



MINUTES

City Council Regular Session (livestreamed)

June 25, 2024

City Council Chambers, 350 Kimbark St., Longmont, CO

1. MEETING CALLED TO ORDER

The June 25, 2024, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Joan Peck in the City Council Chambers.

The Longmont City Council meets in person for two regular session meetings and one study session meeting each month.

Regular and study session meetings are live-streamed and can be watched at:

- *The City's Agenda Management Portal webpage at <https://www.longmontcolorado.gov/online-services/agendas-and-minutes/agenda-management-portal>*
- *The City's YouTube channel at <https://Bit.Ly/Longmontyoutube>*
- *Via Longmont Public Media's website at <https://LongmontPublicMedia.Org/Watch/>*
- *On Comcast Channels 8 or 880*

All City Council meetings are open to the public.

2. ROLL CALL - PLEDGE OF ALLEGIANCE

Dawn Quintana, City Clerk, called the roll. Those present were Mayor Peck and Council Members Diane Crist, Susie Hidalgo-Fahring, Sean McCoy, Marcia Martin, Aren Rodriguez, and Shiquita Yarbrough.

3. CHAIR REMINDER TO THE PUBLIC

Mayor Peck reviewed the procedures for Public Invited to be Heard and Public Hearings.

Public participation at regular and special City Council meetings is regulated by Rule 5 of City Council Rules of Procedure.

- **Speakers should sign up on the sheet outside of Council Chambers prior to the start of the meeting at 7 pm.**
- **Each speaker is limited to three (3) minutes and one person may not give or assign their time to others.** The Chair may regulate the time for public participation, may restrict cumulative or redundant presentations, and may require that each speaker's comments pertain to the subject under discussion
- **Only Longmont residents and employees of the City of Longmont may speak during "First Call – Public Invited To Be Heard" (Item 8) and must sign up on the list prior to the start of the meeting**
- **Persons wishing to speak on a specific Second Reading or Public Hearing Item (Item 10) are asked to add their name to the speaker list for the specific item prior to the start of the meeting**
- **Anyone may speak and no sign-up is required to speak during "Final Call – Public Invited To Be Heard" (Item 13)**

4. APPROVAL OF MINUTES

A. June 11, 2024 – Regular Session

MOTION

Sean McCoy moved, seconded by Diane Crist, to approve the June 11, 2024 – Regular Session minutes as presented

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

5. AGENDA REVISIONS, AND SUBMISSION OF DOCUMENTS, AND MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS

MOTION

Susie Hidalgo-Fahring moved, seconded by Sean McCoy, to direct staff to bring back an ordinance to put the open space sales tax extension on the November ballot to extend it in perpetuity on or before the July 23, 2024, meeting

Council discussed the motion and the timing for placing the question on the ballot, and noted the need to extend the tax for long-range planning purposes.

Approved: Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: Diane Crist

Abstained: None

Carried: 6 – 1

MOTION

Marcia Martin moved, seconded by Susie Hidalgo-Fahring, to direct staff to return data about the existing costs of maintaining versus acquiring open space out of the Open Space fund for a period of time such as five years so Council has something to base possible modifications to the ballot language on before referring the question to the November ballot

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

6. CITY MANAGER'S REPORT

There was no report from the City Manager.

7. SPECIAL REPORTS AND PRESENTATIONS

A. City of Longmont Life Saving Award Presentation For Members Of The Longmont Community Who Performed Life Saving Actions In Two Recent Critical Incidents

Dan Higgins, Chief of Fire, introduced the first award for citizens who helped save a man's life who went in to cardiac arrest at the Longmont Recreation

Center. He recognized John Zavala, Angie Banning, Laura Decket, and Belinda Strickland (not in attendance), for initiating lifesaving procedures that saved a 79-year-old man's life.

Jeff Satur, Chief of Police, introduced the second life saving award to two local residents – William Osborne and Karl Veitch – and to the UC Health LifeLine One Crew of Caley Nicholson and Kris Schott for their actions to save the life of a woman who was shot in the driveway of a Longmont home.

The Council commended the residents and emergency personnel for their heroic actions.

B. A Proclamation Designating June 2024 as "Honoring Juneteenth Month" In Longmont, Colorado

Mayor Peck read the proclamation into the record and invited Polly Christiansen to accept the proclamation and provide a brief statement about the history of Juneteenth.

C. Presentation of the City of Longmont Annual Comprehensive Financial Report and Independent Audit for 2023

Jim Golden, Chief Financial Officer, recognized the accounting staff for their work to put this report together and said it would again be submitted to the Government Finance Officers Association (GFOA) for the annual award for excellence in financial reporting which the City had received for the last 42 years.

Deann Hanson, Accounting Manager, introduced Jamie Essenmacher of Plante Moran to present the auditors' comments.

Essenmacher reported that this was a very clean audit and said there were no findings. She reviewed the required letter which said there were no significant changes to financial statements and no significant findings or issues.

D. Platte River Power Authority's 2024 Integrated Resource Plan

Darrell Hahn, Electric Utility Director, introduced staff from Platte River Power Authority (PRPA) to present their Integrated Resource Plan (IRP) and said that Longmont is closely collaborating with PRPA in pursuit of 100% renewable

energy by 2030.

Jason Frisbie, General Manager and CEO of PRPA, recapped the community engagement being done on the IRP and said the plan would be considered for approval by the PRPA board in July.

Raj Singam Setti, Chief Operating Officer, walked through the IRP 2024, and explained that PRPA was leading the clean energy transition by adding clean energy resources to their portfolio while ensuring reliability is maintained and the system is financially equitable and affordable for everyone. Setti gave a detailed presentation on the IRP process, the importance of storage, the costs of reliable renewable energy, and the analysis done on things like projections for electric vehicles. He said they study the model carefully to ensure it recommends the lowest cost as well as low carbon in the models, and provides for reliability in extreme weather situations. Once approved by the board, the IRP will be submitted to Western Area Power Administration (WAPA) as required by law.

Setti thanked Longmont staff for working on Distributed Energy Resources (DERs), and he discussed efficiency programs, the challenges with adding too much wind or solar-generated power to the system, in addition to system reliability, hydro allocation and thermal capacity. He then outlined the costs of the five different portfolios considered and, notably, the highest cost would be for no added carbon. He said that the recommended new portfolio is with optimal carbon and said these changes would bring rate increases over the next 10 years.

He concluded his presentation after noting that Longmont was installing a distributed energy storage project to help with resource adequacy at the Harvard or the Meadow substation. After describing the inherent risks in the plan, Setti laid out the next steps: Finalize the IRP, obtain board approval, and file it with WAPA until it was time to begin again working on the 2028 IRP.

Council briefly engaged with PRPA staff and thanked them for the presentation.

8. FIRST CALL - PUBLIC INVITED TO BE HEARD

Robert Morris III, 170 South Pratt Parkway, Apartment C, said he attended Juneteenth on

Saturday, and shared some suggestions for how to improve the event next year such as including the historical and celebratory aspects of the holiday.

Jamie Simo, 517 Independence Drive, member of Stand with Our St. Vrain, formally asked that Council place a measure on the November ballot making Longmont's open space tax permanent.

Kat Bradley-Bennett, 5914 Blue Mountain Circle, endorsed putting the open space sales tax extension on the November 5th ballot and shared the important role of open spaces in our community.

Karen Dike, 708 Hayden Court, spoke about climate change, impacts on insurance rates, and ozone impacts, and said it was time for Longmont to make sure PRPA did not build another fossil fuel plant.

Lance Whittaker, 1750 Collyer Street, shared that it was National Strawberry Shortcake day, and commented that Longmont should be starting to drill for geothermal energy.

Ron Stewart, 203 Western Sky Circle, commented his support for the permanent open space sales tax extension on the November ballot.

Shari Malloy, 1630 Sherman Way, also supported the permanent open space sales tax extension on the November ballot.

Gordon Pedrow, 2639 Falcon Drive, thanked the Council for directing staff to put the extension of the open space tax on an upcoming meeting agenda and said, with regard to Item 12A that residents value the benefits that open space provides and permanent revenue is needed to preserve those assets.

Nickoal Eichmann, 1106 Frontier Drive, expressed gratitude for allowing the Rocky Mountain Peace and Justice Center to have a booth at Juneteenth and expressed that genocide is a local issue because neighbors fear that tools will be used against them when they speak out in protest.

Fiross Jarrar, 10650 North 75th Street, added that yesterday was 'Julian Assange shall soon be free day or week'.

9. CONSENT AGENDA AND INTRODUCTION AND READING BY TITLE OF FIRST READING ORDINANCES

Dawn Quintana, City Clerk, read the titles of the ordinances and the Second Reading and Public Hearing Date into the record and reviewed all of the items on the Consent Agenda.

The Second Reading and Public Hearing for all ordinances introduced on this agenda will be held on July 9, 2024

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- A. O-2024-43,** A Bill For An Ordinance Making Additional Appropriations For Expenses And Liabilities Of The City Of Longmont For The Fiscal Year Beginning January 1, 2024

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- B. O-2024-44,** A Bill For An Ordinance Amending Chapter 2.68 Of The Longmont Municipal Code On Updating The City Liquor Code And Adding City Approval Of Festival Permits

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- C. O-2024-45, A Bill For An Ordinance Amending Chapter 6.65 Of The Longmont Municipal Code On Sexually Oriented Business Regulation**

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- D. O-2024-46, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Sipe Farms LLC (Tenant) On The Double Six Open Space Property (Premises)**

Council Member Crist said she pulled these three farmland lease agreements because she wondered if 2.5 shares of water was adequate for the farming operations.

Danielle Cassidy, Open Space Manager, responded that with regard to all three farmland leases, staff was working with the tenant to switch irrigation and use water more efficiently, and, although the open space water portfolio needs to be built up, other solutions were being explored.

MOTION

Diane Crist moved, seconded by Sean McCoy, to pass and adopt **O-2024-46, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Sipe Farms LLC (Tenant) On The Double Six Open Space Property (Premises)**

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- E. **O-2024-47**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City of Longmont And Sipe Farms LLC (Tenant) On The Hartman Open Space Property (Premises)

MOTION

Joan Peck moved, seconded by Marcia Martin, to pass and adopt **O-2024-47**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City of Longmont And Sipe Farms LLC (Tenant) On The Hartman Open Space Property (Premises)

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- F. **O-2024-48**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Sipe Farms LLC, (Tenant) On The Hernor Open Space Property (Premises)

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to pass and adopt **O-2024-48**, A Bill For An Ordinance Authorizing A Farmland Lease Agreement Between The City Of Longmont And Sipe Farms LLC, (Tenant) On The Hernor Open Space Property (Premises)

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- G. R-2024-39,** A Resolution Of The Longmont City Council Approving A Grant Agreement With The Colorado Department Of Local Affairs For The Longmont Peace Officers Behavioral Health Support And Community Partnerships Program For Counseling Services To First Responders And Their Immediate Families

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

- H. R-2024-40,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City Of Longmont And Saint Vrain Valley School District RE-1J For Wide Area Network 10G NextLight Support

MOTION

Diane Crist moved, seconded by Susie Hidalgo-Fahring, to approve the consent agenda except items D, E, F

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

10. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

A. Public Hearing And Consideration Of Recommendations For 2024 Community Development Block Grant (CDBG) Program Action Plan, Affordable Housing Fund Allocations, And Attainable Housing Fund Allocations

Christy Wiseman, Housing Investment Manager, reviewed the priorities of Housing and Community Investment (HCI) and noted HCI was working under the final year of a five-year consolidated plan for CDBG and HOME, and she reviewed the action plan process noting the action plan was due to HUD by August 16th and said no public comments had been received on the plan to date.

Wiseman reviewed the following with Council:

- CDBG funding available was \$478,873 and awards were trending downward.
- The total CDBG funding available including carryover from previous years was \$726,096.
- HOME and HOME-ARP were awarded to projects last year and there were no new HOME funds available for competitive award in 2024. The next allocation would be in 2027.
- HCI Funding Application Cycle received a total of seven competitive requests totaling \$5.3m for nine projects. Requests exceeded funding available by more than \$2m.
- Attainable Housing Fund had no new funds for a competitive award because all funds were obligated for the HousePAD project. Staff was actively working on seeking Prop 123 funding to offset the City's Affordable and Attainable Housing commitments to HousePAD.

Wiseman then reviewed the CDBG recommendations as follows:

- Set aside the full 20% allowed for administration of the program
- Reserve approximately \$188,000 for the HCI owner-occupied rehabilitation program
- HHSAB recommended a \$200,000 grant for an LHA project at the Suites for Suites Door Replacement

The Affordable Housing Fund Budget was next and Wiseman explained there was a total budget of \$8,600,178, and she reviewed the revenue and funds set aside including \$250,000 to pilot the first year of a locally-funded Down Payment Assistance program. The AHF competitive awards recommended for

approval were:

- Acquisition from Thistle Community Housing – HHSAB recommended \$400,000 AHF loan, staff recommended loan terms
- Acquisition for Habitat for Humanity – Faith Point Church – HHSAB recommended partial funding of \$1.235m loan for land purchase, staff recommended loan terms
- Acquisition for The Inn Between – site not identified yet – HHSAB recommended seed money to purchase land in the form of a \$400,000 AHF loan, staff recommended loan terms
- Boulder County Housing Authority for upgrades at Casa Esperanza – HHSAB recommended a \$500,000 AHF loan, staff recommended loan terms
- Inn Between for the Wesley Townhomes project – HHSAB recommended a \$350,000 AHF loan, staff recommended loan terms
- Housing counseling program – HHSAB recommended a \$100,000 AHF grant for the program

Mayor Peck opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

(Acronyms used in this presentation were: CDBG = Community Development Block Grant; HOME = HOME Investment Partnerships Program; HUD = Housing and Urban Development; HHSAB = Housing and Human Services Advisory Board; AHF = Affordable Housing Fund)

MOTION

Sean McCoy moved, seconded by Susie Hidalgo-Fahring, to accept the Recommendations For the 2024 Community Development Block Grant (CDBG) Program Action Plan, Affordable Housing Fund Allocations, And Attainable Housing Fund Allocations

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

B. O-2024-42, A Bill For An Ordinance Amending Chapter 11.16 Of The Longmont

Municipal Code Concerning Incorrect Model Traffic Code References,
Discrepancies With Appeal And Review Deadlines, And Timed Parking
Enforcement

Mayor Peck read the title of the ordinance into the record. There was no formal staff presentation on this item.

Mayor Peck opened a public hearing on this item. There being no one present to address Council on this issue, the public hearing was closed.

MOTION

Susie Hidalgo-Fahring moved, seconded by Shiquita Yarbrough, to pass and adopt **O-2024-42**, A Bill For An Ordinance Amending Chapter 11.16 Of The Longmont Municipal Code Concerning Incorrect Model Traffic Code References, Discrepancies With Appeal And Review Deadlines, And Timed Parking Enforcement

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

11. ITEMS REMOVED FROM CONSENT AGENDA

The discussion and action on each item removed from the Consent Agenda is reflected under the item itself.

12. GENERAL BUSINESS

- A.** Review Of A Draft Bill For An Ordinance Amending Title 15 Of The Longmont Municipal Code on Land Use Regulations And Planning Approval Processes to Further Incentivize Affordable Housing Unit Generation

Don Burchett, Planning Manager, and Molly O'Donnell, Housing & Community Investment Manager, reminded the Council that this topic was presented at the June 4, 2024, Study Session and was being re-presented as directed since some council members were missing from the June 4th meeting.

Molly O'Donnell, HCI Director, explained that back in February, staff presented the Root Study which made recommendations for ways to further affordable housing incentives and Council asked staff to bring back several items. She reviewed the incentives recommendations and noted proposed changes would be for Council's consideration including: changes to the preliminary review process, correction to pocket park requirements, changes to open space variance/pocket parks requirements, and density and height bonuses.

Don Burchett, Planning Manager, explained the existing Preliminary Plat Review Process and said that all proposed subdivisions creating four or more lots require preliminary plat approval and said the proposal was to exempt developments from this preliminary plat review process if they provide onsite affordable housing. He explained that this would be one of the biggest incentives for a developer as it would reduce uncertainty for the developer, reduce review time by four to six months, remove the public hearing process, and reduce costs. Burchett noted that it also would remove the citizens' right to appeal to City Council, which would be a significant change.

Burchett moved on to explain the proposed changes related to the Open Space Buffer which would exempt developments that provide on-site affordable housing from the requirement to provide an open space buffer if adjacent to public lands.

Burchett also explained that a typographical error was found in code regarding the requirement for Pocket Parks. Code currently shows that pocket parks are required for the first 25 units of multifamily but said it should be 50 because that was what was in the code prior to its 2018 adoption. He said this difference has been a hindrance for smaller developments and asked for Council direction to bring back this correction.

With regard to the recommended changes related to Pocket Parks, Burchett described the new proposed standard to include other public spaces to allow for the exception and exempt development that provides on-site affordable housing from the requirement of providing a pocket park. The existing standard, he said, is that pocket parks are not required when a city park is within a quarter mile.

Lastly, Burchett discussed the proposed changes to the Density Bonus

to increase the bonus from 20 to 25% which would add units per acre of development only if the project were providing on-site affordable housing.

Molly asked for Council direction on each of the four proposals.

Council discussed with staff the savings developers would likely realize by making changes in the preliminary plat review process that would add certainty and efficiency, their concerns eliminating the citizens' right to appeal a decision, and their concerns with unintended consequences of eliminating pocket parks. Burchett shared that Loveland had added a notification period after final plat to allow for an appeal. He noted this would still leave some uncertainty for the developer but would reduce the total duration of the process.

MOTION

Sean McCoy moved, seconded by Joan Peck, to direct staff to amend the preliminary plat review process to remove the preliminary plat but add a two week time period for appeal of decision to City Council after final plat as suggested by staff

Approved: Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Shiquita Yarbrough

Dissented: Diane Crist, Aren Rodriguez

Abstained: None

Carried: 5 – 2

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring, to direct staff to modify the open space buffer requirement as proposed and exempt developments that provide on-site affordable housing from the open space buffer requirement

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

MOTION

Susie Hidalgo-Fahring moved, seconded by Aren Rodriguez, to direct staff to correct the code to show that pocket parks are required for the first 50 units as was proposed by staff in Proposal 3A to correct the typographical error in code

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

MOTION

Aren Rodriguez moved, seconded by Shiquita Yarbrough, to direct staff to amend the code as proposed in Proposal 3B and modify the pocket park requirements and include other public spaces to allow for the exception and exempt development that provides on-site affordable housing

Approved: Marcia Martin, Aren Rodriguez, Shiquita Yarbrough

Dissented: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Sean McCoy

Abstained: None

Failed: 3 – 4

MOTION

Joan Peck moved, seconded by Marcia Martin, to direct staff to amend the density bonus as outlined in Proposal 4 and increase the bonus density to 25% for projects that include on-site affordable housing

Approved: Joan Peck, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: Diane Crist

Abstained: None

Carried: 6 – 1

- B.** Resolutions For The Authorization Of Eminent Domain For The South St. Vrain Water Diversion And St. Vrain Greenway Trail Projects

MOTION

Sean McCoy moved, seconded by Diane Crist, to extend the meeting past 11:00 p.m.

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Sean McCoy, Shiquita Yarbrough

Dissented: Marcia Martin, Aren Rodriguez

Abstained: None

Carried: 5 – 2

Ken Huson, Water Resources Manager, explained that the recommendation is to seek eminent domain to secure title and clear up property boundary issues related to the South St. Vrain Creek Diversion for one .1 acre parcel that has no clear property owner. He explained that the issue stems from the parcel being sold mistakenly at a tax sale in the 1980's by Boulder County. Huson explained that the remainder of parcels around the diversion structure will use quiet title action, lot line adjustments, and/or voluntary land exchanges to secure property needed for the diversion.

1. **R-2024-41**, A Resolution Of The Longmont City Council Authorizing The Exercise Of The City's Power Of Eminent Domain To Acquire Certain Real Property Interests Necessary For Public Purposes In Connection With The City's Water Diversion Structure In South St. Vrain Creek And To Prosecute A Quiet Title Action To Resolve Adjacent Property Line Discrepancies

MOTION

Joan Peck moved, seconded by Sean McCoy, to pass and adopt **R-2024-41**, A Resolution Of The Longmont City Council Authorizing The Exercise Of The City's Power Of Eminent Domain To Acquire Certain Real Property Interests Necessary For Public Purposes In Connection With The City's Water Diversion Structure In South St. Vrain Creek And To Prosecute A Quiet Title Action To Resolve Adjacent Property Line Discrepancies

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

2. R-2024-42, A Resolution Of The Longmont City Council Authorizing The Exercise Of The City's Power Of Eminent Domain To Acquire Certain Real Property Interests Necessary For Public Purposes In Connection With The St. Vrain Greenway Trail Project

Danielle Cassidy, Open Space Manager, explained that a trail easement acquisition was needed for the St. Vrain Greenway Phase 13 Trail that extends from Sandstone Ranch to St. Vrain State Park. The project is at 100% design but still in the right-of-way acquisition process which kicked off in 2022. Cassidy described the various trail routes considered and explained that the desired route for the trail requires an easement from a property owner. The property owner was not interested in selling just the trail easement but wanted instead for the City to purchase the entire five acre parcel. Cassidy clarified that negotiations began in 2023 and said staff was asking for this option as a last resort but confirmed that a final offer would be sent first.

Council asked about raptor species impacts from the trail alignment and Cassidy explained that those had been looked at carefully and both the US Fish and Wildlife Service and Colorado Parks and Wildlife had issued clearance for the trail as proposed indicating it is safely outside eagle buffers.

Council also asked about timing and how quickly the land was needed. Cassidy explained the grant deadline for the grant funds and said that they need to move forward enough to get a conditional right-of-way clearance from the Colorado Department of Transportation to have any hope of meeting the grant deadline.

Cassidy also noted a correction to the council communication and clarified that legal fees would not be paid for from the Open Space Fund.

Dan Harvey, special counsel, responded to Council's questions about the process of eminent domain and the duration of the entire process.

Harold Dominguez, City Manager, responded to Council's question about the amount the City was offering for the easement and said the amount was \$467,000.

Council inquired if the process could possibly be completed in time to use the grant money and Special Counselor Harvey responded that it could be done within a couple month period.

MOTION

Sean McCoy moved, seconded by Susie Hidalgo-Fahring, to pass and adopt **R-2024-42**, A Resolution Of The Longmont City Council Authorizing The Exercise Of The City's Power Of Eminent Domain To Acquire Certain Real Property Interests Necessary For Public Purposes In Connection With The St. Vrain Greenway Trail Project

Approved: Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: Joan Peck, Diane Crist

Abstained: None

Carried: 5 – 2

- C. R-2024-43**, A Resolution Of The Longmont City Council Approving A Cooperative Agreement Between The City And The Longmont Fraternal Order Of Police Lodge For January 1, 2025 Through December 31, 2026

Harold Dominguez, City Manager, gave a brief overview of the key points of this new two-year agreement and noted that for 2025 pay increases would average around 11.1% and for 2026 4% for sworn officers and 3.25% for civilian personnel. The total cost of the total package approved with this agreement is \$4.44m.

MOTION

Aren Rodriguez moved, seconded by Sean McCoy, to pass and adopt **R-2024-43**, A Resolution Of The Longmont City Council Approving A Cooperative Agreement Between The City And The Longmont Fraternal Order Of Police Lodge For January 1, 2025 Through December 31, 2026

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None
Abstained: None

Carried: 7 – 0

D. Board and Commission Appointments

MOTION

Joan Peck moved, seconded by Sean McCoy, to direct staff to place the board appointments on the July 9, 2024, agenda

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None
Abstained: None

Carried: 7 – 0

13. FINAL CALL - PUBLIC INVITED TO BE HEARD

There was no one present to address Council for Final Call – Public Invited to be Heard.

14. MAYOR AND COUNCIL COMMENTS

Council Member McCoy gave a letter he had received to legal so they could look in to it.

15. CITY MANAGER REMARKS

The City Manager had no additional items to bring before City Council.

16. CITY ATTORNEY REMARKS

The City Attorney had no additional items to bring before City Council.

17. ADJOURN

Current Balance in 2024 General Fund Council Contingency: \$133,354

MOTION

Susie Hidalgo-Fahring moved, seconded by Diane Crist, to adjourn the meeting at 11:26

p.m.

Approved: Joan Peck, Diane Crist, Susie Hidalgo-Fahring, Marcia Martin, Sean McCoy, Aren Rodriguez, Shiquita Yarbrough

Dissented: None

Abstained: None

Carried: 7 – 0

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk

The video of this meeting can be found at <https://www.youtube.com/@cityoflongmont>