



**MINUTES**  
**LOVELAND CITY COUNCIL SPECIAL MEETING**  
**& STUDY SESSION**  
**Tuesday, December 12, 2017 Council Chambers 5:30 PM**

**COUNCIL PRESENT:**

Marsh, Fogle, Wright, Johnson, Jersvig, Overcash, Ball, Clark, Olson.

**SPECIAL MEETING**

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 ROLL CALL**

**2. AGENDA**

**PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to the item/s on the 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.*

**2.1 HUMAN RESOURCES**

**MUNICIPAL JUDGE PERFORMANCE EVALUATION WITH POSSIBLE EXECUTIVE SESSION**

Geri Joneson, Municipal Court Judge, presented her quarterly reports to Council. The purpose of the reports are to update Council on any trends the Court sees regarding the types and volume of cases filed in Municipal Court, as well as inform Council of any major changes in Court procedures, legislation, employee status, etc., that may affect Municipal Court. Judge Joneson explained Teen Court and the collaboration with the Thompson School District. Judge Joneson stated, that no other Municipal Court has a Jump Start program, which works with homeless and those at risk of homelessness to defer court fees. State Representative, Hugh McKean, is working to create a State Jump Start program,

Judge Joneson will be testifying on a pre-file bill. Council expressed appreciation for the presentation.

This item is also when Council conducts the Municipal Judge's quarterly performance review meeting, which includes an executive session to discuss personnel matters.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A motion for the Loveland City Council recess into executive session, pursuant to City of Loveland Charter section 4-4:***

***•To receive information and discuss personnel matters, including review, evaluation, deliberation, and discussion as authorized by CRS § 24-6-402(4)(f)(I) and Charter Section 4-4(c)(5), regarding evaluation of Geri Joneson, Municipal Court Judge; and***  
***•To consider and discuss documents and materials related to these personnel matters that are not subject to public inspection under the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g) and Charter Section 4-4(c)(3)***

CARRIED UNANIMOUSLY, 9 - 0.

Council recessed into Executive Session at 6:05 p.m.

Council reconvened from Executive Session at 6:35 p.m.

## 2.2 FINANCE

### PUBLIC HEARING

#### 2017 YEAR-END WRAP UP SUPPLEMENTAL BUDGET PACKAGE

Matthew Elliott, Senior Budget Analyst, presented this item to Council. At the end of each year, staff brings a year-end budget "wrap-up" ordinance to address unresolved budget items remaining at year-end to ensure there are sufficient appropriations available to meet projected expenditures. A detailed summary of the 2017 year-end budget wrap-up items can be found on Attachment 1. The aggregate requests are as follows:

1. \$92,301 – De-Appropriation Corrections (net appropriation increases that result in reduction to Unassigned Fund Balance)
2. \$308,009 – New Appropriations without Offsetting Revenue (net appropriation increases that result in reduction to Unassigned Fund Balance)
3. \$132,138 – New Appropriations with Off-setting Revenue (appropriation increases with 100% off-setting revenue, resulting in no impact to Unassigned Fund Balance)  
\$532,448 – Total New Appropriations - \$132,138 of this amount is off-set by new revenue, making the net impact to Unassigned Fund Balance \$399,831 (\$89,409 of which is from the Streets CEF Fund Unassigned Fund Balance and \$310,901 is from the General Fund Unassigned Fund Balance).
4. \$2,429,006 – Transfers from One Fund or Departmental to Another (associated appropriation changes to affect transfers by Fund or Department, but no net Citywide impact)

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion to Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Year-End Appropriations***

CARRIED UNANIMOUSLY, 9 - 0.

**2.3 FISCAL ADVISOR**

**CHANGES TO THE ANNUAL INCREASES IN CAPITAL EXPANSION FEES  
PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE**

Alan Krcmarik, Executive Fiscal Advisor, presented this item to Council. This item is returning to Council as a revised Ordinance due to a procedural oversight in amending, but failing to adopt, a previous version. On December 5, 2017, City Council denied a motion to adopt an ordinance suspending all Capital Expansion Fee ("CEF") increases and maintaining such increases at the 2017 level (Note: the Street CEF was excepted from the suspension but the index to which it is tied had a 0% increase between 2017 and 2018).

On reconsideration, Council amended the ordinance to suspend only the Fire CEF increase to fulfill its obligation under an intergovernmental agreement with the Loveland Fire Rescue Authority. However, Council failed to adopt the ordinance, as amended. As a result, staff is presenting this ordinance to suspend only the Fire CEF.

The Capital Expansion Fees ("CEFs") are imposed on development within the City to provide a source of funding for new and expanded capital facilities associated with growth. The City of Loveland Municipal Code, Section 16.38.110, provides the fees are to be adjusted annually effective January 1st of each year on the basis of the percentage change in specified indices. The Loveland Fire Rescue Authority requested that the Fire CEFs for single-family residential, multi-family residential, commercial, and industrial projects not be adjusted because the Authority has negotiated consistent impact fees with other jurisdictions it serves. A second reading of this ordinance is scheduled for December 19, 2017.

Public Comment: Larry Sarner, Loveland resident, expressed concern regarding parliamentary procedures to take action on the ordinance.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Suspend The Rules of Procedures To Take Action On First Reading Of The Ordinance***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***A Motion to Adopt, On First Reading, An Ordinance Regarding Changes To The Annual Increases In Capital Expansion Fees Pursuant To Section 16.38.110 Of The Loveland Municipal Code For 2018***

CARRIED 5 to 4, No Votes: Overcash, Jersvig, Clark, Olson.

**3. ADJOURN**

Mayor Marsh adjourned the December 12, 2017 Special Meeting at 7:00 p.m.

**4. STUDY SESSION**

Mayor Marsh called the Study Session to order at 7:05 p.m.

**4.1 CITY MANAGER**

**BROADBAND UPDATE**

Briana Reed-Harmel, Senior Electrical Engineer and Project Manager for the Broadband Feasibility Study, along with consultants Colman Keane, Electric Power Board of Chattanooga; Jill Mosteller, Insights2Use LLC; and John Honder, Megellan Advisors presented this item to Council. The purpose of this meeting is to have another open discussion with City Council to provide information and answer questions regarding the broadband initiative in Loveland. All information in staff's presentation will be made available to City Council and the public in advance of the meeting. During this open discussion, staff would like to receive direction from Council on where they would like to go with the immediate next steps now that the Feasibility Analysis is complete.

Staff's presentation (Attachment 6) will include the results of the Conjoint Take-Rate Survey, the final financial modeling information, an update on the RFP process for a public-private partnership and further options and next steps for the viable business models. On November 3, 2015, 82% of Loveland citizens voted in support of Ballot Issue 2C. The passage of this ballot measure effectively overturned Loveland's restrictions imposed through Senate Bill 152 (SB 152) and allows the City of Loveland to investigate alternatives for promoting broadband options while considering the needs and desires of our community. The passage of this ballot measure did not commit the City to providing broadband services, nor does it make such services available immediately.

Staff have been engaged in providing additional information to City Council related to the City's Broadband Feasibility Study. Multiple packets of information were released in the second quarter of 2017 to address questions from Council. Information on Loveland's Broadband Initiative can be found online at [www.cityofloveland.org/broadband](http://www.cityofloveland.org/broadband).

Councilors asked the panel questions regarding costs and discussed concerns. Council, with a Rule of 4, Ball, Johnson, Fogle and Wright, requested to have an action item at a future meeting. The Council, with another Rule of 4, Clark, Overcash, Jersvig and Olson, will hold a Study Session with providers to address the Council's concerns. Council had consensus to direct staff to draft a letter to invite the ten

providers that submitted an RFP to attend a Study Session and address concerns and present their alternative plans. Staff clarified that there would be a Study Session first and then it would be an action item at a following meeting.

*Information Only*

**4.2 WATER & POWER  
PRESENTATION BY PLATTE RIVER POWER AUTHORITY: NET ZERO CARBON  
MODEL**

Jason Frisbee, CEO of PRPA; Gary Vicinus, with PACE; Pat Connors, VP of Operations; Joe Wilson, General Counsel; Mike Jones, and Paul Davis, PRPA staff; presented this item to Council. In July 2017, the Platte River Board of Directors agreed to model a zero net carbon electric generating resource scenario for all four municipalities and communicate the results of the study to stakeholders and the public. This presentation summarizes the results of that study.

*Information Only*

**5. ADJOURN**

**Mayor Marsh adjourned the December 12, 2017 Study Session at 11:30 p.m.**

Respectfully Submitted,



  
Beverly A. Walker, City Clerk

  
Jacki Marsh, Mayor

