



City of Loveland

AGENDA

TUESDAY, FEBRUARY 6, 2024

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
- 1 (719) 359-4580



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.
- Members of the public can also call 1 (719) 359-4580 and enter the meeting ID when prompted: 97537796504# followed by the meeting passcode: 829866#. If you would like to speak during public comment, please press *9. The moderator will call on the users' last 4 digits of the phone number, and you will press *6 when called on by the moderator.

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 o 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 o 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

1.3. ATTENDANCE REPORT OUT

(6:00) 1.4. PROCLAMATION - BLACK HISTORY MONTH

James Holland Jr.
Mary Bahun-Meyer
Chuck Banks
Dick Barton
Donsala Blanchard
KeShaun Holland
Margarita Holland
Franklin Jefferson
Barbara Lambert
Candace Oates
[Black History Month Proclamation - 2024](#)

(6:05) 1.5. PROCLAMATION - NATIONAL ENGINEERS WEEK

Nathan Alburn
Donald Cecil
Ryan Van Pelt
John Faulkner
Yarani Vazquez
Melissa Morin
Suzette Schaff
Kevin Gingery
[Engineers Week Proclamation - 2024](#)
[Remembering Tanner Randall](#)

1.6. 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, or the Special Improvement District #1. 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 phone number or meeting ID and link at the front of the agenda 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 or press *9 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.

(7:20) 2. 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.

(6:20) 3. 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.

(7:35) 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

(presenter: Delynn Coldiron)

APPROVAL OF MINUTES

A motion to approve the City Council minutes for the September 12, 2023 Study Session, October 3, 2023 Regular Meeting, and October 31, 2023 and November 14, 2023 Special Meetings

Approval of the City Council minutes for the September 12, 2023 Study Session, October 3, 2023 Regular Meeting, and October 31, 2023 and November 14, 2023 Special Meetings.

[09-12-23 Minutes](#)

[10-03-23 Minutes](#)

[10-31-23 Minutes](#)

[11-14-23 Minutes](#)

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

A motion to appoint Amy Vialpando to the Visual Arts Commission with a term dated February 7, 2024 to December 31, 2026

A motion to appoint Madison Polansky to the Visual Arts Commission with a term dated February 7, 2024 to December 31, 2026

A motion to appoint Penn Street to the Disabilities Advisory Commission with a term dated February 7, 2024 to June 30, 2026

A motion to appoint Jenifer Castanedo to the Disabilities Advisory Commission with a term dated February 7, 2024 to June 30, 2026

A motion to appoint John Cameron to the Loveland Communications Advisory Board with a term dated February 7, 2024 to June 30, 2024

This item is to fill vacancies on City Boards or Commissions as a result of Fall Recruitment.

[AIR-102325](#)

4.3. **CITY MANAGER'S OFFICE** (presenter: Brett Stewart) **APPROVING THE 2024 CITY COUNCIL RETREAT AGENDA FOR FEBRUARY 24, 2024**

A motion to approve the draft 2024 City Council Retreat Agenda scheduled for February 24, 2024

The City Council may hold a City Council Retreat each year to discuss topics relevant to the community and of interest to the City Council. Staff consults with the Council Retreat Committee to create an agenda, and decides on a venue location, facilitator, timing, and topics to be presented either by staff or external stakeholders. City Council must approve the draft agenda.

[AIR-020624](#)

[Att 1 Draft 2024 City Council Retreat Agenda](#)

- 4.4. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
ORDINANCE AMENDING SECTION 17.03.01.03 OF THE LOVELAND MUNICIPAL CODE TO ALLOW NON-PROFIT AND DEVELOPERS OF LOW-INCOME HOUSING TAX CREDIT DEVELOPMENTS OF FOR-SALE AND FOR-RENT HOUSING TO RECEIVE A 100 PERCENT FEE WAIVER

A motion to adopt, on second reading, Ordinance No. 6675 amending section 17.03.01.03 of the Loveland Municipal Code to allow non-profit and developers of low-income housing tax credit developments of for-sale and for-rent housing to receive 100 percent fee waiver

This proposed Ordinance change of Sections 17.03.01.03(B)(2)(a) and 17.03.01.03(B)(3)(a) will allow certain builders of for-rent and for-sale housing to receive a 100% waiver of building and development fees for units provided to residents living at or below 80% of the Area Median Income (AMI). This item increases the AMI from the current 60% for non-profit builders and developers utilizing the Low-Income Housing Tax Credit (LIHTC) equity program. While there is an opportunity cost associated with this policy change, there is no direct impact to the General Fund (GF) unassigned fund balance. Affordable Housing Commission (AHC) voted 5-0 to recommend that City Council act to allow 80% AMI for non-profit partners and LIHTC developments. The City Council voted 9-0 on January 16th to unanimously support this Ordinance change.

This item was heard for first reading at the January 16, 2024 City Council Regular Meeting where it passed with a vote of 9-0.

[AIR-102328](#)

[Ordinance](#)

[Att 1 Ordinance No. 6637](#)

[Att 2 Redline Code Change](#)

[Att 3 PowerPoint Presentation](#)

- 4.5. **PUBLIC WORKS** (presenter: Michel Hogan)
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2024 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 137 SOUTH LINCOLN TO FACILITATE CONTINUED OPERATION OF THE LOVELAND RESOURCE CENTER AND RESOLUTION APPROVING THE PURCHASE OF 137 SOUTH LINCOLN AVENUE FROM GBU ENTERPRISES, LLC

A motion to adopt, on second reading, Ordinance No. 6685 enacting a supplemental budget and appropriation to the 2024 City of Loveland Budget for the purchase of real property located at 137 South Lincoln to facilitate continued operation of the Loveland Resource Center

A motion to adopt, Resolution #R-11-2024 approving the purchase of 137 South Lincoln Avenue from GBU Enterprises, LLC

This proposed Ordinance will allow City Facilities Management to appropriate the funds needed to purchase the property located at 137 South Lincoln, better known as the Loveland Resource Center (LRC). The City of Loveland has leased this property since November of 2008. The City placed the property under contract August 22, 2023, at the asking price of \$410,000. A full appraisal was performed by a third-party, Sullivan Valuation & Consulting. The report dated October 13, 2023, provides that the property is valued at \$410,000. To enable continued operations of the Loveland Resource Center (LRC) staff recommends that the funds needed to purchase this location be appropriated. If approved, staff will return with the second reading of this ordinance and a resolution to purchase the property. This proposed purchase is recommended to be funded with General Government Capital Expansion Fee (CEF) Funds. The General Fund (GF) unassigned fund balance will not be impacted by this proposed purchase.

The resolution allows the City Manager to take the necessary steps to finalize the purchase--by executing closing documents and transferring money to the seller.

This item was heard for first reading at the January 16, 2024 City Council Regular Meeting where it passed with a vote of 9-0.

[AIR-102337](#)

[Ordinance](#)

[Resolution](#)

[Att 1 Vicinity Map](#)

[Att 2 137 S. Lincoln Appraisal](#)

[Att 3 Presentation](#)

[Att 4 137 South Lincoln Purchase Agreement](#)

4.6. DEVELOPMENT SERVICES

**(presenter: Marian Duran and
Brett Limbaugh)**

RESOLUTION ADOPTING A THREE MILE PLAN FOR THE CITY OF LOVELAND, COLORADO

A motion to adopt Resolution #R-12-2024 adopting a three-mile plan for the City of Loveland, Colorado

This proposed Three-Mile-Plan Resolution is a normal and customary annual action by City Council that occurs early in the year. The State of Colorado requires that all municipalities be in conformance with the Colorado Revised Statute Section 24-67-104(1)(f)). The Plan is a long-range planning opportunity for the City to consider where annexations should occur within its Growth Management Area (GMA) in order to ensure adequate provision of services are met within any newly annexed territory. The Resolution includes an exhibit showing a list of pre-existing adopted plans that provide the areas served to generally detail the locations, character, and extent of future public utilities and infrastructure. Examples include streets, bridges, parks, playgrounds, aviation fields, waterways, open spaces, and other proposed land uses for the area. Loveland's Comprehensive Plan (Create Loveland) considers all incorporated land, and the GMA, which is approximately a three-mile radius around current City limits. Adoption of this Resolution will keep the City of Loveland in good standing with the State of Colorado.

[AIR-102334](#)
[Resolution](#)
[Att 1 Resolution #R-14-2023](#)

4.7. **PARKS AND RECREATION** (presenter: Cole Kramer)
RESOLUTION APPROVING AN EASEMENT CONVEYED TO SOUTH FORT COLLINS SANITATION DISTRICT FOR A SANITARY SEWER LINE LOCATED AT LONGVIEW FARM OPEN SPACE

A motion to adopt Resolution #R-13-2024 approving an easement conveyed to South Fort Collins Sanitation District for a sanitary sewer line located at Long View Farm Open Space

The purpose of this proposed Resolution is for the City to clarify the rights of an existing South Fort Collins Sanitation District sewer line which crosses Long View Farm Open Space where the City has a shared ownership interest.

When the collaborative partnership that included the City of Loveland, the City of Fort Collins, and Larimer County Department of Natural Resources worked together to conserve Long View Farm Open Space as a part of the larger community separator property rights for other entities existed on the land but were not recorded. This resolution is the result of a request from Larimer County to update the recorded easements that effect this property specifically a utility easement currently occupied by a South Fort Collins Sanitation District sewer line. The easement document has been reviewed and approved by the City Attorney's Office. If this resolution is approved, it would be signed by the City of Loveland, the City of Fort Collins, Larimer County and the South Fort Collins Sanitation District and recorded with Larimer County to enshrine this grant of easement in a manner that is easily searchable.

[AIR-102276](#)
[Resolution](#)
[Att 1 North Loudon Ditch and Reservoir Company Easement](#)
[Att 2 Long View Easement Presentation](#)

4.8. **PUBLIC WORKS** (presenter: Gus Brown)
RESOLUTION APPROVING THE AWARD OF THE 2024 FLEET FUEL CONTRACT TO SENERGY PETROLEUM

A motion to adopt Resolution #R-14-2024 approving the award of the 2024 fleet fuel contract to Senergy Petroleum

This proposed Resolution is a normal and customary action by City Council that occurs early in the year which is in alignment with the City of Loveland Strategic Plan under Fiscal Stability & Strength this item is to award the contract for purchasing fuel used by the City of Loveland fleet using the Larimer County bid award dated 01/11/2024.

Annually, Fleet Management evaluates fuel usage, crude oil market pricing, and fuel delivery options. To minimize financial risk and/or negative budget impact to the City of Loveland, Fleet Management locks product pricing per gallon for twelve months during the lowest annual cyclical averages (usually occurs in the first quarter of the calendar year).

This contract with Senergy Petroleum for \$1,282,000.00 is for diesel and unleaded fuel purchased from March 1, 2024 to February 28, 2025 at various City fueling locations including the City of Loveland Service Center (main fueling center), golf courses, water and wastewater treatment plants, and the Northern Colorado Regional Airport. There is no impact on the General Fund (GF) unassigned fund balance as the requested funds are already fully appropriated in the 2024 Budget.

[AIR-102333](#)

[Resolution](#)

[Att 1 Larimer County Bid document](#)

[Att 2 Ten Year Fuel History](#)

4.9. PUBLIC WORKS (presenter: Eric Lessard)
RESOLUTION TO APPROVE AWARD OF A CONSTRUCTION CONTRACT TO CONNELL RESOURCES INC. FOR GMP-2C OF THE GARFIELD-HARRISON STORMWATER OUTFALL IMPROVEMENTS PROJECT

A motion to adopt Resolution #R-15-2024 to approve award of a construction contract to Connell Resources Inc. for GMP-2C of the Garfield-Harrison Stormwater Outfall Improvements Project

The purpose of this item is to award a construction contract to Connell Resources, Inc. in the amount of \$2,234,066.00 to construct the GMP-2C (Guaranteed Maximum Price Contract No. 2C) of the Garfield & Harrison Outfall Improvements Project. This multi-phase, multi-year capital improvement project is a partnership between Public Works - Stormwater Engineering, Water and Power - Water Utilities Division, and Public Works - Transportation Engineering. Connell Resources was selected to build all four phases through a competitive process for a Construction Manager at Risk contract on July 19, 2021. Construction of Phase 2C is anticipated to begin on approximately April 1, 2024, pending execution of the construction agreement and suitable weather conditions, and conclude by approximately July 31, 2024. This project will be fully funded from existing appropriations within Stormwater Capital Fund, Water Utility Capital Fund, and Transportation Engineering Capital Fund. The General Fund (GF) unassigned fund balance will not be impacted by this infrastructure project.

[AIR-102318](#)

[Resolution](#)

[Att 1 Vicinity and Phasing Map](#)

[Att 2 Cost Summary and Funding Sources](#)

[Att 3 Request for Proposal Summary](#)

[Att 4 General Contractor Qualification Criteria](#)

[Att 5 Garfield Harrison Project GMP2C Construction Contract](#)

4.10. PUBLIC WORKS (presenter: Nicole Hahn and Mike Jacobsen)
RESOLUTION APPROVING THE THIRD AMENDMENT TO THE SERVICES AGREEMENT WITH J-U-B ENGINEERING, INC. FOR THE NORTH TAFT AVENUE AND US 34 INTERSECTION DESIGN

A motion to approve Resolution #R-16-2024 approving the third amendment to the services agreement with J-U-B Engineering, Inc. for the North Taft Avenue

and US 34 Intersection Design

This proposed Resolution will be a Third Amendment to the Services Agreement with J-U-B Engineering who is currently under contract to prepare final construction plans for the US 34/Taft Intersection project. Amendment #3 adds the scope and fees for additional design work related to additional project management, Safeway FDP amendment, storm updates to avoid utilities, curb realignment to reduce lane widths, added structural design, property negotiation support, traffic control updates, waterline coordination and final plan support. The current contract amount is \$544,060 with the proposed contract amendment increasing the amount by \$77,242 to \$621,302. City Council approval is required, the total contract amount exceeds \$500,000 and the total of all amendments exceeds 20% of the original contract amount, per City Code 3.12.060B. This project is funded by both City and Federal Capital dollars. The existing project funding is available within the current 2024 Capital budget to pay for the additional design services described in the amendment. There is no impact to the General Fund (GF) unassigned fund balance.

[AIR-102324](#)

[Resolution](#)

[Att 1 JUB Services Contract](#)

[Att 2 JUB First Amendment to Services Contract](#)

[Att 3 JUB Second Amendment to Services Contract](#)

[Att 4 JUB Third Amendment to Services Contract](#)

- 4.11. **WATER & POWER** (presenter: Melissa Morin)
RESOLUTION AUTHORIZING THE EXTENSION OF A WASTEWATER LINE TO SERVE NEW DEVELOPMENT OUTSIDE OF THE LOVELAND CITY LIMITS PURSUANT TO SECTION 13.08.075 OF THE LOVELAND MUNICIPAL CODE

A motion to adopt Resolution #R-17-2024 authorizing the extension of a wastewater line to serve new development outside of the Loveland city limits pursuant to Section 13.08.075 of the Loveland Municipal Code

The purpose of this item is to present a request for a wastewater main extension to serve a small development in Larimer County. Under section 13.08.075 of the Loveland Municipal Code, all sanitary sewer line extensions to serve areas not presently available for service outside of the Loveland city limits must be approved by City Council. A written request was submitted by Matthew Walsh (Owner), who owns property at 1118 E. 57th Street in Larimer County, and who has proposed a 24-lot residential development through Larimer County planning. The City of Loveland (City) Water and Power Department operates and maintains a wastewater collection system that serves most of the surrounding development. Approval of the resolution will authorize the City to extend its wastewater system a short distance in order to serve the new development. If approved, the developer must pay the full costs of extension and connection. No other wastewater provider is located in the area.

[AIR-102336](#)

[Resolution](#)

[Att 1 Wastewater Line Extension Presentation](#)

- 4.12. **WATER & POWER** (presenter: Brieana Reed-Harmel)

RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH GRAYBAR ELECTRIC COMPANY, INC. FOR BROADBAND OUTSIDE PLANT MATERIAL

A motion to adopt Resolution #R-18-2024 approving renewal of a contract with Graybar Electric Company, Inc. for broadband outside plant material

To maintain the ability to purchase outside plant material for the municipal fiber utility for maintenance, growth, and expansions. This is a normal and customary contract that the City of Loveland may renew for an additional four (4) 12-month periods. City staff recommend that the City Council renew this contract for an additional contract year (first renewal) in the amount of \$1,746,132.69.

[AIR-102339](#)

[Resolution](#)

[Att 1 Resolution #R-98-2022](#)

5. MOTION TO ADOPT THE CONSENT AGENDA

A motion to adopt the Consent Agenda, Items 4.1 to 4.12, with the exception of Item(s)

_____.

(7:40)

6. 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 Member new business presentation and discussion shall be limited to 13 minutes per item with 5 minutes allocated to the presentation and one minute allocated to each of the other 8 members of Council for comment. A vote shall be permitted on any motion made during the New Business portion of the agenda. New Business is limited to one item per Council Member per month.

Councilor Light-Kovacs - Medical & Recreational Marijuana

- **Purpose:** To have council consider directing the city manager to work with staff on an ordinance that allows both medicinal and recreational marijuana facilities to operate within the city limits. OR to have council consider the creation of a ballot initiative to present to the voters during the November elections.
- **Rationale:** Loveland is missing out on vital revenue, and for our residents who rely on marijuana for medicinal purposes it places an unnecessary burden on them to travel to other cities.
- **Council Consideration:** With a majority vote we can legalize both medicinal and recreational marijuana dispensaries and collect our usual 3% sales tax. To ensure that dispensaries do not detract from the quality of life, safety, and civic charm of Loveland it would be important to include the following limitations in our language:
 - Ensure that dispensaries will not be located where children gather (schools, daycares, parks etc.)
 - Spacing requirements to ensure that the dispensaries are spaced out and not concentrated in one location.

Due to the fact that our voters have turned down both previous attempts to allow dispensaries in the past, it may be that as representatives we send this item to the voters once again. This

will allow us to honor those residents who wish to see dispensaries in Loveland, and it also provides a chance for those in opposition to this measure the chance to have their voices heard.

I propose 2 options for council with the hope that we can have a productive dialogue about which option would be best for Loveland:

- **Option # 1 Motion:** I make a motion for city staff to return with an ordinance that allows medicinal and recreational marijuana dispensaries to operate within the city of Loveland at a 3% sales tax rate. I would like staff to address the following limits in the ordinance:
 - May not operate within x feet of any school or daycare
 - May not operate within x feet of any public playground
 - May not operate within x feet of any of the following:
 - a. Any licensed childcare center
 - b. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation facility
 - c. Residential zoned area
 - Additional guidance on spacing to ensure dispensaries are not clustered in one location.

Ideally, I would like staff to come back with the ordinance language during a study session sometime in March, that way council will have time to discuss the ordinance language and have time to discuss whether this governing body will support such an ordinance.

I would like a final draft ready for council to vote on no later than May 7th 2024, this allows staff time to research, write the ordinance, present an initial draft, and present a final draft.

- **Option # 2 Motion:** I make a motion for city staff to return with ballot language that will be presented to voters in the November election; this proposed ballot measure would allow medicinal and recreational marijuana dispensaries to operate within the city of Loveland at x% sales tax rate. I would like staff to address the following limits/points of clarification in the ballot language:
 - Staff will research a fair tax rate on the sale of both medicinal & recreational marijuana, noting that we may opt to tax them at different rates.
 - May not operate within x feet of any school or daycare
 - May not operate within x feet of any public playground
 - May not operate within x feet of any of the following:
 - a. Any licensed childcare center
 - b. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation facility
 - c. Residential zoned area
 - Additional guidance on spacing to ensure dispensaries are not clustered in one location.

[Councilor Light-Kovacs - Medical & Recreational Marijuana](#)

Mayor Marsh - Inclusionary Housing

- Please add to our “New Business From Council” on 2/6, a discussion related to inclusionary housing; establishing a requirement that housing developments include both affordable and attainable housing, or pay an in lieu of fee. I will be requesting a Rule of Four to direct staff to bring back a presentation for Council’s consideration and possible action. Discussion and request for Rule of Four may include fee waivers, or other incentives for affordable and attainable housing.

7. 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.

(8:00) 7.1. **WATER & POWER** (presenter: Brieana Reed-Harmel)

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2024 CITY OF LOVELAND BUDGET FOR MUNICIPAL FIBER EXPANSION INTO LARIMER COUNTY AND THE TOWN OF TIMNATH

A motion to adopt, on first reading, Ordinance No. 6686 enacting a supplemental budget and appropriation to the 2024 City of Loveland Budget for Municipal Fiber expansion into Larimer County and the Town of Timnath

Seek City Council's approval of recommended new appropriations for 2024 related to funding provided through executed Intergovernmental Agreements (IGAs) with Larimer County, Ptarmigan Home Owners Associations, and the Town of Timnath.

Larimer County has engaged Pulse to expand Pulse services into unincorporated areas. Larimer County will fully fund all construction costs (including design, project management, construction, and materials) needed to expand Pulse's service beyond city limits. However, a portion of the costs for construction within the Ptarmigan HOA is being funded by the neighborhood directly through a third-party funding agreement between the HOA, Larimer County, and the City of Loveland. This additional funding from the HOA will allow the County to stretch its committed broadband funding to additional areas in unincorporated Larimer County.

Additionally, Timnath, through the IGA, will fully fund all construction costs (including design, project management, construction, and materials) needed to expand Pulse's service in the community of Timnath. The first phase of work, which includes the acquisition of a new hut, construction of the core route, materials, permits, and project management, will start in February 2024.

A supplemental budget and appropriations are required to the Pulse's 2024 budget to both the Revenues line item and Appropriations line item to account for the project funding and project expenditures. The overall impact is budget neutral as the County and Timnath are fully funding the costs for the expansion.

Revenues:

336-00-350-0000-38300

Larimer County/ Ptarmigan HOA Funding - \$336,049.38

336-00-351-0000-38300

Timnath Funding - \$935,943

Appropriations:

336-47-350-2903-49360 FB2301J

Larimer County/ Ptarmigan HOA Funding - \$336,049.38

336-47-351-2903-49360 FB2401J

Timnath Funding - \$935,943

[AIR-102332](#)

[Ordinance](#)

[Att 1 Timnath Expansion Presentation](#)

[Att 2 Ptarmigan agreement for funding broadband services-signed](#)

[Att 3 FINAL IGA - Pulse-Timnath- SCA](#)

- (8:30) 7.2. **HUMAN RESOURCES** (presenter: Julia Holland)
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2024 CITY OF LOVELAND BUDGET FOR HIRING AN EXECUTIVE SEARCH FIRM FOR THE RECRUITMENT OF THE CITY MANAGER AND ASSOCIATED PUBLIC OUTREACH EFFORTS

A motion to approve, on first reading, Ordinance No. 6687 enacting a Supplemental Budget and Appropriation to the 2024 City of Loveland budget for hiring an executive search firm for the recruitment of the City Manager and associated public outreach efforts

The City Council has expressed the desire to use an executive search firm to engage in a nation-wide search to fill the current vacancy of the City Manager position. The estimated minimum cost of an executive search firm to assist and facilitate this process may exceed \$30,000, requiring a supplemental appropriation. The estimated cost and appropriation of \$55,000 includes the projected executive search firm costs and the anticipated expenses for a public engagement event during the finalist interview phase. The funding for this request will come from the General Fund Unassigned balance. The anticipated expenditure amount for the executive search firm also requires the City to follow applicable request for proposal procedures as outlined in the City's Procurement Administrative Regulation (Attachment 1) to execute a contract for these services. After a review of current policies and recently conducted request for proposal processes from other agencies, City Council has a number of options to consider in determining next steps in the selection of an executive firm.

[AIR-102343](#)

[Ordinance](#)

[Att 1 Procurement AR](#)

[Att 2 City Manager Selection Presentation](#)

[Att 3 Raftelis Proposal](#)

[Att 4 GovHR USA Proposal](#)

[Att 5 Baker Tilley Proposal](#)

(9:00) 7.3. **FINANCE** (presenter: Brian Waldes, Noah Cecil and Kent Fierstine)
ORDINANCE AMENDING LOVELAND MUNICIPAL CODE SECTION 3.16.020(A) TO EXEMPT FOOD FOR HOME CONSUMPTION FROM LOVELAND SALES TAX

A motion to adopt, on second reading, Ordinance No. 6683 amending Loveland Municipal Code section 3.16.020(a) to exempt food for home consumption from Loveland Sales Tax

The City of Loveland's charter and the exemption of food for home consumption from sales tax collection was automatically changed to reflect Ballot Measure 300 as of January 1, 2024. The proposed code amendment is intended to memorialize these changes in the Loveland Municipal Code 3.16.020 Section A.

The Loveland Municipal Code needs to be updated to reflect this change to the City's tax base collection practices. This change requires the approval of City Council. The Loveland Code is important to support the enforcement of taxability and exemptions of tangible personal property. The Code is used by retailers to program point of sale systems to properly collect/not collect sales tax on their inventory items. From the retailers reporting function, the Code provides valuable information that helps preparers of the sales tax returns correctly include exempt items as deductions to gross sales. This results in the amount of sales tax that should be remitted to the City of Loveland. The Citizen's rely on the tax code to understand what items they should be taxed on and what items should be free from taxation. The tax code is an integral resource for the Sales Tax Division. It is referred to daily to communicate proper taxation for the City of Loveland.

This item was heard for first reading at the January 16, 2024 City Council Regular Meeting where it passed with a vote of 8-1.

[AIR-102326](#)

[Ordinance](#)

[Att 1 Presentation](#)

[Att 2 REDLINES - Amendment to Loveland Municipal Code Section 3.16.020](#)

(9:15) 7.4. **CITY ATTORNEY'S OFFICE** (presenter: Moses Garcia)
CENTERRA LITIGATION UPDATE WITH POSSIBLE EXECUTIVE SESSION

A motion to recess into Executive Session for the purpose of receiving a legal update and legal advice on litigation related to the Centerra South Urban Renewal Plan and the Master Finance Agreement (Centerra South)

City legal staff and outside legal counsel will update City Council on the status of the Centerra South litigation and provide legal advice to and seek direction from City Council on any related negotiations.

[AIR-102057](#)

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

(10:00) **8. REPORTS**

8.1. **REPORTS FROM CITY COUNCIL**

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

8.2. **CITY MANAGER REPORT**

[Rule of Four Scorecard - Climate and Sustainability](#)

8.3. **CITY ATTORNEY REPORT**

(10:30)

9. ADJOURN