

[AIR-102240](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

4.9. HUMAN RESOURCES (presenter: Julia Holland)
RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH DELTA DENTAL

A motion to adopt Resolution #R-142-2023 approving renewal of a contract with Delta Dental

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 2024 with Delta Dental of Colorado. Additionally, this process and payment of dental claims is anticipated not to exceed \$714,000. This dollar amount includes the administration fees of \$42,000, which the City will pay to UMR (Third Party Provider) who is responsible for paying this administration fee on our behalf.

[AIR-102235](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2024 Delta Dental Renewal Rate](#)

4.10. HUMAN RESOURCES (presenter: Julia Holland)
RESOLUTION APPROVING RENEWAL OF A CONTRACT BETWEEN THE CITY OF LOVELAND AND THE HARTFORD FOR EMPLOYEE LIFE, DISABILITY, CRITICAL ILLNESS AND VOLUNTARY ACCIDENT INSURANCE COVERAGE

A motion to adopt Resolution #R-143-2023 approving renewal of a contract between the City of Loveland and The Hartford for employee life, disability, critical illness, and voluntary accident insurance coverage

The purpose of this item is to adopt a resolution that will authorize the City to renew the contract for life and disability insurance coverage for employees, legal compliance administration for leave of absences, and the ability for employees to enroll in voluntary, employee paid, insurance programs.

Additionally, this item will allow the City Manager to sign the renewal of the contract with The Hartford to provide these programs for an amount not to exceed \$874,000. This amount includes the projected employee (not employer) paid voluntary insurance programs in the amount of \$360,000.

[AIR-102234](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2024 The Hartford Coverage Rate Sheet](#)

4.11. HUMAN RESOURCES (presenter: Julia Holland)
**RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH MARATHON
HEALTH, LLC FOR EMPLOYEE HEALTH CLINIC SERVICES**

A motion to adopt Resolution #R-144-2023 approving renewal of a contract with Marathon Health, LLC for employee health clinic services

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 \$725,000. This amount includes administration fees, prescriptions, lab tests and annual biometric screenings. Administration fees increase 3% each year, the prescription and labs increase incrementally with inflation and based on enrollment. The renewal includes the annual biometrics screening for 2024, which has been added as Marathon services instead of using a third-party vendor.

[AIR-102237](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2024 Marathon Rate Sheet](#)

4.12. HUMAN RESOURCES (presenter: Julia Holland)
**RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH SUN LIFE
FINANCIAL FOR MEDICAL STOP LOSS INSURANCE**

A motion to adopt Resolution #R-145-2023 approving renewal of a contract with Sun Life Financial for medical stop loss insurance

The purpose of this item is to adopt a resolution that will authorize the City Manager to renew the current contract with Sun Life Financial for Stop Loss Insurance premiums in an amount not to exceed \$2,258,000.

[AIR-102252](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2024 Stop Loss Renewal Options](#)

[Att 3 2024 Stop Loss History](#)

4.13. HUMAN RESOURCES (presenter: Julia Holland)
**RESOLUTION APPROVING CONTINUATION OF A CONTRACT WITH EMPLOYER
DIRECT HEALTHCARE, LLC FOR MEDICAL SUPPLEMENTAL SURGERY
SERVICES**

A motion to adopt Resolution #R-146-2023 approving continuation of a contract with Employer Direct Healthcare, LLC for medical supplemental surgery coverage

The purpose of this item is to adopt a resolution to approve the City's continuation of

the contract with Employer Direct Healthcare, LLC to pay for supplemental surgery coverage claims processing in an amount not to exceed \$1,500,000 for 2024.

In 2022 the City entered into a contract with Employer Direct Healthcare, LLC (SurgeryPlus) to provide supplemental surgery coverage for eligible employees and family members. The contract was continued for 2023 to continue to provide supplemental surgery coverage for eligible employees and family members. SurgeryPlus provides members enrolled in one of the City's medical benefit plans with UMR to access excellent and affordable care for many planned surgical procedures.

[AIR-102248](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2022 Surgery Plus Amendment](#)

4.14. HUMAN RESOURCES

(presenter: Julia Holland)

RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH UMR AS THE CITY'S MEDICAL INSURANCE THIRD PARTY ADMINISTRATOR

A motion to approve Resolution #R-147-2023 approving renewal of a contract with UMR as the City's medical insurance third party administrator

The purpose of this item is to authorize the city to renew the contract to provide self-insured medical coverage for eligible employees and family members for 2024.

Additionally, this item will allow the City Manager to renew a contract with UMR to pay for medical claims processing and administrative duties not to exceed \$14,440,000.

This total includes \$2,940,000 for administration fees and \$11,500,000 projected medical, mental health, prescription, surgeries and procedures, \$7,865,000 of which is paid to UMR for its services and the remainder of which is handled by UMR as pass through amounts. Administration costs include UMR paying, on our behalf, Stop Loss premiums, Vision premiums Dental, COBRA and Flexible Spending Services Fees. Dental claims will NOT be paid to UMR, as they are paid directly to our Dental Insurance Provider. Vision premiums are funded 100% by employee premiums.

[AIR-102233](#)

[Resolution](#)

[Att 1 FY2024 Benefit Fund Update Staff Report](#)

[Att 2 2024 UMR Third Party Administrator Rate Sheet](#)

4.15. NORTHERN COLORADO REGIONAL AIRPORT

(presenter: Aaron Ehle)

RESOLUTION APPROVING A FIFTH AMENDMENT TO A CONTRACT WITH DIBBLE ENGINEERING FOR THE RUNWAY 15-33 WIDENING PROJECT AT THE NORTHERN COLORADO REGIONAL AIRPORT

A motion to adopt Resolution #R-148-2023 approving a fifth amendment to a contract with Dibble Engineering for the runway 15-33 widening project at Northern Colorado Regional Airport

This contract amendment will enable Dibble Engineering its subcontractors to

complete the design and bid phase services for the Runway 15-33 widening project. FAA design standards were evaluated as part of the project and unanticipated requirements were found to apply, requiring additional work and necessitating a change order in order to proceed with the design.

The design and bid services contract for this project was approved by Loveland City Council on June 20, 2023 with Resolution #R-76-2023. Part of the design scope included evaluating several criteria including navigation aid alignment and design standards for the project. A thorough analysis has confirmed an Aeronautical Obstruction Survey/Airports Geographic Information Systems (AGIS) update is required to meet the safety evaluation standards for this runway change affecting navigational aids. This change order amount is \$83,774.01, bringing the total not-to-exceed contract price to \$1,469,723.01. As the change order was structured as an amendment to the existing contract, cumulative change orders exceed the 20% allowed under AR-0001 Procurement, and action is required by City Council to proceed.

This item was heard at the October 19, 2023 Northern Colorado Regional Airport Commission Meeting where it passed with a vote of 6-0.

[AIR-102253](#)

[Resolution](#)

[Att 1 Contract Amendment with Dibble Engineering for Change Order 1 Design and Bid Services for the Runway 15-33 Widening Project](#)

4.16. PARKS AND RECREATION

(presenter: Brian Hayes)

RESOLUTION SUPPORTING THE APPLICATION FOR A LAND ACQUISITION PROGRAM GRANT FROM GREAT OUTDOORS COLORADO FOR THE ACQUISITION OF A SEPARATOR ADDITION PROPERTY ADJACENT TO PRAIRIE RIDGE NATURAL AREA

A motion to adopt Resolution #R-149-2023 supporting the application for a Land Acquisition Program Grant from Great Outdoors Colorado for the acquisition of a separator addition property adjacent to Prairie Ridge Natural Area

This proposed 191-acre acquisition would expand Prairie Ridge Natural Area to 976 acres and provide additional outdoor recreation opportunities for the local community with new trail easements and pedestrian/bicycle connections to the City's recreation trail system and nearby open lands, along with protecting wildlife movement corridors, agricultural heritage lands, scenic viewsheds, and additional open space in the community separator between Loveland and Fort Collins. Project partners include committed financial contributions from Fort Collins (\$1,750,000), Larimer County (\$400,000), High Plains Foundation (\$50,000) and a private open lands donation (\$50,000). There will be no impact on General Fund unassigned fund balance due to the City of Loveland portion of \$3,540,000 already being appropriated within the Open Lands Fund 2023 Budget. Total acquisition cost is \$7,040,000. The Open Lands and Trails Advisory Commission voted unanimously in October to approve a recommendation to City Council to pursue this grant with Great Outdoors Colorado to acquire this property.

The City seeks to enter into a grant agreement with the State Board of the Great Outdoors Colorado Trust Fund, also known as Great Outdoors Colorado, for

\$1,250,000 in funding to assist in the acquisition of a 191-acre separator addition adjacent to Prairie Ridge Natural Area.

[AIR-102245](#)

[Resolution](#)

[Att 1 Grant Application Concept Paper](#)

[Att 2 PowerPoint Presentation](#)

4.17. PARKS AND RECREATION (presenter: Brian Hayes)

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND AND LARIMER COUNTY TO FUND CONSTRUCTION OF A TRAFFIC SIGNAL AT WEST HIGHWAY 34 AND GLADE ROAD (COUNTY ROAD 23H)

A motion to adopt Resolution #R-150-2023 approving an Intergovernmental Agreement between the City of Loveland and Larimer County to fund construction of a traffic signal at the intersection of West Highway 34 and Glade Road (County Rd 23H)

An Intergovernmental Agreement (IGA) to financially partner with Larimer County for the construction of a traffic signal at the intersection of Highway 34 and Glade Road with a cost of approximately \$812,000. This proposed partnership will enable the construction of a new safe traffic signal at this critical intersection and provide access to the City's natural area, known as the Wild Natural Area; to the south which holds high resource values, and will provide river access and passive recreation opportunities.

The Wild Natural Area cannot be approved for development or public access without the traffic signal installation. Project funding will consist of a Larimer County awarded State Highway Safety Improvement Program Grant of \$612,000 and the remaining cost of approximately \$200,000 will be split 50/50 between the City and the County. The General Fund (GF) unassigned fund balance will not be impacted as the City's share will be filled by the Open Lands Fund. This proposed IGA was supported by the City's Open Lands & Trails Commission with a 7-0 vote on November 8th. Larimer County will be managing this project and this IGA will also require approval from the Larimer County Commissioners.

[AIR-102239](#)

[Resolution](#)

[Att 1 Power Point Presentation](#)

4.18. FINANCE (presenter: Brian Waldes)

MONTHLY REVENUE REVIEW, OCTOBER 2023

Information Only

The Monthly Revenue Review is our monthly reporting mechanism for City staff to inform Council and Citizens about our short-term revenue trends. These monthly reports are meant to be indicators of trends and comparisons to the current budget. They are complemented by our Quarterly Financial Reports that are much more detailed and incorporate the information from the monthly reports into a comprehensive analysis of year-to-date results and any changes to

revenue/expenditure forecasts. This Revenue Report, along with our Quarterly Financial Report, is meant to better mirror the conversations and presentation format we have at our annual Budget Workshops. By having this conversation several times a year, the budget picture will become clearer and make for better informed decision making.

[AIR-102246](#)

[Att 1 Monthly Revenue Review \(October\)](#)

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

6. MOTION TO ADOPT THE CONSENT AGENDA

A motion to adopt the Consent Agenda, Items 4.1 to 4.18, with the exception of Item(s)
— .

(7:30)

7. NEW BUSINESS FROM COUNCIL

This is an opportunity for Council Members to introduce new business to discuss at this time or on a future City Council agenda. Council Members will have 10 minutes to discuss each New Business item.

Councilor Mallo - Motion to Combine Council Comments and Reports and Limiting to 5 Minutes

- I would like to discuss and potentially make a motion to move the Council Comment agenda item from immediately following Public Comment to the Reports from City Council section of the agenda. Then I propose to rename the section to Reports/Comments from City Council and allow each Councilor five minutes.

Since the Council Comment section was added it has been used infrequently. When used it has been for a few instances of personal commentary but more likely used as a mechanism for a councilor to refute a public comment. Intentionally or unintentionally this gives the councilor “last say” against a member of our community immediately following what is supposed to be a place for unchallenged public comment.

I propose that the motion reads:

“I make a motion to move the Council Comment agenda item from immediately following Public Comment to the Reports from City Council section of the agenda. Then rename the section to Reports/Comments from City Council and allow each Councilor five minutes.”

[Councilor Mallo - Motion to Combine Council Comments and Reports and Limiting to 5 Minutes](#)

[New Business Item - Mallo](#)

Mayor Marsh - Discussion on Rescinding Resolution #R-50-2023 and Resolution #R-54-2023

- A motion to rescind Resolution #R-50-2023; the Resolution, which approved the Centerra South Urban Renewal Plan, approved at the 5/2/2023 City Council Meeting. And a request that the City Attorney take swift action to accomplish the request.
- A motion to rescind Resolution #R-54-2023, which established the Master Finance

and Intergovernmental Agreement with Centerra South, approved on 5/16/2023.
[Mayor Marsh - Discussion on Rescinding Resolution #R-50-2023 and Resolution #R-54-2023](#)

Councilor Black - Discussion and Motions

- I would like to have some items put on the November 21, 2023, city council meeting agenda under NEW Business for discussion.
Please include:
 1. Discussion and Motion to reinstate/establish a Community Trust Commission to oversee the Jensen Hughes recommendations, the Loveland Police Department Implementation Plan status, and the former Trust Commission's recommendations, including a Citizen Police Oversight Model Committee, Police Citizen Advisory Board updates, Ethics Committee to address ethics violation complaints/violations, and a Co-Responder Program Review Committee.
 2. Discussion and Motion to allow Zoom access with recording feature and microphones for PCAB so the public can engage with the meetings. I would like to discuss this because I think it is important for the public to have equitable access to this advisory board. Currently, the meeting is not available by Zoom and does not utilize microphones. This makes it difficult for the public to engage with PCAB and to hear the board members and staff speak. This board, specifically, should be as transparent as possible.
 3. Discussion and Motion to direct City Manager to direct staff and relevant departments to consult with indigenous community groups, disability justice groups and other community-based language advocates and consultants to improve language accessibility, specifically at the City Council meetings. And create a Language Justice (LJ) Plan and funding options. Language Justice is needed in all spaces in a fair, equitable and functioning society. It is needed in all facets and levels of local, state, and federal government to all forms of public services. LJ is more than interpretation and translation, it is an intentional practice that values interpretation and translation as critical tools for opening communication and empowering all voices.

[Councilor Black - Discussion and Motions](#)

Councilor McFall - Council Roles and Responsibilities and Leadership

- I would like to add Council roles and responsibilities and leadership to the New Business section of November 21, 2023 meeting agenda. Given some of the requests being made via email over the last couple of days and since we have new members on council I thought it may be a good idea to resurface the new business item from May of this year to assist all members in an understanding of our roles and functions in conjunction with city charter; specifically section 3 [City of Loveland Charter | City of Loveland \(lovgov.org\)](#). I have provided the original document for historical purposes, my intention is not to read this verbatim as I did at the last meeting. Please let me know if you have any questions.

[Councilor McFall - Council Roles and Responsibilities and Leadership](#)

[Roles and Responsibilities Discussion ver 2](#)

8. REGULAR AGENDA

PROCEDURAL INFORMATION

Council will give anyone in the audience time to speak to any item on the Regular

Agenda before acting upon it. The Mayor will call for public comment as part of the consideration of each item according to State law, the Charter, its Rules of Procedure and other legal requirements. Loveland's Charter only requires that a majority of the quorum present vote in favor to adopt an ordinance on first reading. However, adopting an ordinance on second or final reading requires that at least five of the nine Council members vote in favor.

(8:10) 8.1. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
QUASI-JUDICIAL
ORDINANCE VACATING THIRTY FIVE THOUSAND ONE HUNDRED THIRTY SIX SQUARE FEET OF RIGHT OF WAY CREATED BY THE TWIN PEAKS FIRST SUBDIVISION, COUNTY OF LARIMER, STATE OF COLORADO

A motion to approve, on first reading, Ordinance No. 6666 vacating thirty five thousand one hundred thirty six square feet of right of way created by the Twin Peaks First Subdivision, City of Loveland, County of Larimer, State of Colorado

This application proposes to vacate an approximate 80-foot wide by 437-foot-long street right-of-way called Spirit Lake Court, which is situated near the northwest portion of the Medical Center of the Rockies (MCR) property. MCR is located at 2500 Rocky Mountain Avenue, approximately two-thirds of a mile north of US 34/Eisenhower Blvd. The total area to be vacated is 35,136 square feet.

Spirit Lake Court extends east off of Rocky Mountain Avenue at a roundabout at the north end of MCR. The right-of-way is currently paved and is utilized as an internal road within MCR. The road continues as a private drive past the point where the right-of-way currently ends (437 feet off of Rocky Mountain Avenue).

The requested vacation is associated with the MCR hospital expansion plan, which is being reviewed administratively by City staff. Spirit Lake Court is proposed to be realigned in conjunction with the MCR expansion. Instead of extending straight east from the Rocky Mountain Avenue roundabout, it will curve northeast, creating space for a new building to be positioned north of the existing MCR main hospital building. As there is no public benefit to this 437-foot-long stretch of road remaining public right-of-way, rather than establishing new right-of-way over the realigned road, the right-of-way will be vacated, and the realigned road will be classified as a private drive. The use of the name Spirit Lake Court will discontinue, and the private drive will be unnamed.

The area to be vacated will have a public access, emergency access, and utility easements dedicated over it through the associated Twin Peaks Third Subdivision.

[AIR-102232](#)

[Ordinance](#)

[Att 1 ROW Vacation Presentation](#)

[Att 2 Site Plan](#)

[Att 3 Vicinity Map](#)

[Att 4 Twin Peaks Third Subdivision](#)

(8:30) 8.2. **DEVELOPMENT SERVICES** (presenter: Marika Kopp)
QUASI-JUDICIAL

ORDINANCE AMENDING SECTION 18.02.02.03 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED AT 5180 NORTH GARFIELD AVENUE ALSO IDENTIFIED AS A PORTION OF THE SHADE TREE PARK 1ST SUBDIVISION IN THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

A motion to approve, on first reading, Ordinance No. 6667 amending Section 18.02.02.03 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located at 5180 North Garfield Avenue also identified as a portion of the Shade Tree Park 1st Subdivision in the City of Loveland, Larimer County, Colorado

David Novick is seeking a rezone of the property located at 5180 N. Garfield Ave. The property is approximately 1.68 acres and is currently vacant apart from a shared access drive to Kroh Park and the Habitat ReStore. The property is currently zoned Planned Unit Development (PUD) and the applicant is requesting Developing Business (B) zoning. The applicant intends to develop the lot as a Scooter's Coffee. A vicinity map and rezoning map are included. City Council is being requested to consider an ordinance that would rezone based on the City's Comprehensive Plan and Unified Development Code (UDC). The Planning Commission recommended approval of the rezone request.

[AIR-102250](#)

[Ordinance](#)

[Att 1 Vicinity Map](#)

[Att 2 Rezone Map](#)

[Att 3 Site Plan and Elevations](#)

[Att 4 September 25, 2023 Planning Commission Minutes](#)

[Att 5 September 25, 2023, Planning Commission Staff Report and Attachments](#)

[Att 6 November 21, 2023, City Staff PowerPoint Presentation](#)

[Att 7 November 21, 2023, Applicant PowerPoint Presentation](#)

(9:00) 8.3. ECONOMIC DEVELOPMENT (presenter: Scott Schorling)
ORDINANCE APPROVING A CONTRACT FOR THE SALE OF REAL PROPERTY LOCATED AT 225 EAST FOURTH STREET

A motion to approve, on first reading, Ordinance No. 6668 approving a contract for the Sale of Real Property located at 225 East Fourth Street

Approval of the ordinance authorizes staff to move forward with the sale of the property at 225 E 4th Street.

On March 11, 2022, City staff received an unsolicited offer to purchase the property for \$175,000 as a tear-down redevelopment. Staff organized meetings with Public Works, Facilities, Legal, Risk, City Manager's office and the Downtown Development Authority to determine an appropriate response and next steps. Staff engaged Sullivan Valuation & Consulting to provide an appraisal. The August 2022 appraisal was based on County Assessor data for the property that turned out to be inaccurate (building square footage was overstated). When the accurate square footage was considered the appraiser provided a supplement to the appraisal on March 17, 2023, and established an "As-Is" market value of \$530,000. This appraisal did not include a structural analysis, nor include the costs to remove the contaminated City property.

Staff met in an Executive Session with City Council on October 11, 2022 to discuss potential property negotiations and seek direction. Staff ultimately declined the unsolicited offer and engaged LC Real Estate Group, the City's real estate broker of record, to list the property for sale on April 24, 2023.

LC Real Estate advertised the property extensively, and conducted over 33 site tours. After a "call for offers" on June 14, 2023, three formal offers were received and staff entered into negotiations with a potential buyer. A purchase agreement was executed with local developer, Actian, Inc. for a purchase price of \$500,000. As part of the consideration, the agreement requires the Buyer to remediate/dispose of all City personal property, a significant expense that would otherwise be borne by City. The Buyer's inspection period lasted 75 days, and during that time they identified new structural and environmental constraints that negatively impact the value of the property (Inspection Objection). The City has agreed to the Inspection Resolution and corresponding price reduction. Buyer has waived all other contingencies is ready to purchase the property, subject to City Council approval.

[AIR-102254](#)

[Ordinance](#)

[Att 1 Powerpoint](#)

[Att 2 Appraisal](#)

[Att 3 Risk Waiver and Property Disclosure](#)

(9:30) 8.4. **FINANCE** (presenter: Brian Waldes)
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION OF \$1,000,000 TO THE DOWNTOWN DEVELOPMENT AUTHORITY PROJECT FUND; AND A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO, AND THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY GOVERNING THE USE OF THE PROCEEDS OF THE CITY OF LOVELAND'S INTERFUND LOAN FOR FINANCING DOWNTOWN DEVELOPMENT AUTHORITY PROJECTS AND PROGRAMS

A motion to adopt, on second reading, Ordinance No. 6665 enacting a supplemental budget and appropriation of \$1,000,000 to the Downtown Development Authority project fund

A motion to approve Resolution #R-151-2023 of the Loveland City Council approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the Loveland Downtown Development Authority governing the use of the proceeds of the City of Loveland's Interfund Loan for financing Downtown Development Authority Projects and Programs

This Ordinance (2nd Reading) and Resolution would approve a supplemental appropriation and an intergovernmental agreement between the City and the Loveland Downtown Development Authority (DDA) relating to the use of \$1 million dollars in proceeds of the City's interfund loan for financing DDA projects and programs.

The City Council and the Board of the DDA have determined that it is in the best interest of both the DDA and the City to reduce the costs of financing DDA projects and programs in order to maximize the number and scope of DDA projects and

programs that the City can finance using Tax Increment Revenues held in the City Special Fund.

Section 13-3 of the City Charter authorizes the City to make interfund loans from a utility account to another City account upon the affirmative vote of a majority of the entire City Council and requires such loans to be repaid within a specified term with interest thereon to accrue at an interest rate adjusted annually to a rate equal to the average return of City investments for the preceding twelve months. The parties desire to enter into this Agreement in order to establish an Interfund Loan program to finance certain DDA projects and programs and to establish the process pursuant to which the DDA can request and use the proceeds of the Interfund Loan incurred by the City to finance or refinance DDA projects and programs.

Ordinance No. 6665 was heard for first reading at the City Council Special Meeting where it passed with a vote of 9-0.

[AIR-102241](#)

[Ordinance](#)

[Resolution](#)

[Att 1 Presentation](#)

[Att 2 LUC Approval Vote Document](#)

[Att 3 LUC Meeting Minutes](#)

[Att 4 Executed Resolution DDA 2023-04](#)

(10:00) 8.5. PUBLIC WORKS (presenter: Michael Hogan)

RESOLUTION TO APPROVE AWARD OF A CONTRACT TO CALLAHAN CONSTRUCTION, INC. FOR THE PULLIAM REMODEL PROJECT

A motion to adopt Resolution #R-152-2023 to approve award of a contract to Callahan Construction, Inc. for the Pulliam Remodel Project

The purpose of this Resolution is to award a competitively-bid construction contract with Callahan Construction Services to construct the final phase of the Pulliam Community Building remodel which covers complete renovation of the basement, Main floor and 3rd floor conference room. The project will be the completion of a 30-year journey to renovate the building back into its original intended purpose as a community center. Final improvements will include new windows throughout, a catering kitchen, and updating the meeting room and ADA bathrooms on the basement floor. The main floor will be finished with new front doors, historic entrance stairs, refinished ballroom floor, and upgraded stage and lighting for presentations, movies, and events. The third-floor, former council chambers room, will be remodeled into a multipurpose meeting and conference room with historic bathroom facilities, small catering kitchen, and a lounge area. The Balcony area is not part of the project at this time. There will be no adverse impact to the General Fund (GF) unassigned fund balance as all of the funding for the Project has been appropriated in the current 2023 budget.

[AIR-102247](#)

[Resolution](#)

[Att 1 Pulliam Community Center Presentation](#)

[Att 2 Bid Tabulation](#)

8.6. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

9. REPORTS

9.1. REPORTS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities.

9.2. CITY MANAGER REPORT

9.3. CITY ATTORNEY REPORT

(10:30)

10. ADJOURN