



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, January 2, 2018 CITY COUNCIL CHAMBERS 6:00 PM**

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

**COUNCIL ABSENT:** Fogle, Ball and Johnson

**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 end 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.*

Moved by Councilor Jersvig, seconded by Councilor Clark

***A Motion to approve the Consent Agenda items 2.1 to 2.12 with the exception of item 2.10 pulled by Councilor Jersvig.***

**CARRIED UNANIMOUSLY, 6 - 0.**

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council Minutes for the December 12, 2017 Special Meeting and Study Session and the December 19, 2017 Regular Meeting

***A Motion to Approve the City Council Minutes for the December 12, 2017 Special Meeting and Study Session and the December 19, 2017 Regular Meeting***

CARRIED.

**2.2 CITY CLERK  
CALL FOR A SPECIAL MEETING ON JANUARY 9, 2018 AT 5:30 PM WITH POSSIBLE EXECUTIVE SESSION**

This action is for City Council to approve the call for a Special Meeting on January 9, 2018 at 5:30 PM for the purpose of taking action on the City Manager's quarterly performance meeting with a possible executive session.

***A Motion Calling For A Special Meeting On January 9, 2018 At 5:30 PM For The Purpose Of Conducting The City Manager's Quarterly Performance Meeting; And Beginning At 6:30 PM For Other Items To Be Noticed***

CARRIED.

**2.3 CITY CLERK  
APPOINTMENTS TO BOARDS AND COMMISSIONS**

This item is the recommendation to Council to appoint members to the following Boards and Commissions:

Parks and Recreation Commission, Visual Arts Commission, Citizens' Finance Advisory Commission, Library Board, and the Police Citizens Advisory Board

***1) A Motion To Reappoint Brett Dowgin To The Parks and Recreation Commission For A Term Effective Until December 31, 2020***

***2) A Motion To Appoint Shane McWatter To The Parks and Recreation Commission For A Term Effective Until December 31, 2018 (CORRECTION: Term Effective Until December 31, 2020)***

***3) A Motion To Appoint Jessica Hinterberg To The Parks and Recreation Commission For A Term Effective Until December 31, 2020 (CORRECTION: Term Effective Until December 31, 2018)***

***4) A Motion To Appoint Kyle Regan To The Parks and Recreation Commission For A Term Effective Until December 31, 2020***

- 5) ***A Motion To Appoint John Bradley As An Alternate To The Parks and Recreation Commission For A Term Effective Until December 31, 2020***
- 6) ***A Motion To Re-appoint Maryjo Morgan To The Visual Arts Commission For A Term Effective Until December 31, 2020***
- 7) ***A Motion To Re-Appoint Jade Windell To The Visual Arts Commission For A Term Effective Until December 31, 2019***
- 8) ***A Motion To Appoint Angela Brill To The Visual Arts Commission For A Term Effective until December 31, 2020***
- 9) ***A Motion To Re-appoint Carolyn Grulke to the Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2020***
- 10) ***A Motion To Appoint Kevin Cox To The Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2020***
- 11) ***A Motion To Appoint Barbara Cogan To The Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2019***
- 12) ***A Motion To Appoint Sarah Wheeler To The Library Board For A Term Effective Until December 31, 2022***
- 13) ***A Motion To Appoint Kandi Smith To The Library Board For A Term Effective Until December 31, 2019***
- 14) ***A Motion To Appoint Cyndi Gueswel To The Library Board For A Term Effective Until December 31, 2018***
- 15) ***A Motion To Appoint Mary Willard As An Alternate To The Library Board For A Term Effective Until December 31, 2018***
- 16) ***A Motion To Re-appoint Pat Kistler To The Police Citizens Advisory Board For A Term Effective Until December 31, 2020***
- 17) ***A Motion To Re-appoint Erin Frisch To The Police Citizens Advisory Board For A Term Effective Until December 31, 2020***
- 18) ***A Motion To Re-appoint John Tindall To The Police Citizens Advisory Board For A Term Effective Until December 31, 2020***
- 19) ***A Motion To Appoint Gary Gardner To The Police Citizens Advisory Board For A Term Effective Until December 31, 2018***

***20) A Motion To Appoint Roger Tropf As An Alternate To The Police Citizens Advisory Board For A Term Effective Until December 31, 2018***

CARRIED.

**2.4 ECONOMIC DEVELOPMENT  
PUBLIC COMMENT  
APPROVAL OF THE 2018 LOVELAND DOWNTOWN DEVELOPMENT  
AUTHORITY (DDA) BUDGET**

This is an administrative action to approve the fiscal year 2018 budget for the Downtown Development Board (DDA). The 2018 budget recommended to Council by the DDA Board is a zero budget. On November 7, 2017, the ballot issue submitted to the voters authorizing debt authority was approved. State statute requires approval of a budget each fiscal year by the DDA Board and City Council. This item was reviewed by the DDA Board at a special meeting on November 27, 2017 and a motion was passed to "approve Resolution DDA 2017-6 approving and recommending to the City Council the proposed Loveland Downtown Development Authority Budget of estimated business expenses and appropriation to funds for the fiscal year ending December 31, 2018". The motion passed unanimously. This item was presented to City Council on December 19, 2017 where the ordinance was adopted, on first reading, with a 9 to 0 Vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6175 Adopting The 2018 Budget For The Loveland Downtown Development Authority (DDA)***

CARRIED.

**2.5 LIBRARY  
PUBLIC HEARING  
CHANGES TO SECTION 2.60.160 OF THE LOVELAND MUNICIPAL CODE, ADDING A  
YOUTH MEMBER TO THE LOVELAND PUBLIC LIBRARY BOARD**

The purpose of this item is to consider the approval of an ordinance, on first reading, amending Section 2.60.160 of the Loveland Municipal Code. The Loveland Public Library Board unanimously recommends that City Council amend the Code to provide for a designated slot for a high school student representative. The Loveland Public Library Board unanimously approved a recommendation to the City Council that Section 2.60.160 of the Loveland Municipal Code be amended to provide a designated position for a high school student representative on the Loveland Public Library Board at their meeting held on October 26, 2017 with a 7 to 0 Vote.

***A Motion To Adopt, On First Reading, An Ordinance Amending Section 2.60.160 Of The Loveland Municipal Code Pretaining To The Library Board***

CARRIED.

**2.6 PUBLIC WORKS  
PUBLIC HEARING  
RAILROAD AVENUE FLOOD RECOVERY PROJECT CDBG-DR GRANT AGREEMENT  
AND APPROPRIATION**

The Colorado Division of Homeland Security and Emergency Management (DHSEM) informed the City of Loveland on October 20, 2015 that it had been awarded funding from the second allocation of the Community Development Block Grant - Disaster Recovery (CDBG-DR) Infrastructure program. Funding in the amount of up to \$500,000 has been allocated to assist the City with the Railroad Avenue project. DHSEM is serving as the grant manager for the U.S. Department of Housing and Urban Development's (HUD) CDBG-DR program administered by the Colorado Department of Local Affairs (DOLA). City Council approval is necessary to accept the CDBG-DR grant. The grant is intended to partially reimburse the City for the construction costs associated with the Railroad Avenue Flood Recovery Project. Project funding within the existing Railroad Avenue right-of-way was initially provided through 91.395% Federal Highway Administration/State funding and 8.605% local matching (City) funds. Project funding outside of the existing Railroad Avenue right-of-way was initially provided exclusively through City funding. The CDBG-DG grant stipulates that funding is to be utilized only on improvements outside of the regulatory floodway or permanent removals within the floodway. The grant funding will reimburse the City for local match funding (8.605%) of the Railroad Avenue Flood Recovery Project construction outside of the floodway, 100% of the funding for the removal of portions of Fire Engine Red Street and 100% of the funding for the construction of the Fire Training Ground emergency access. The current construction estimate for the Railroad Avenue Flood Recovery Project is approximately \$3.65 million, of which approximately \$529,000 of the construction cost is eligible towards the CDBG-DR grant. New, unbudgeted grant revenue fully off-sets estimated project costs. Grant is reimbursement based and will fully off-set actual expenditures. This budget ordinance has no impact to fund balance.

***A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For A Community Development Block Grant – Disaster Recovery Grant For The Railroad Avenue Flood Recovery Project***

CARRIED.

**2.7 DEVELOPMENT SERVICES  
PUBLIC HEARING  
DRAKE LOVELAND COMMONS VACATION**

The City is reviewing a minor subdivision plat and several associated applications for property located at the southeast corner of North Garfield Avenue and East 57th Street. (See Attachment 1 and Attachment 3 for legal description). The property is approximately 3.69 acres and is proposed as a commercial development. There is an access and utility easement along the southern property line that was established to

provide emergency access and a utility corridor to the property. Based on the design of the commercial development, a portion of this easement measuring approximately 348 square feet is no longer necessary and the applicant is requesting that it be vacated within the property boundaries. On December 11, 2017, the Planning Commission voted unanimously, with a 6 to 0 vote, to approve this item to go before City Council.

***A Motion To Adopt, On First Reading, An Ordinance Vacating Portions Of An Access, Emergency Access, Drainage And Utility Easement Located On, Over And Across A Portion Of Lot 3, Block 1, Wagner First Subdivision, City Of Loveland, County Of Larimer, State Of Colorado***

CARRIED.

## 2.8 DEVELOPMENT SERVICES

### PUBLIC HEARING

#### KELLY-COFFMAN HOUSE FOR LOCAL HISTORIC LANDMARK DESIGNATION

Under 15.56.010 of the Loveland Municipal code, the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. Historic Landmark Designation of significant local properties build community pride and result in an improved physical appearance of the community and increased revenue. This item was presented to the Historic Preservation Commission Meeting on November 20, 2017, where it was approved unanimously with a 5 to 0 Vote, with 3 Commissioners absent.

***A Motion To Adopt, On First Reading, An Ordinance Designating As A Historic Landmark The Kelley-Coffman House Located At 1410 North Garfield Avenue In Loveland, Colorado***

CARRIED.

## 2.9 CITY CLERK

### 2018 MEETING NOTICES POSTING LOCATION

The purpose of this item is to adopt a resolution that will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the City of Loveland's written notices in the year 2018. The resolution also designates the City Fire Administration Building as an Emergency Posting location if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause.

***A Motion To Adopt Resolution #R-1-2018 Establishing The Location For The Posting Of City Of Loveland Notices***

CARRIED.

**2.10 DEVELOPMENT SERVICES  
PUBLIC HEARING**

**THREE MILE PLAN FOR THE CITY OF LOVELAND**

This item was considered on the Regular Agenda, Item 5.4.1

**2.11 FINANCE**

**APPROVAL OF A CONTRACT FOR ASPHALT PRODUCTS**

The purpose of this item is to maintain the ability to purchase asphalt products for street rehabilitation and patching, and parking lot patching and rehabilitation. Funds have been appropriated in 2018 for Water and Power and Public Works.

***A Motion To Adopt Resolution #R-4-2018 To Approve A Contract For Asphalt Product Purchases***

CARRIED.

**2.12 LOVELAND POLICE DEPARTMENT**

**NORTHERN COLORADO DRUG TASK FORCE INTERGOVERNMENTAL AGREEMENT**

The purpose of this item is to adopt the Intergovernmental Agreement ("IGA") (Exhibit A to Resolution #R-6-2018 ), which addresses the rights and obligations for each participating law enforcement agency. Continued participation in the NCDTF provides for continued enforcement efforts to combat unlawful distribution of controlled substances and other crimes by collaborating with other state and federal law enforcement agencies. The Executive Board of the NCDTF may adjust the reserve fund maximum threshold set in 2009. In the event the Executive Board leaves the current threshold in place, the City would receive a disbursement under the terms of the 2009 IGA.

***A Motion To Adopt Resolution #R-6-2018 Approving An Intergovernmental Agreement For The City Of Loveland's Participation In The Northern Colorado Drug Task Force***

CARRIED.

**2.13 FISCAL ADVISOR**

**NOVEMBER 2017 INVESTMENT REPORT**

The budget projection for investment earnings for 2017 is \$2,167,387. On the portfolio's 2017 beginning balance, this equates to an annual interest rate of 0.98%. Based on the November 2017 monthly report, the estimated yield on fixed income securities held by US Bank was at 1.53%; for total assets, the yield was 1.48%. For the month, accounting staff posted total earnings of \$303,835 to City fund accounts. The total postings for the year-to-date exceed the annual budget target for investment earnings. U.S. short-term Treasury interest rates had moved sharply

higher from the second week of November 2016 to a peak in March, and then trended downward. In June, after the Federal Open Market Committee raised the federal funds rate by 0.25%, interest rates on short term investments (3 years and shorter) moved higher while longer term rates moved lower. For the last 3.5 months, rates all along the interest rate curve have moved upwards. The Fed increased the Federal Funds rate again in December. The estimated market value at the end of November 2017 is \$236.5 million. Proceeds, approximately \$12 million, from the lease financing for the downtown parking facility are included in the total. The portfolio decreased in value by \$668,400 in November, increasing the unrealized loss in the portfolio to \$2,194,840. The City's combined fund balances now exceed \$236 million and the investment program strives to earn competitive returns within state law and City investment policy guidelines.

*Information Only*

**2.14 FINANCE  
NOVEMBER 2017 FINANCE REPORT**

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of November 30, 2017. Citywide Revenue of \$279.3 million is 76.9% of total annual budget. Sales Tax collections November YTD are 5.6% above November 2016 YTD, and 91.3% of the total annual budget. Building Material Use Tax collections for November are 8.9% below November 2016 YTD, and 72.5% of the total annual budget. Sales and Use Tax collections combined are 90.0% of total annual budget. Citywide total expenditures of \$270.8 million are 88.1% of the total annual budget.

*Information Only*

**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 Croissant, Loveland resident, thanked Council for their service, the park workers and volunteers for taking care of the landscaping. He also spoke in support of a sales tax increase for maintaining the parks.

**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 PUBLIC WORKS**

**NORTH FRONT RANGE REGIONAL WASTESHED COALITION UPDATE**

Mick Mercer, Streets and Solid Waste Manager; Todd Blomstrom, Larimer County Public Works Director; Ron Gilkerson, Larimer County Solid Waste Project Director, presented this item to Council. Project leaders representing the North Front Range Regional Wasteshed Coalition updated City Council about progress made in developing a long-term Solid Waste Management Plan for regional waste disposal and resource recovery. Coalition members are comprised of Elected Officials and staff from the cities of Loveland and Fort Collins, Town of Estes Park and Larimer County. The Coalition was formed in 2015 to explore options for managing municipal solid waste streams in preparation for the closure of the Larimer County Landfill, anticipated to occur in 2025. The Larimer County Landfill was first created in the early 1970's, when land and construction costs were low and environmental regulations were much less stringent. Accordingly, Larimer County residents and businesses have benefited from these low disposal costs for the past 50 years. Once the landfill is filled to capacity in approximately 2025 and closes for good, it is a near-certainty that our waste management and disposal costs will increase, perhaps significantly, following landfill closure. This item was presented at the Q4 Meeting of the Policy Advisory Committee/NFR Regional Wasteshed Coalition held on December 8, 2017. This item was also presented to the Larimer County Elected Officials meeting held on August 31, 2017. This informational meeting was to inform Johnstown, City of Loveland, Town of Berthoud, Estes Park, Windsor, and Larimer County about the Wasteshed Coalition work. The presentation given by the Wasteshed Coalition project leaders was an informational update about the Coalition's work to date, including the agenda items below. (SROI stands for Sustainable Return On Investment analysis—i.e. a Triple Bottom Line Analysis of each of the potential waste/recycling/composting infrastructure options being reviewed.) Council asked for the formula for the SROI. Council expressed concerns about what the impacts would be to Loveland's waste management facility. Staff addressed this by stating, agreements will provide for waste to be taken to other facilities. The County wants to provide a central location to take waste to as a transfer station, which is the current landfill at the Taft Avenue location. The proposed time frame will be, in the next 12 months come up with the plan and start the design process in 3 years. Public Comment was not given.

*Information Only*

**5.2 PUBLIC WORKS**

**PUBLIC COMMENT**

**SUPPLEMENTAL APPROPRIATION FOR GRANT AGREEMENT WITH COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR LOVELAND TRAFFIC OPTIMIZATION PROJECT**

Rod Wensing, Deputy City Manager and Daniel Benhammou, CEO of Acyclica presented this item to Council. The Colorado Department of Transportation administers Federal funds for local agency projects such as this Traffic Optimization project. This agreement defines City of Loveland and Colorado Department of Transportation responsibilities related to this project. If approved, the City will receive \$380,000 in Federal funding to minimize vehicle delay on City operated corridors. The money will be used to purchase traffic operations equipment, data collection equipment, and adaptive signal software. This project is funded 100% by a Federal Air Quality and Congestion Mitigation grant. City matching funds are not required. There is no impact to fund balance. This item was presented to the Loveland City Council on December 5, 2017, where it was adopted, on first reading, with a unanimous Vote of 9 to 0. Council expressed concerns regarding public privacy, which was explained by Mr. Benhammou, how the technology works with signals from wifi devices and how the data is anonymized or encrypted. Bill Hange, Traffic Engineer, addressed Council's question; the City will own the equipment and the cost to maintain it. Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Clark

***1) A Motion To Adopt, On Second Reading, Ordinance No. 6169 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Loveland Traffic Optimization Project***

Moved by Councilor Jersvig, seconded by Councilor Clark

CARRIED UNANIMOUSLY, 6 - 0.

***2) A Motion to Adopt a Resolution #R-5-2018 Approving An Intergovernmental Agreement Between the City of Loveland, Colorado and the State of Colorado, Acting By and Through the Colorado Department of Transportation, For the Loveland Traffic Optimization Project***

CARRIED UNANIMOUSLY, 6 - 0.

***RECESS AS LOVELAND CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)***

### **5.3 CITY CLERK**

#### **2018 LOVELAND URBAN RENEWAL AUTHORITY MEETING NOTICES POSTING LOCATION**

Approval of the Resolution will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the Loveland Urban Renewal Authority's written notices in the year 2018. The Resolution also designates the City's Fire Administration Building as an Emergency Posting location if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause. Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Clark

***A Motion To Adopt Resolution #R-2-2018 Establishing The Location For The Posting Of Loveland Urban Renewal Authority Notices***

CARRIED UNANIMOUSLY, 6 - 0.

***ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND RECONVENE AS LOVELAND CITY COUNCIL***

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

**5.4.1 DEVELOPMENT SERVICES  
PUBLIC HEARING**

**THREE MILE PLAN FOR THE CITY OF LOVELAND**

David Eisenbraun, Long Range Planner, presented this item to Council. This public hearing is to formally adopt a Three Mile Plan for 2018. The Three Mile Plan would consist of the City's comprehensive plan, other adopted plans covering infrastructure, services and surrounding areas, and procedures and gives proper legal standing for the City of Loveland to annex. The three-mile plan is a long range planning opportunity for municipalities to consider where they want to annex, how they will provide service in the newly annexed areas, and how they will sustain adequate levels of service throughout the rest of the municipality. It ensures that the municipality will annex land only when it is consistent with pre-existing plans for the surrounding area. The failure to plan specifically for the physical growth of a municipality can result in haphazard annexations that prove expensive to the municipality annexing the land, the county in which the land is located and the neighboring communities. Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Clark

***A Motion To Adopt Resolution #R-3-2018 Adopting A Three Mile Plan For The City Of Loveland, Colorado***

CARRIED UNANIMOUSLY, 6 - 0.

**6. REPORTS**

**6.1 BUSINESS FROM CITY COUNCIL**

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

Overcash: Questioned the Council Special Projects Fund balance, Council discussed the projects that are being funded.

Wright: Attended a show at the Rialto and commended the Cultural Services Department for the great venue.

**6.2 CITY MANAGER REPORT**

Informed Council of his reports for the January 9, 2018 Special Meeting and Study Session

**6.3 CITY ATTORNEY REPORT**

No Report

**ADJOURN**

Mayor Marsh adjourned the January 2, 2018 Regular Council Meeting at 8:10 p.m.

Respectfully Submitted,



  
Beverly A. Walker, City Clerk

  
Jacki Marsh, Mayor