



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, August 15, 2017 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:**

Mayor Gutierrez

Councilors:

Fogle, Krenning, Shaffer, Overcash, Clark, Johnson, and Olson.

**COUNCIL ABSENT:**

Ball

1. INTRODUCTION
- 1.2. CALL TO ORDER
- 1.3. PLEDGE OF ALLEGIANCE
- 1.4. ROLL CALL

**CONSENT AGENDA**

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

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

*Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. 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.*

Item 2.1 was pulled by Councilor Olson pulled item 2.1 and Items 2.3 and 2.5 were pulled by Councilor Clark

*A Motion to approve the Consent Agenda with the exception of items 2.1, 2.3 and 2.5. Moved by Councilor Shaffer, seconded by Councilor Johnson*

CARRIED UNANIMOUSLY.

**2.1. CITY CLERK  
APPROVAL OF MINUTES**

This item was considered on the Regular Agenda, Item 6.1.1.

**2.2. CITY MANAGER  
APPOINTMENTS TO COMMUNITY MARKETING COMMISSION, HISTORIC  
PRESERVATION COMMISSION AND TRANSPORTATION ADVISORY BOARD**

This is an item appointing members to the Community Marketing Commission, Historic Preservation Commission and Transportation Advisory Board.

*1) A Motion To Reappoint Miki Roth To The Community Marketing Commission For A Term Effective Until June 30, 2010*

*2) A Motion To Appoint Meredith Siss To The Community Marketing Commission For A Term Effective Until June 30, 2020*

*3) A Motion To Appoint Laurie White To The Historic Preservation Commission For A Term Effective Until June 30, 2020*

*4) A Motion To Appoint Josh McCarn As An Alternate Member On The Historic Preservation Commission For A Term Effective Until June 30, 2018*

*5) A Motion To Appoint Mark Taylor To The Transportation Advisory Board For A Partial Term Effective Until June 30, 2018*

*6) A Motion To Reappoint Irene Fortune To The Transportation Advisory Board For A Term Effective Until June 30, 2020*

*7) A Motion To Reappoint Dave Martinez To The Transportation Advisory Board For A Term Effective Until June 30, 2020*

*8) A Motion To Appoint Jim Paulmeno To The Transportation Advisory Board For A Term Effective Until June 30, 2020*

CARRIED.

**2.3. DEVELOPMENT SERVICES  
REHABILITATION LOAN PROGRAM**

This item was considered on the Regular Agenda, Item 6.1.2.

**2.4. CITY CLERK**

**INTERGOVERNMENTAL AGREEMENT WITH LARIMER COUNTY FOR 2017  
COORDINATED ELECTION**

The resolution authorizes the execution of an agreement between the City of Loveland and the Larimer County Clerk and Recorder concerning the coordinated election to be held on November 7, 2017 as a mail ballot election. Past similar elections have cost \$30,000 to \$40,000 depending on the number of registered Electors. This item was presented to City Council at their Regular meeting held on July 18, 2017 where Council unanimously approved a resolution authorizing the Clerk to notify the County of the City's intention to participate in the election with the County. This item was also presented to City Council at their Regular meeting held on August 1, 2017 where Council unanimously approved an ordinance providing that the election shall be conducted as a Coordinated Election with the County and the Colorado Uniform Election Code of 1992 Shall Govern.

*A Motion To Adopt Resolution #R-66-2017 Approving And Authorizing The Execution Of An Intergovernmental Agreement Between The City Of Loveland And The Larimer County Clerk And Recorder Concerning The Coordinated Mail Ballot Election To Be Held On November 7, 2017*

CARRIED.

**2.5. DEVELOPMENT SERVICES  
AMENDMENT TO GROWTH MANAGEMENT INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF LOVELAND AND LARIMER COUNTY**

This item was considered on the Regular Agenda, Item 6.1.3.

**2.6. COMMUNITY PARTNERSHIP OFFICE  
HABITAT FOR HUMANITY FEE WAIVER REQUEST**

Loveland Habitat for Humanity is requesting a waiver of development fees totaling \$138,580 for the construction of five homes to be built in 2017. This request includes \$80,833 in fees that do require backfilling and \$57,747 in Enterprise fees that do not. Backfilled fees will be paid out of the Community Housing Development Fund. A spreadsheet showing total fees by address is attached with Enterprise Fees highlighted in purple (Attachment 2). City Council unanimously approved \$400,000 for the Community Housing Development Fund (formerly the Affordable Housing Fund) in November 2016 and unanimously approved an Affordable Housing Designation for the Habitat for Humanity owned lots in the Sierra Valley Subdivision on June 6, 2017.

*A Motion To Adopt Resolution #R-67-2017 Waiving Certain Development Fees For The Construction Of Five Residences By Loveland Habitat For Humanity*

CARRIED.

**2.7. COMMUNITY PARTNERSHIP OFFICE**

**2017 GRANT FUNDING RECOMMENDATIONS AND COMMUNITY DEVELOPMENT  
BLOCK GRANT ANNUAL ACTION PLAN**

1) The Human Services and Affordable Housing Commissions considered 52 grant requests totaling \$1,634,217 and recommended funding 30 with allocations of \$547,428 for human services and \$210,447 for affordable housing projects. The attached staff report describes how the commissions made funding decisions (Attachment 1).

2) Each year, the Community Partnership Office submits the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) to identify the housing and public service projects that will be funded with a Community Development Block Grant (CDBG) during the next grant year. This action is necessary to submit the plan to HUD (Attachment 2).

These items have been combined to ensure they are presented to council in this order. The Human Services and Affordable and Housing Commissions made funding decisions on June 1, 2017 and July 27, 2017. The Affordable Housing Commission voted unanimously to fund the bricks/mortar projects funded in the Annual Action Plan. The Human Services Commission voted unanimously to fund public service grants and the Community Partnership Office determined which projects should receive CDBG versus City of Loveland dollars. The motions passed by the Human Services and Affordable Housing Commissions passed unanimously.

*1) A Motion To Adopt Resolution #R-68-2017 Approving The 2017 Grant Funding Recommendation of the Loveland Human Services Commission and the Loveland Affordable Housing Commission*

*2) Motion To Adopt A Resolution #R-72-2017 Approving A Community Development Block Grant Annual Action Plan For 2017-2018*

CARRIED.

**2.8. ECONOMIC DEVELOPMENT**

**JAMES FISHER TECHNOLOGIES, LLC BUSINESS ASSISTANCE REQUEST**

Staff has received the request from James Fisher Technologies, LLC's ownership for the reimbursement of Loveland Water and Power transformer/meter upgrade on their leased property at 5821 Langley. The proposed reimbursement amount is not to exceed \$20,000. The staff has met with the expanding firm who had been looking for a new building in both Loveland and Longmont, Colorado where JFT, LLC is currently located. They chose 5821 Langley, an 8,000 square-foot facility located at the Loveland Airport as their preferred site. JFT, LLC is the latest addition to the James Fisher Nuclear Group, and manufactures robotic solutions and services to potentially hazardous industries, including Oil & Gas, Aerospace, Nuclear and Defense.

*A Motion To Adopt Resolution #R-71-2017 Approving An Incentive Agreement With James Fisher Technologies, LLC For Power Transformer And Meter Upgrades Related To Relocation Of Its Manufacturing Facility To The City Of Loveland*

CARRIED.

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

**4. PUBLIC COMMENT**

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

Larry Sarnier, Loveland resident, expressed concern regarding the Foundry project and the financing of it.

**5. BUSINESS FROM CITY COUNCIL**

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

Councilor Olson introduced a discussion on Boards and Commissions and whether or not they are being appropriately utilized for the purposes of advising Council. He expressed concern regarding the Citizens' Finance Advisory Commission and using the talent that is on the commission. He stated that, CFAC didn't received enough information regarding the budget process, they heard the information that Council heard after the Council meeting. Discussion ensued. The City Manager is going to be attending Boards and Commissions meetings and doing a survey that will be shared with Council.

Councilor Overcash introduced a discussion regarding Metro Districts. He would like a comparison of surrounding municipalities and what the pros and cons are. Consensus was reached to have the City Attorney and City Manager bring to Council at a future meeting in September or October, a response from the Loveland Berthoud Association of Realtors regarding their stance on a disclosure for new properties and existing properties that are sold and more information on the unintended consequences as well as pros and cons.

**6. REGULAR AGENDA**

**Procedural Information**

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

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

**6.1.1. CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the July 11, 2017 Special Meeting and Study Session, the July 18, 2017 Regular Meeting, and the July 25, 2017 Study Session

Moved by Councilor Olson, seconded by Councilor Fogle

*Councilor Olson asked that the July 25, 2017 Study Session "reflect that Council was surprised and concerned at the dramatic shift in balances among the general, council and TABOR Excess funds. Of particular concern was that no advance warning was given regarding the significant balance changes and that approximately \$10 million that was not accounted for in the fund balance worksheet. After some discussion, staff agreed to come back to Council with a detailed explanation of the \$10 million unexplained shortfall."*

*A Motion to Approve the July 25, 2017 Minutes as Amended*

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*A Motion to Approve the City Council minutes for the July 11, 2017 Special Meeting and Study Session, the July 18, 2017 Regular Meeting, and the July 25, 2017 Study Session as amended*

CARRIED UNANIMOUSLY.

**6.1.2. DEVELOPMENT SERVICES  
REHABILITATION LOAN PROGRAM**

Nikki Garshelis, Historic Preservation Commission Staff Liaison, presented this item to Council. The purpose of the Rehabilitation Loan Program is to provide a zero-interest loan to aid property owners in rehabilitating their historic properties. Some of the loans were dispersed to organizations that seldom sell property; therefore, the program was not regularly replenishing its funds. Through the program, owners of Loveland Historic Landmarks are eligible for a zero-percent interest loan of up to \$5,000 for a residential structure and \$10,000 for a commercial structure, though a match of 100% of the loan value is required. The program was seeded with \$20,000 of funding in 2002 and was meant to be a revolving loan program as the loan terms require the loan value to be repaid upon sale or transfer of the property. Currently the fund has \$9,493.00 available. As the program stands today, loans do not need to be repaid until the property is sold or transferred, therefore, the program may not replenish the funds for many years. In

the case of a loan to a historic Church, for example, the program may never be repaid those funds if the property is never sold. The revised Ordinance loan term of 5 years or upon sale or transfer will allow the loan funds to circulate back into the program on a more consistent basis, thereby opening up the opportunity for more property owners to use the program. The Historic Preservation Commission unanimously recommended the amended Ordinance of the program at its July 17, 2017 meeting.

Public Comment: Roger Wiedelman, Loveland resident, expressed concern regarding the program, encouraged Council to have more discussion before passing the ordinance.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*A Motion To Approve, On First Reading, An Ordinance Amending Title 15 Of The Loveland Municipal Code By Repeal And Re-enactment Of Section 15.56.180 Regarding The Rehabilitation Loan Program*

CARRIED UNANIMOUSLY.

### 6.1.3 DEVELOPMENT SERVICES

#### **AMENDMENT TO GROWTH MANAGEMENT INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND AND LARIMER COUNTY**

Karl Barton, Senior Long Range Planner, presented this item to Council. This amendment to the Intergovernmental Agreement (IGA), consisting of a new map for Exhibit 1 (Attachment 1), is to reflect the changes Larimer County is proposing to make to the Loveland Growth Management Area (GMA) overlay-zoning district. Loveland and Larimer County have been working together to expand the Loveland GMA overlay-zoning district in order to implement the IGA and provide certainty around annexation and development. The property impacted is primarily around the State Highway 402 corridor, but some is located north of Highway 34. The Loveland GMA overlay-district, despite its name, is a Larimer County zoning district; therefore, the final decision on its expansion will be made by the Larimer County Board of County Commissioners. No property will be annexed into the City of Loveland due to the IGA amendment or overlay-zoning expansion. This item was presented to the Planning Commission on June 26, 2017 where they voted unanimously with a 7-0 Vote in favor of recommending that City Council amend the IGA.

No public comments were given.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*A Motion To Adopt Resolution #R-70-2017 Approving An Amendment To The Intergovernmental Agreement For Growth Management Between The City of Loveland And Larimer County*



CARRIED UNANIMOUSLY.

**6.2. DEVELOPMENT SERVICES  
PARKSIDE VILLAGE ADDITION**

Troy Bliss, Senior Planner, presented this item to Council, which required a legislative action to adopt a resolution and an ordinance to annex 41.23 acres of property to be known as the Parkside Village Addition; and a quasi-judicial action to zone the 41.23 acres to P-105: Parkside Village Addition Planned Unit Development (PUD). The property is located at the northeast corner of Bodecker Reservoir on the south side of W. First Street. The applicants are the current owners of the property (Eileen Husinkveld and Kirk A. Mortinson), represented by Kenneth Mitchell/Mosaic Real Estate, LLC. The proposal is to annex and incorporate the 41.23 acres into the City for development of 62 single-family detached homes and 14 attached two-family dwellings. Development is planned to be clustered on the eastern 24 acres of the site, leaving 17 acres as natural open space along the shoreline of Boedecker Reservoir with acquisition by The City's Open Lands Division. Included with the annexation is a request to zone the property Planned Unit Development (PUD). Details of the PUD zoning are being presented through a Preliminary Development Plan (PDP) and a Preliminary Plat, which are included as attachments to the Planning Commission Staff report dated June 26, 2017 (Attachment 2). At the Planning Commission hearing, a significant amount of public testimony was provided, expressing concerns over the annexation/zoning. Primary concerns related to the impacts of development on the natural area and wildlife habitats, increased traffic along W. First Street, and a development that is too dense/out of context with the surrounding rural character. These concerns are further detailed in the attached Planning Commission Minutes (Attachment 3). After much deliberation and detailed questioning of the applicant and staff, the Planning Commission unanimously recommended approval of the Parkside Village Addition to City Council with a 8-0 Vote.

Ken Mitchell, representing the applicants, began his presentation at 8:10 p.m. and ended at 8:35 p.m.

Public Comment: Sharon McCrimmon, 4420 W. 1st St., expressed concern regarding with drainage, soils and ecosystem. Brad Sutton, Loveland resident, expressed concern regarding the open land that will be owned by the City and documentation regarding restrictions. Judy Robertson, Redbird Drive, expressed concern regarding lake activity and traffic on 1st Street. Julie Cole, 4213 Redbird Drive, expressed concern regarding hunting and fishing with the homes around it. Lori Dasko, Loveland resident, expressed concern regarding the wildlife and eagle's nest and the lake as a state wildlife reserve. Darren Barrett, W 15th St., expressed concern regarding traffic and the round-about on 1st Street. John Carter, 5649 Red Thunder Overlook, expressed concern regarding the lake and traffic. Public Comment closed at 8:54 p.m. Ken Mitchell, rebuttal addressed the comments. He also stated, there would be no access to the lake for watercraft from the development.

Marilyn Hilgenberg, Open Land Manager, spoke regarding questions regarding the City's purchase of open land in the development and relocation of the prairie dogs on the site. Traffic consultant, Michael Delich, Delich Associates, spoke regarding traffic



questions and distances between intersections on 1st Street. Matt Delinger, spoke regarding the speed limits and the round-about.

Justin Stone, Senior Civil Engineer, addressed Council questions regarding the interim round-about vs. the ultimate round-about and shared overall statistics regarding roundabouts.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*1) A Motion To Adopt Resolution #R-69-2017 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Parkside Village Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute*

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*2) A Motion To Adopt, On First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Parkside Village Addition" To The City Of Loveland*

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*3) A Motion To Adopt, On First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Parkside Village Addition" Of The City Of Loveland*

CARRIED UNANIMOUSLY.

**6.3. ECONOMIC DEVELOPMENT  
HEARTLAND CORNER REDEVELOPMENT PROJECT**

Mike Scholl, Economic Development Manager, presented this item to Council. The purpose of presenting this project information is to receive direction from City Council on the negotiations with the developer regarding the proposed redevelopment of the northeast corner of 4th Street and Lincoln Avenue. In addition, staff is exploring the possibility of completing a portion of the HIP Streets infrastructure plan on the block of 4th Street between Lincoln Avenue and Jefferson Avenue in conjunction with the project. A map of the project site is included in the Council Packet along with the preliminary HIP Street designs. The developer is seeking assistance in support of this project. This may include participation of the Urban Renewal Authority. Staff is reviewing the possibility of completing a portion of the HIP Streets infrastructure plan

along 4th Street in conjunction with this project. Preliminary Cost estimates for the HIP Streets improvements is about \$1.2 million per block. Developers, Troy Peterson and Kurt Burgner, spoke to Council regarding their plans on the project. Randall Johnson, Infusion Architects, presented the project to Council.

Direction to staff: to talk to the nearby businesses regarding; parking, overnight parking options, affordable housing with tax credits, sales tax revenue projections, and windows on the adjacent building.

*Information Only*

***Moved by Councilor Fogle, seconded by Councilor Shaffer.  
A Motion to Extend the Meeting to 11:00 p.m.***

CARRIED UNANIMOUSLY.

**6.4. CITY CLERK  
DDA ELECTION ON NOVEMBER 7, 2017**

Jacque Wedding-Scott, President of the DDA, was available to answer questions from Council. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 7, 2017 for the Downtown Development Authority (DDA) and submit a ballot question, regarding the authorization of debt, to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance. The cost of the 2016 DDA Ballot question was approximately \$2,700. Funds have been appropriated in the 2017 Budget to conduct this election. This item was presented to the Planning Commission on June 12, 2017 where it was unanimously approved with a 7-0 Vote. The DDA Plan of Development was unanimously approved with an 8-0 Vote at the City Council Regular meeting held on July 5, 2017. This item was approved, on first reading, at the August 1, 2017 City Council meeting with a vote of 8-1.

Public Comment: Larry Sarner, Loveland resident, expressed concern regarding how the ballot question was stated and who is allowed to vote on the question.

Moved by Councilor Shaffer, seconded by Councilor Fogle

*A Motion To Adopt, On Second Reading, Ordinance No. 6132 Approving A Downtown Development Authority Election To Be Held November 7, 2017, To Authorize Debt And Revenue Retention*

CARRIED 7 to 1 No Vote: Krenning.

**6.5. FINANCE  
SUPPLEMENTAL APPROPRIATION FOR CONTRACTING FOR THE TABOR  
ELECTION PROJECT**

This item was postponed to a future meeting due to time constraints.

**6.6. WATER & POWER**

**WASTEWATER TREATMENT PLANT EXPANSION CONTRACT AWARD**

Joe Bernosky, Water and Power Director and Brian Gandy, Special Projects Manager, presented this item to Council. Upon the March 2017 approval of the Package 1 construction contract with Garney Construction, the contractor was able to begin construction activities while the engineers completed the design of the remaining project elements. The design is now complete and the subsequent Package 2 contract documents are ready for construction. Funds are available for the Package 2 scope in the 2017 budget. As detailed below, a final Package 3 will be issued in 2018 to cover the remaining construction elements associated with this project including: 1) improvements to the Manhole A influent junction box, 2) UV modifications, 3) site restoration, and 4) other miscellaneous items totaling approximately \$3.36M. The scope of this final package includes a number of smaller improvement projects that were planned in future years but have been accelerated to employ economies of scale with the onsite CMaR. Funds are requested in the 2018 proposed budget to cover this final work package. Funds for this project will come partly from cash reserves and partly from the \$24.9M loan received from NBH Bank in January. Per Municipal Code 3.12.060A and 3.12.060B, the LUC may approve Water and Power contracts above \$500,000. However, since this project is funded partially from wastewater revenue bonds, City Council must approve this contract per Ordinance No. 6077, (Attachment 2) Authorizing the Issuance and Sale of the City of Loveland, Colorado, Wastewater Enterprise Revenue Bond Series 2017. This item was presented to the Loveland Utilities Commission on July 19, 2017 where it was unanimously approved to take this item to City Council.

No public comments were given.

Moved by Councilor Fogle, seconded by Councilor Johnson

*A Motion To Adopt Resolution #R-73-2017 Authorizing A Notice Of Award For Package Two Of The Wastewater Treatment Plant Expansion To Garney Construction*

CARRIED UNANIMOUSLY.

**7. REPORTS**

**7.1. BUSINESS FROM CITY COUNCIL**

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

No reports were given.

**7.2. CITY MANAGER REPORT**


None


**7.3. CITY ATTORNEY REPORT**  
None

**ADJOURN**  
Mayor Gutierrez adjourned the August 15, 2017 regular Council meeting at 10:55 p.m.

Respectfully Submitted,



  
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Beverly A. Walker, Acting City  
Clerk

  
\_\_\_\_\_  
Cecil A. Gutierrez, Mayor