



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, January 16, 2018 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**

**1.4 PROCLAMATIONS AND PRESENTATIONS**

**1.4.1 PROCLAMATION**

**MEALS ON WHEELS OF LOVELAND AND BERTHOUD MONTH**

Councilor Ball presented the proclamation to Jeffrey Pomranka, Executive Director, Meals on Wheels of Loveland and Berthoud; Stu Boyd, Board President, Meals on Wheels of Loveland and Berthoud; Susan Atwater, Development Director, Meals on Wheels of Loveland and Berthoud; Doug Erion, son of Co-founder Lynn Erion; and Elizabeth Harless, former Executive Director

**1.4.2 PROCLAMATION**

**JANUARY 2018 MARTIN LUTHER KING, JR. MONTH**

Councilor Wright presented the proclamation to Dr. George Stevens and Mary Bahus-Meyer members of the Martin Luther King Committee.

**1.4.3 PROCLAMATION**

**THE GREAT KINDNESS CHALLENGE WEEK JANUARY 22-26, 2018**

Councilor Clark presented the proclamation to Rachel Geanious with Garfield Elementary School.

#### 1.4.4 PRESENTATION

##### **BIG THOMPSON WATERSHED COALITION**

**Introduction - Chris Carlson, Presentation - Shayna Jones, BTWC**

A presentation to introduce City Council to the Big Thompson Watershed Coalition (BTWC), which was formed in response to the 2013 Flood. The BTWC's mission is "To protect and restore the ecological health of the Big Thompson Watershed for the use and enjoyment of our community today and for future generations". The City of Loveland was a founding member, contributor, and remains an important partner with the Coalition. City staff currently function in an advisory role on the BTWC's Board of Directors. The purpose of this presentation is to provide an introduction to the Big Thompson Watershed Coalition, share information about current projects and accomplishments, and share about future Coalition programs and initiatives in the watershed that benefit the City of Loveland.

David Jessup, President of the Coalition, also addressed Council regarding the projects and how well the coalition coordinated with other agencies and land owners. Grant money will run out at the end of 2018, the coalition has formed a task force to explore options with stakeholders. Councilors thanked the presenters for the work they have done.

##### ***Information Only***

#### 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 Fogle

***A Motion to approve the Consent Agenda items 2.1 to 2.10 with the exception of item 2.3 pulled by Larry Sarner, Loveland resident.***

CARRIED UNANIMOUSLY, 9 - 0.

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council Minutes For The January 2, 2018 Regular Meeting and the January 9, 2018 Special Meeting and Study Session.

***A Motion to Approve The City Council Minutes For The January 2, 2018 Regular Meeting and The January 9, 2018 Special Meeting and Study Session***

CARRIED.

**2.2 CITY CLERK  
CALL FOR A SPECIAL MEETING ON JANUARY 23, 2018 AT 6:30 PM AND A CALL FOR A STUDY SESSION ON JANUARY 30, 2018**

This action is for City Council to approve the call for an Executive Session on January 23, 2018 at 6:30 PM for the purpose of receiving information and discuss a Personnel matter. This action is also for City Council to approve the call for a Study Session on January 30, 2018 for the purpose of the Broadband Incumbent Presentations.

***1) A Motion Calling For A Special Meeting On January 23, 2018 At 6:30 PM with a Possible Executive Session***

CARRIED.

***2) A Motion Calling For A Study Session To Be Held On January 30, 2018 at 6:30 PM***

CARRIED.

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

This item was to be considered on the Regular Agenda, Item

**2.4 PUBLIC WORKS  
PUBLIC COMMENT  
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. This item was presented to City Council on January 2, 2018, and it was adopted, on first reading, with a 6 to 0 Vote.

***1) A Motion To Adopt, On Second Reading, Ordinance No. 6177 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) A Motion to Adopt Resolution #R-7-2018 Authorizing The City Manager To Execute The Community Development Block Grant Disaster Recovery Resiliency Planning Grant Agreement (Project No. CDBGDR2-LOV-03) Between The City Of Loveland And The Colorado Department Of Public Safety, Division Of Homeland Security And Emergency Management***

CARRIED.

**2.5 DEVELOPMENT SERVICES  
PUBLIC COMMENT  
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. This item was presented to City Council on January 2, 2018 where it was adopted, on first reading, with a 6 to 0 Vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6178 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.

**2.6 DEVELOPMENT SERVICES  
PUBLIC COMMENT**

**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. This item was presented to City Council on January 2, 2018 where it was adopted, on first reading, with a 6 to 0 Vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6179 Designating As A Historic Landmark The Kelley-Coffman House Located At 1410 North Garfield Avenue In Loveland, Colorado***

CARRIED.

**2.7 PUBLIC WORKS  
WEST 4TH STREET BICYCLE AND PEDESTRIAN SAFETY IMPROVEMENTS  
INTERGOVERNMENTAL AGREEMENT WITH COLORADO DEPARTMENT OF  
TRANSPORTATION**

The City of Loveland has been awarded a grant totaling \$298,850 from the Colorado Department of Transportation's Safe Routes to School program. The grant will be used by Public Works to construct bicycle and pedestrian safety improvements near Bill Reed Middle School in downtown Loveland. City Council approval is necessary to authorize the Intergovernmental Agreement (IGA) and accept the grant. \$74,713 is the 20% City match required by CDOT; \$154,637 is over-match to make the project whole; \$229,350 is the City's total contribution. The City's full contribution is already appropriated in 2018. Total project cost for the West 4th Street Bicycle and Pedestrian Safety Improvement Project is \$528,200. There will not be any impact on unassigned fund balance.

***A Motion to Adopt Resolution #R-8-2018 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 West 4th Street Bicycle and Pedestrian Safety Improvements Project and Authorizing the City Manager to Execute the Agreement***

CARRIED.

## 2.8 PUBLIC WORKS

### AWARD OF 2018 FLEET FUEL CONTRACT

Rather than bid this service specifically for the amount of fuel used by the City of Loveland, we cooperatively add our volume with the Colorado Multiple Assembly of Procurement Officials (MAPO) to get a better bid result. Annually, Fleet Management evaluates crude oil markets and the fuel supply infrastructure along with fuel delivery options. To minimize financial risk and/or negative budget impact to the City of Loveland, Fleet Management locks product pricing per gallon for twelve months during lowest annual cyclical averages (usually occurs in January). This contract with Hill Petroleum for \$1,400,000 is for 2018 diesel and unleaded fuel purchases from February 1, 2018 to January 31, 2019 at various City locations including the City of Loveland Service Center [main fueling center], golf courses, water and wastewater treatment plants, and the Northern Colorado Regional Airport. Budget dollars are available in various departments with the bulk (\$1.4 million) in the Public Works Fleet Management Operations Fund. Should City Council approve this recommended award of contract and fuel prices remain favorable, City staff intends to pursue the price lock in option.

***A Motion To Adopt Resolution #R-9-2018 Authorizing The Award 2018 Fleet Fuel Contract To Hill Petroleum and Authorizing the City Manager to Execute The Contract***

CARRIED.

## 2.9 COMMUNITY PARTNERSHIP OFFICE THE EDGE PERMANENT SUPPORTIVE HOUSING

The purpose of this item is to approve a \$20,000 allocation from the Community Housing Development Fund to the Loveland Housing Authority (\$10,000 to be allocated in 2017, and \$10,000 in 2018) to continue the City's support of a Case Manager for The Edge program that supports formerly homeless veterans. These would be the second and third/final \$10,000 annual allocations, originally discussed by City Council in September 26, 2017 to support this program. The first \$10,000 was approved by Council with a supplemental appropriation on December 13, 2016 (**attachment 4** Ordinance No. 6074). If approved, the City will enter into a Grant Agreement with the Loveland Housing Authority that would provide it with \$10,000 in funding for 2017 and \$10,000 in funding for 2018 to support the position. The \$20,000 was appropriated by City Council into the Community Housing Development Fund and is available for allocation (**attachment 2**). There will be no impact to unassigned fund balance. The 2018 appropriation is coming from existing 2018 appropriations and the 2019 appropriation will be included within the 2019 budget if the ordinance is approved. This item was presented to City Council at a Study Session held on September 26, 2016. More information was requested from Council on the three financial requests. This item was also presented to the Affordable Housing Commission on November 9, 2017 where the Affordable Housing Commission unanimously agreed that The Edge program should receive \$10,000 per year for two years. This item was also presented to the Human Services Commission on January 4, 2018, where the Human Services Commission unanimously agreed that The Edge program should receive the funding.

***A Motion To Adopt Resolution #R-10-2018 Approving A Grant To The Housing Authority Of The City Of Loveland To Continue The City Of Loveland's Support Of The Case Management Program At The Edge Affordable Housing Development***

CARRIED.

## **2.10 LOVELAND POLICE DEPARTMENT**

### **LARIMER COUNTY JUVENILE ASSESSMENT CENTER AND JUVENILE TRANSPORT SERVICES INTERGOVERNMENTAL AGREEMENT**

The purpose of this item is to adopt the Intergovernmental Agreement ("IGA") (Exhibit A to Resolution #R-11-2018), which addresses the rights and obligations for each participating agency. Continued utilization of the Hub provides a physical location capable of holding juveniles and the provision of necessary ancillary services such as assessment and screening of juveniles. The City's 2018 projected cost of Hub utilization is \$18,840. The Police Department included \$20,000 for "HUB Annual" and \$50,000 for "HUB" Transports" commitments in the 2018 Adopted Budget. No additional funds are needed.

***A Motion To Adopt Resolution #R-11-2018 Approving An Intergovernmental Agreement For The City Of Loveland's Utilization Of The Larimer County Juvenile Assessment Center And Associated Juvenile Transportation Services***

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.*

Lisa Haines, Loveland resident, expressed concern regarding House of Neighborly Service's Articles of Incorporation and Bylaws.

Glorie Magrum, House of Neighborly Service (HNS) Executive Director, spoke in support of HNS and the sustainability of the organization and has not heard of discrimination complaints.

Kevin Cox, Pastor, Loveland resident and previous HNS Board Member, spoke in support of HNS and the services they provide.

*Council discussed the issue of City grants going to HNS if there has been complaints due to discrimination or prostititizing.*

Darren Barrett, Loveland resident, expressed concern regarding broadband and the public misconceptions.

Larry Sarner, Loveland resident, spoke regarding the collection of sales taxes and fees in Centerra.

*Brent Worthington, Finance Director, addressed the Council regarding the meeting he had with Mr. Sarner regarding his concerns. Staff could come back to Council with a complete informational item in a Study Session. Council stated they don't want a Study Session, but would like the written explanation that was provided to Mr. Sarner.*

Gary Baytha, Loveland resident, spoke regarding Loveland High School swim coach, Kevin Polanski and proposed to Council changing the name of Lake Loveland to Kevin Polanski Lake for one day in his honor.

**Councilor Johnson presented the Proclamation renaming Lake Loveland for one day on January 20, 2018: Kevin Polansky Lake.**

**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.*

**5.1 DISCUSS AND FINALIZE THE 2018 CITY COUNCIL RETREAT AGENDA**

Attached Agenda for January 27, 2018

**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 CITY MANAGER  
CENTERRA UPDATE BY MCWHINNEY REAL ESTATE SERVICES**

Rod Wensing, Deputy City Manager, introduced this item to Council. Troy McWhinney, Chief Investment Officer and Co-Founder; David Crowder, BP of Community Development; Kim Perry, VP of Community Design and Neighborhood Development; Peggy Dowswell, Pinnacle Consulting Group COO; and Alan Pogue, Attorney presented this item to Council. At the November 21, 2017 Loveland City Council meeting, Mayor Pro Tem Overcash invited the McWhinney Group to a future Regular City Council meeting for an update regarding work in progress and information on future plans. Council achieved a rule of 4 by Council Member Clark, Council Member Fogle, and Council Member Olson joining Overcash in this request. The McWhinney Group updated Council with information on the major employers providing over 7,000 jobs at Centerra; the Master Financing Agreement Goals and Objectives; the Centerra Master Plan, which includes more residential, commercial, a Veterans Clinic and land donated for a new fire station.

Many Councilors expressed support for Centerra and thanked the McWhinney's for their support of Loveland's non-profit agencies.

Council would like an annual update from the group.

Mayor Marsh pulled the January 16, 2018 minutes from the Consent Agenda at the February 6, 2018 meeting, but due to time constraints the item was not addressed and it was postponed to the February 13, 2018 Special Meeting in which Mayor Marsh requested that the following statement be added.

*"The Mayor expressed concern over Centerra's \$188,000,000 bond debt; she questioned how Centerra could possibly owe \$188,000,000, given the millions they have received in TIF funds and she expressed concern over the bond debt repayment when TIF revenues expire in 2029."*

Discussion among Councilors resulted in requesting that the McWhinney's response to the above statement be added.

*Alan Pogue and Peggy Dowswell responded with information that the bonds were issued on a tax-exempt basis and in order for the district to sell the bonds, it had to establish a reasonable probability to repay them with the revenues pledged. If they couldn't have done that, they couldn't have gotten a tax exempt opinion and they wouldn't have been able to sell the bonds. The investment bank had thoroughly vetted the bond issue and the offering statement for the bonds, disclosed all information for investors to make their decision to invest. The City of Loveland is not liable for the debt.*

*Information Only*

**6.2 ECONOMIC DEVELOPMENT  
PUBLIC HEARING  
2018 ECONOMIC INCENTIVES FUND APPROPRIATION**

Kelly Jones, Economic Development Director, presented this item to Council. The purpose of this item is to approve a supplemental budget for fiscal year 2018 to fund small economic development incentives, defined as less than \$30,000. With the appropriation and subject to the process outlined in the approved Economic Development Incentive Policy (**attachment 1**), staff can administratively approve economic incentives less than \$30,000. If approved, \$150,000 would be appropriated from the City's Economic Incentive Fund. This item was presented at a Regular City Council meeting held on October 17, 2017 where Council voted, unanimously, to approve the City's Economic Development Strategic Plan and the Incentive Policy. This item was also presented at the Loveland City Council Study Session held on August 22, 2017. The Incentive Policy, approved by Council, called for the creation of a small incentive fund that can be applied administratively. Council also reviewed the plan at a Study Session on August 22, 2017. Public Comment: Larry Sarner, Loveland resident, spoke in opposition to the incentive fund policy.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***1) A Motion To Adopt, On First Reading, An Ordinance Amending Section 3.04.090 Of The Loveland Municipal Code Regarding Appropriations For Public Purposes***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***2) A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City of Loveland Budget For The 2108 Economic Incentives Fund Appropriation***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Johnson, seconded by Councilor Clark

***A Motion to Extend the Meeting End Time to 11:00 p.m.***

CARRIED 6 – 3, No Votes: Ball, Overcash and Fogle

**6.3 HUMAN RESOURCES**

**CONSIDER PERSONNEL MATTERS, INCLUDING RECRUITMENT AND SELECTION OF REGULAR FULL-TIME CITY ATTORNEY AND OPTIONS OR DIRECTION REGARDING INTERIM CITY ATTORNEY APPOINTMENT, WITH POSSIBLE EXECUTIVE SESSION**

The purpose of this item is to allow City Council to discuss personnel matters, related negotiations, and legal matters with the City Attorney and determine viable options for the appointment of an Interim City Attorney. This action will also allow for additional discussion related to the recruitment and selection process for the regular full-time City Attorney position.

Moved by Councilor Jersvig, seconded by Councilor Johnson

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

***To receive information and discuss personnel matters, as authorized by C.R.S. § 24-6-402(4)(f) and Charter Section 4-4(c)(5), regarding recruitment and selection of a regular, full-time City Attorney, appointment of an Interim City Attorney and City Attorney Office staffing, as authorized by C.R.S. § 24-6-402(4)(g) and Charter Section 4-4(c)(3), 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; To determine positions on related issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators as authorized by Charter Section 4-4(c)(1) and C.R.S. § 24-6-402 (4)(e); and To discuss related matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential, as authorized by C.R.S. § 13-90-107(1)(b), C.R.S. §§24-6-402 (4)(c) and Charter Section Charter Section 4-4(c)(3).***

CARRIED UNANIMOUSLY, 9 - 0.

Council reconvened at 10:58 p.m. and gave staff direction to bring their decision to Council for formal action on February 6, 2018.

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

**6.4.1 LIBRARY  
PUBLIC COMMENT**

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

This item will be considered on February 6, 2018 due to time constraints.

**7. REPORTS**

**7.1 BUSINESS FROM CITY COUNCIL**

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

No Reports

**7.2 CITY MANAGER REPORT**

No Report

**7.3 CITY ATTORNEY REPORT**

No Report

**ADJOURN**

**Mayor Marsh adjourned the January 16, 2018 Regular Meeting at 11:00 p.m.**

Respectfully Submitted,



  
Beverly A. Walker, City Clerk

  
Jack Marsh, Mayor