



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, December 5, 2017 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Marsh  
Councilors:  
Overcash, Fogle, Ball, Clark, Johnson, Olson, Jersvig, and Wright.

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

**2. 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.*

Larry Sarnier, Loveland resident, pulled items 2.9 and 2.17, Mayor Marsh pulled 2.11 and Councilor Clark pulled item 2.10.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***Motion to Approve the Consent Agenda with the exception of 2.9, 2.10, 2.11 and 2.17***

*and Expiring On December 31, 2019, Or Upon Appointment By City Council Of A Successor Representative, Whichever Last Occurs*

CARRIED.

**2.4 DEVELOPMENT SERVICES  
PUBLIC COMMENT**

**INCLUSION OF PROPERTIES INTO GENERAL IMPROVEMENT DISTRICTS (GID)**

This item is presented to City Council to consider the adoption of an ordinance, on first reading, to include the property legally described in the attached ordinance, comprising of portions of lots and blocks within the Loveland Eleventh Subdivision, City of Loveland, County of Larimer, State of Colorado in the General Improvement District No. 1. The proposal is in response to information provided by Larimer County and a determination by the City that certain portions of the Foundry project were either excluded from and/or never included in the General Improvement District No. 1. The boundaries of the General Improvement District No. 1 are situated so as to align with whole properties (lots, parcels, tracts, etc.) or developments in order to apply additional tax for contribution in maintaining/upgrading public parking and pedestrian facilities downtown. The General Improvement District No. 1 is not established over portions of properties. Consequently, this adjustment is appropriate so that all of the Foundry project site is within the boundaries and not just portions. This item was presented to City Council on November 21, 2017 where it was adopted, on first reading, unanimously with an 8 to 0 Vote. This item was presented on the regular agenda with no discussion from City Council or public testimony.

*A Motion To Adopt, On Second Reading, Ordinance No. 6163, Granting A Petition For Inclusion Of The Area Of The City Of Loveland, County Of Larimer Generally Bounded By Lincoln Avenue To The East, Cleveland Avenue To The West, Opera Alley To The North And East First Street To The South Within The Loveland General Improvement District No. 1 In The City Of Loveland, Colorado*

CARRIED.

**2.5 DEVELOPMENT SERVICES  
PUBLIC COMMENT**

**CALIBER COLLISION WAGNER 1ST SUBDIVISION VACATION**

The City is reviewing a subdivision plat and special review application for property located at the southeast corner of North Garfield Avenue and East 57th Street. The property is approximately 2.09 acres and is proposed as a commercial development. There are access and utility easements along the southern property line and the northern property line that were established to provide emergency access and a utility corridor to the property. Based on the design of the commercial development, two portions of these easements measuring approximately 573 square feet are no longer necessary and the applicant is requesting that it be vacated within the property

purposes. Vacating this portion of E. Second Street is an integral part of the hotel design - E. Second Street and the Greeley Loveland Irrigation constrain the site in being able to achieve this design. E. Second Street would continue to provide for appropriate lane widths accommodating two-way traffic. The width of the street (from flowline to flowline) would be over 30 feet wide.

***A Motion To Adopt, On Second Reading, Ordinance No. 6165, Vacating A Portion Of The Second Street Right-Of-Way Within The Loveland Eleventh Subdivision, City Of Loveland, County Of Larimer, State Of Colorado***

CARRIED.

**2.7 LOVELAND POLICE DEPARTMENT  
PUBLIC COMMENT**

**SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND  
BUDGET FOR A 0.5 FTE VICTIM SERVICES COORDINATOR**

The purpose of this appropriation is to accept a grant totaling \$35,000 from the VALE Board, which would allow for the Loveland Police Department to establish a .5 FTE, largely grant funded, position within the Police Department to support and enhance the delivery of victims' services, to all victims of crime articulated under the Colorado Victims' Rights Act of 1993 ("VRA"). This position will provide direct follow up contact with VRA crime victims to insure that they are fully informed of victim services available to them as a result of their victimization. Victims will continue to be referred to Alternatives to Violence for victim advocacy services. This position will also be responsible for insuring that Police Department responsibilities for VRA services are met in accordance with applicable laws of the State of Colorado. They will also insure annual training to all police personnel who come into contact with crime victims of VRA crimes. This grant funded position may be renewed annually, or the Police Department may also pursue a grant through Colorado Organization for Victim Assistance (COVA), a statewide non-profit organization, for funding 2019 and beyond. If neither of the two aforementioned grants are awarded in 2019, this position will be reevaluated and brought forth as a Decision Package Request or eliminated. There is no impact to fund balance for this initial supplemental budget appropriation. This item was presented to the Loveland Police Citizen Advisory Board (PCAB) on November 6, 2017, and PCAB voted unanimously to move forward with this item with an 8 to 0 Vote. This item was also presented to Loveland City Council on November 21, 2017 where they adopted the ordinance, on first reading, unanimously with an 8 to 0 Vote.

***1) A Motion To Adopt, On Second Reading, Ordinance No. 6166 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For A 0.5 FTE Victim Services Coordinator***

CARRIED.

process. The services contract is Exhibit A to the Resolution. In December 2014 City Council approved Resolution #R-93-2014 supporting the Downtown Strategic Plan and approving a services agreement in support of its implementation. The City Council committed in principle, subject to annual appropriation, to financially support the LDP in an annual amount of \$500,000 for a period of 10 years. In December of each year, City Council considers the renewal of the services agreement with the LDP. The 2018 renewal is year 4 of the 10 year commitment.

***A Motion To Adopt Resolution #R-118-2017 Approving A Services Contract With The Loveland Downtown Partnership For Implementation Of The Downtown Strategic Plan***

CARRIED.

**2.12 ECONOMIC DEVELOPMENT  
PUBLIC HEARING**

**LOVELAND URBAN RENEWAL AUTHORITY (LURA) APPROPRIATION FOR PUBLIC IMPROVEMENTS IN THE DOWNTOWN**

This item was considered on the Regular Agenda, Item 5.1.3

**2.13 FINANCE**

**RENEWAL OF A CONTRACT FOR TREE TRIMMING SERVICES**

The purpose of this item is to maintain proper trimming of all trees in the City for esthetic value and to keep trees in good condition and out of right-of-way and electrical overhead lines. These are appropriated funds in the 2018 budget, out of the General Fund and the Power Electrical Enterprise Fund. The funds impacted will be from the following 2018 budgeted funds: Public Works, Parks, Golf and Power Utility. The balance of the contract is a contingency amount for emergencies and Code Enforcement.

***A Motion To Adopt Resolution #R-119-2017, A Resolution To Approve Renewal Of A Contract For Tree Trimming Services***

CARRIED.

**2.14 HUMAN RESOURCES**

**CITY EMPLOYEE MEDICAL STOP LOSS INSURANCE CARRIER**

The purpose of this item is to adopt a resolution that will authorize the City Manager to renew the current contract in the amount of \$1,632,000 with Sun Life Financial to provide insurance coverage for claims over the \$175,000 deductible. There will be no impact on current unassigned fund balance within the Employee Benefits Fund due to these funds being already appropriated in the 2018 Budget.

The portfolio decreased in value by \$288,000 in October 2017, increasing the unrealized loss in the portfolio to \$1,526,468. The City's combined fund balances now exceed \$240 million and the investment program strives to earn competitive returns within state law and City investment policy guidelines.

*Information Only*

**2.17 FINANCE  
OCTOBER 2017 FINANCIAL REPORT**

This item was considered on the Regular Agenda, Item 5.1.4

**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.*

Bruce Croussant, Loveland resident, proposed a modification of meeting procedure; remove the Pledge of Allegiance from the Regular Council meetings.

Larry Sarner, Loveland resident, expressed concern over the use of sales tax for the purpose of operations and management in the City.

**5. 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.*

**5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**5.1.1 DEVELOPMENT SERVICES  
PUBLIC HEARING  
CENTERRA 222 REZONING**

Noreen Smyth, Senior Planner, presented this item to Council. This is a consideration of an ordinance set to rezone a 4.654-acre portion of Tract A of the Savanna Second Subdivision from Millennium Planned Unit Development (PUD) to I Industrial. The proposal concerns an industrial area of Centerra on the east side of N. Boyd Lake Avenue, west of Rocky Mountain Avenue, and north of The Lakes residential development. The tract is split zoned I Industrial and Millennium Planned

Moved by Councilor Jersvig, seconded by Councilor Clark

***A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Loveland Traffic Optimization Project***

CARRIED UNANIMOUSLY, 9 - 0.

### **5.1.3 ECONOMIC DEVELOPMENT**

#### **PUBLIC HEARING**

#### **LOVELAND URBAN RENEWAL AUTHORITY (LURA) APPROPRIATION FOR PUBLIC IMPROVEMENTS IN THE DOWNTOWN**

Mayor Marsh, explained why she pulled this item from the Consent Agenda and how the funds can be spent and has no errors in how the funds are being sent. The funding would be used for the following purposes:

1. Repair a sidewalk on 4th Street due to the discovery of a significant void underneath the concrete. The work is being done in conjunction with the improvements to the Valentine building at 214 E. 4th Street. (attachment 2 - Reimbursement Agreement)
2. Improve the electrical infrastructure in the vicinity of 4th and Railroad in downtown to accommodate loads and connections for festivals, events and other community activities in the downtown corridor that require electrical power. The infrastructure improvements would include upgrades to existing infrastructure and installation of new infrastructure in the area around this intersection that have power constraints. This infrastructure could include upgrades to transformers, installation of conduit and conductor, installation of electrical outlets and pedestals, and other related electrical equipment.
3. Construct the permanent trash enclosure in Backstage Alley and trash consolidation in Sweetheart Alley.

The appropriation is for \$98,016 from Tax Increment to the Downtown Loveland Urban Renewal Plan Area. This is a 2018 Supplemental Appropriation. If approved, the 2018 Budgeted ending LURA Fund Balance would be decreased by \$98,016 (from \$1,652,404 to \$1,554,388). This item was presented to the Downtown Development Authority (DDA) where they recommended approval of the appropriation for the sidewalk repair, transformer improvements and other items eligible under the URA statute. The DDA passed the recommendation by a unanimous Voice Vote.

Public Comment: Larry Sarner, Loveland resident, spoke regarding his opinion on how to hold board meetings and he expressed concern regarding the board adopting the ordinance when Council may only adopt ordinances

Clay Douglas, City Attorney, stated that budget appropriations are required to be adopted by ordinance and historically the board has adopted ordinances.

Consultants, and the City of Loveland. The 2009 HIP (Heart Improvement Program) Streets Master Plan was adopted to guide and outline improvements that would enhance the Downtown pedestrian and street network, focusing on public spaces, streets, infrastructure, cultural destinations and retail corridors. While much of the existing infrastructure today remains as it was in 2009, new catalysts projects and the desire to have an updated vision to guide redevelopment warrants an addendum to the original plan. The addendum includes thematic materials and patterns that are consistent with recent Downtown redevelopment projects including the Foundry. The modernization sets forth priorities based on the City's vision, public feedback and the ongoing redevelopment efforts. Elements within the plan include enhanced sidewalk pavement and designs, reconfiguration of parking, increased outdoor amenities and multi-modal infrastructure. Staff believes all key issues have been resolved and recommends approval of the plan addendum. The role of City Council is to determine whether the plan as presented will further downtown Loveland's health, safety and welfare. This item has been presented at a Loveland City Council Study Session, Planning Commission, Downtown Development Authority, Loveland Downtown Partnership and Transportation Advisory Board. Development Services has received unanimous recommendations of approval by all Boards and Commissions. Council expressed concern in losing 162 parking spaces and changing from diagonal to parallel parking in the proposed areas. Councilors requested information on how many businesses approved the plan.

Clay Douglas, City Attorney, responded to a concern by Councilor Ball regarding a potential conflict of interest for the Mayor owning property on 4th Street.

Mike Scholl, Economic Development Manager, spoke regarding the Foundry parking garage and overnight parking for downtown residents, which will be available to the public and will be free parking.

Public Comment: Kay Deis, Canyon Collectibles on 4th Street, expressed concern regarding the change to the parking.

Roger Weidelman, Loveland resident, expressed concern regarding the limited parking. Larry Sarner, Loveland resident, expressed concern regarding the funding of the project. Bruce Crouissant, Loveland resident, expressed concern regarding transit and redevelopment within the boundaries.

Council discussed lack of parking, support of the businesses, replacing the infrastructure, and the overall idea of creating a vibrant downtown with walkable streets.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt Resolution #R-122-2017 Approving An Addendum To The Destination Downtown : HIP Streets Master Plan For The City of Loveland***

CARRIED 8 - 1. No Vote: Marsh.

**5.3 FISCAL ADVISOR  
PUBLIC HEARING**

**OIL AND GAS LEASE FOR CITY PROPERTY LOCATED AT THE SOUTHWEST CORNER OF I-25/402 INTERCHANGE**

Brett Limbaugh, Economic Development Director, presented this item to Council. Staff is requesting City Council authorization to enter into a no surface occupancy oil and gas lease with Incline Niobrara Partners, LP (Incline) for subsurface minerals that the City owns at the southwest corner of I-25 and Highway 402. The City would be paid \$82,033.25 within five days of the lease execution and an additional 20% royalty for any hydrocarbon sales during the term of the lease. The lease would permit Incline to begin oil production activities within three years and maintain production activities so long as those activities do not cease for a period of longer than 120 days. Access to the City mineral deposits would not be allowed upon the City owned parcel per the terms of the no surface occupancy lease.

Council discussed the concern regarding the surface rights and the 402 corridor. Public Comment: Sharon Carlisle, Loveland resident, expressed concern regarding the "force pooling" issue. Dick Mallot, Loveland resident, expressed concern regarding an IGA with Johnstown and other cost breaks to the City of Loveland. Pat O'Brien, Loveland resident, asked Council if they had any conflict of interest regarding their votes. Larry Sarner, Loveland resident, spoke regarding the concern over the drill site and the distance to Highway 402.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt, On First Reading, An Ordinance Approving An Oil And Gas Lease Between The City Of Loveland And Incline Niobrara Partners LP***

CARRIED UNANIMOUSLY, 9 - 0.

**5.5 CITY CLERK  
CONSENT AGENDA POLICY**

Beverly Walker, Acting City Clerk, presented this item to Council. In August 2017, Councilors expressed interest in what other communities do about consent agendas. The questions asked of communities were; who may remove a consent agenda item (City Council only or both the public and Council) and once an item is removed where is it then placed in the agenda to be considered? Councilors also requested some historical information regarding the procedures of the consent agenda, which was very difficult to determine since nothing was done through a resolution. However, by reading minutes from meetings in the mid to late 1980's, it was evident that pulled items were discussed prior to the regular agenda items. With a vote of 8 to 1: no vote, Olson; Council directed staff to prepare a resolution amending and restating the rules of procedure to provide that matters pulled from the consent agenda be taken up in the order in which they originally appeared on the consent agenda immediately after the completion of the regular agenda.

***Information Only***