



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, February 6, 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 PRESENTATIONS AND PROCLAMATIONS

1.4.1 PRESENTATION

EMPLOYEE RECOGNITION FROM POLICE DEPARTMENT

Captain Tim Brown presented the certificate to Josh Shafer, Public Works.

1.4.2 PRESENTATION

2018 MISS LOVELAND VALENTINE

Norma Jean Goodheart, Miss Loveland Valentine Chaperone, introduced Ava McQuade, 2018 Miss Loveland Valentine

1.4.3 PROCLAMATION

NATIONAL ENGINEERS WEEK FEBRUARY 18 - 24, 2018

Councilor Wright presented the proclamation to Jeff Bailey, Interim Director of Public Works and Nathan Alburn, Staff Engineer for Water and Power

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 Johnson

A Motion to Approve the Consent Agenda with the exception of Item 2.1 pulled by Mayor Marsh.

CARRIED UNANIMOUSLY, 9 - 0.

**2.1 CITY CLERK
APPROVAL OF MINUTES**

This item was moved to Item 5.6.1 of the Regular Agenda.

**2.2 CITY CLERK
MEMBER APPOINTMENTS TO THE GOLF ADVISORY BOARD**

This is an item appointing and re-appointing members to the Golf Advisory Board.

1) A Motion To Re-Appoint Robert Walkowicz To The Golf Advisory Board For A Term Effective Until December 31, 2020

2) A Motion To Re-Appoint Charlie Dyer To The Golf Advisory Board For A Term Effective Until December 31, 2020

3) A Motion To Appoint Jack Stringer To The Golf Advisory Board For A Term Effective Until December 31, 2020

4) A Motion To Appoint Greg Oehmen As An Alternate To The Golf Advisory Board For A Term Effective Until December 31, 2019

CARRIED.

**2.3 CITY CLERK
APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOARD**

This item is a recommendation to City Council to appoint two Directors to fill the current vacancies on the Downtown Development Authority (DDA) Board. The DDA has a five to eleven member Board of Directors which includes voting positions for a City Council member, and a County representative. If the motion is approved, Jon-Mark Patterson will be appointed to a term effective until June 30, 2021 and Harry Devereaux will be appointed to a term effective until June 30, 2018. Both candidates meet the qualifications for appointment

as defined in C.R.S. Section 31-25-806. This item was presented to the DDA Board on January 15, 2018 where the Board voted, unanimously, in approval of both nominations to fill the two vacant Director positions.

1) A Motion To Appoint Jon-Mark Patterson To The DDA Board For A Term Effective Until June 30, 2021

2) A Motion To Appoint Harry Devereaux To The DDA Board For A Term Effective Until June 30, 2018

CARRIED.

2.4 CITY CLERK

CALL FOR A SPECIAL MEETING TO BE HELD ON FEBRUARY 13, 2018 AT 6:00 PM WITH A POSSIBLE EXECUTIVE SESSION

This item provides a motion calling for a Special Meeting on February 13, 2018. If approved, the City Clerk shall call for a Special Meeting on February 13, 2018 at 6:00 PM for items to be noticed at least twenty-four hours in advance. The item currently anticipated is the Municipal Judge's Quarterly Performance Meeting with a possible Executive Session.

A Motion To Direct The City Clerk To Call For A Special Meeting To Be Held On February 13, 2018 At 6:00 PM For The Purpose Of The Municipal Judge's Quarterly Performance Meeting With A Possible Executive Session

CARRIED.

2.5 ECONOMIC DEVELOPMENT

PUBLIC COMMENT

2018 ECONOMIC INCENTIVES FUND

The purpose of this item is to approve a supplemental budget for fiscal year 2018 and to authorize the City Manager the ability to administratively approve 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 the remaining unassigned fund balance in the Economic Incentives Fund would be \$1,187,288. This item was presented to City Council on October 17, 2018 where Council voted unanimously to approve the City's Economic Development Strategic Plan (**attachment 2**). 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. This item was presented to City Council at the Regular Meeting held on January 16, 2018. Council discussed and staff agreed to provide transparent and timely notifications for administratively approved incentives (less than \$30,000). It was noted that Council can take action at any time to discontinue administratively approved incentives. The ordinances were adopted unanimously, on first reading, with a 9 to 0 Vote.

1) A Motion To Adopt, On Second Reading, Ordinance No. 6180 Amending Section 3.04.090 Of The Loveland Municipal Code Regarding Appropriations For Public Purposes

CARRIED.

2) A Motion To Adopt, On Second Reading, Ordinance No. 6181 Enacting A Supplemental Budget And Appropriation To The 2018 City of Loveland Budget For The 2108 Economic Incentives Fund Appropriation

CARRIED.

**2.6 PUBLIC WORKS
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION FOR FUNDING FOR THE PREPARATION OF THE STATE HIGHWAY 402 ACCESS CONTROL PLAN (ACP)

As part of the on-going efforts related to planning the future for the SH 402 corridor, Council and Staff have identified a number of key components. One of these components is the development of an Access Control Plan (ACP) from US 287 to I-25. The ACP will establish recommendations for defining access management along the corridor to improve safety by defining the level of turning and crossing movements at specific locations. Since each access point creates potential conflicts between through-traffic and traffic using the access, access management typically limits full movement locations to allow drivers passing through an area to have better predictability for travel time. At the same time, the ACP looks at future development in order to create a framework for adequate access, including future turn lanes and intersection control, in order to maintain functional integrity of the overall corridor. This ACP is consistent with the Freedom Parkway project that is currently underway from I-25 to Kersey. The ACP cost is anticipated to be \$200,000. If approved, the remaining unassigned fund balance in the Streets CEF would be \$932,874; if both the 402 ACP and the Transportation Master Plan Update are approved the remaining Streets CEF unassigned balance would be \$682,874. This project has been included in the discussions related to the US 34 PEL, Freedom Parkway ACP, and as part of the City's Overlay Zoning Process. The SH 402 ACP will include updates with City Council, Planning Commission and the Transportation Advisory Board, as well as public open houses. The final ACP will also be brought forward for adoption by City Council.

A Motion To Adopt An Ordinance on First Reading Enacting A Supplemental Budget and Appropriation To The 2018 City Of Loveland Budget For The Preparation Of An Access Control Plan For State Highway 402 From US 287 To I-25 Related To An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation (CDOT)

CARRIED.

**2.7 PUBLIC WORKS
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION FOR FUNDING FOR THE PREPARATION OF UPDATES TO THE CITY'S TRANSPORTATION PLAN, BICYCLE & PEDESTRIAN PLAN, AND TRANSIT MASTER PLAN

The Transportation Plan sets forth the City's anticipated transportation infrastructure needs for the next 20 years. This long-range project plan provides the basis for the calculation of the Capital Expansion Fee rates necessary to fund that infrastructure. The Transportation Plan is updated approximately every five years in order to establish current projections and appropriate fees. The 2035 Transportation Plan was adopted in December 2012. The updated Transportation Plan will forecast out to 2040. This revision is also anticipated to include the addition/merging of the Bicycle and Pedestrian Plan, adopted in 2012, and the Transit Master Plan, adopted in 2009, into a more highly integrated multi-modal Transportation Master Plan. The adopted 2018 City of Loveland Budget includes \$250,000 in General Fund. This supplement adds \$250,000 in Street Capital Expansion Fees to provide the overall funding. If approved, the remaining unassigned fund balance in the Streets CEF would be \$882,874; if both the 402 ACP and the Transportation Master Plan Update are approved the remaining Streets CEF unassigned balance would be \$682,874.

A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Preparation Of Updates To The City's Transportation Plan, Bicycle & Pedestrian Plan, And Transit Master Plan

CARRIED.

2.8 HUMAN RESOURCES

APPOINTMENT OF MOSES GARCIA TO THE POSITION OF ACTING CITY ATTORNEY EFFECTIVE FEBRUARY 24, 2018

The purpose of this item is to appoint current Assistant City Attorney II, Moses Garcia, as the Acting City Attorney, effective February 24, 2018, based on Council direction and to authorize the Mayor to execute an employment agreement consistent with direction provided to negotiators.

A Motion To Adopt Resolution #R-12-2018 Appointing Moses Garcia As The Acting Loveland City Attorney Effective February 24, 2018

CARRIED.

2.9 PUBLIC WORKS

THIRD (FINAL) RENEWAL OF STREET RESURFACING CONCRETE REHABILITATION PROGRAM CONTRACT TO JAG'S ENTERPRISES, INC. FOR THE 2018 STREET RESURFACING PROGRAM, SCHEDULE TA (PROJECT ENSR210)

This item approves renewal of an existing Contract for Concrete Rehabilitation for the 2018 Street Resurfacing Program with JAG's Enterprises, Inc., of Greeley, Colorado in the amount of \$1,600,000 and authorizes the City Manager to execute the contract. The funding for Schedule TA shown below is budgeted in the annual Street Rehabilitation Program. The Contract documents for the 2015 Street Resurfacing Concrete Rehabilitation Program included a clause allowing the renewal of the Contract for three additional years in one-year periods, if beneficial to both parties. This item recommends the third (final) renewal year for

the TA Contract which covers concrete maintenance needs undertaken in advance of asphalt paving operations for City streets. In order to request price increases to prior year contract allowances, the Contractor is required to provide specific information to the City detailing changes in fixed costs associated with the required work. Cost increases are allowed for items that are out of the control of the Contractor (e.g., increases in the costs of raw materials and fuel for equipment). These Contracts are especially sensitive to concrete and asphalt related price increases. Using the provisions of the Contract, the City was able to reach acceptable terms with JAG's Enterprises, Inc., with minimal increases in unit prices. Funds for this contract are included in the 2018 Street Rehabilitation Program and were included in the adopted City of Loveland 2018 Budget. This item was presented to City Council at the April 4, 2017 regular meeting where a resolution was adopted with an 8 to 0 Vote authorizing the Second Renewal of Street Resurfacing Concrete Rehabilitation Program Contract to JAG's Enterprises, Inc. for the 2017 Street Resurfacing Program.

A Motion To Adopt Resolution #R-14-2018 Authorizing The Third And Final Renewal Of Street Resurfacing Concrete Rehabilitation Program Contract To Jag's Enterprises, Inc. For The 2018 Street Resurfacing Program, Schedule TA (Project ENSR210)

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. Ashley Kasperzac, Loveland resident, expressed concern over House of Neighborly Service's direction and combining Faith with operations.

Greg Snyder, Loveland resident, expressed appreciation for Mayor Marsh's stances and concern regarding special interest groups.

Bruce Croissant, Loveland resident, expressed concern regarding saying the Pledge of Allegiance at City Council meetings.

**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 CITY MANAGER
PUBLIC HEARING
MUNICIPAL BROADBAND SERVICE**

Briana Reed-Harmel, Senior Electrical Engineer and Project Manager for the Broadband Feasibility Study, presented this item to Council. Consultant Coleman Keane, Electric

Power Board of Chattanooga, was also available to address Council questions. The purpose of this item is to proceed with the recommendation from the Broadband Task Force as indicated by City Council through a Rule of 4 at the December 12, 2017 Study Session meeting where the Task Force recommended that City Council:

- Establish the structure and governance of an enterprise utility;
- Further develop a detailed business implementation plan;
- Issue a Request for Proposal for a build-ready network design and complete same;
- Evaluate financing options;
- Immediately implement an aggressive community outreach and education effort;
- Formally transition the existing Broadband Task Force into a City Commission; and
- Ensure that no efforts preclude future partnering options with public or private entities

The appropriation request of \$2.5M will allow the City to gain greater certainty of infrastructure costs, develop a better understanding of operating costs and structure through a more detailed business plan and implement an aggressive community outreach and education effort. Cost estimates for a build-ready design suitable for solicitation of network construction bids and development of cost information suitable for acquiring a bond offering are \$2.2M. The additional \$300,000 will be for Professional Services costs to support the additional actions of the recommendation including development of a detailed business plan, education and outreach, and evaluation of financing options. This item has been presented to 16 different City Council Regular Meetings and Study Sessions. Please reference the AIR under the Council or Board/Commission Review for detailed descriptions of the discussions.

Council questions:

Council asked if this would be a council decision or a ballot question. Steve Adams, City Manager, explained that this action would only be approval for the study, which will provide information on what it will cost and how it could be financed. The length of the study will be approximately 4 - 6 months. The cost of the study includes the network build out, which includes engineering. The final design would be an asset that can be sold to repay the \$2.5 million. Ms. Reed-Harmel responded that to put it on the November ballot would be an aggressive schedule and that she would do her best.

Can a municipality keep up with the changing technology? Ms. Reed-Harmel stated the task force had taken that into consideration; fiber and conduits don't change, central office equipment does change. Mr. Keane addressed Council to answer the questions regarding keeping up with technological changes, he stated that the changes are the same as what IT departments are doing now.

Council asked how long would it take to complete the network? Mr. Keane stated that it took 2 years for Chattanooga to get their network completed. Mr. Adams concurred that 2 years completion was the time frame for Loveland.

Council expressed concern about the risks. Mr. Keane stated that no city, out of 220 cities have failed that provide a retail model broadband, while multiple entities with multiple jurisdictions have failed. There are savings to the entire community and larger providers don't want an open access model. Longmont's take rate is 53% and they are not an open access model.

Would the citizens that don't want the service be charged a fee if it failed? Electric utilities customers would not pay if it is set up to have the broadband utility to stand alone. The utility enterprise would provide clarity and purpose for the "home" of the project and then bonds can be issued.

Alan Krcmarik, Executive Fiscal Advisor, addressed Council regarding the bonding question and the City bond rating. He stated that he has been approached by several banks to

finance. Regarding mini-bonds, they are smaller denominations and they are usually 5% of the funding. Revenue Bonds would be issued. The expectation to pay off the debt would be 20 -25 year bond issue term. A 32% take rate is the break even point, which is the utilities expenses and pay back the term of the bond. Bonding would be to the entire project, assuming a certain take rate. Variability comes in as the take rates increase over time.

Public Comment: Vi Whitcom, Loveland resident, spoke in support of the Task Force recommendations.

Glen Aikens, Fort Collins resident, spoke in support of municipal broadband.

Greg Snyder, Loveland resident, questioned what service would be provided and who would get the revenue.

Jonathan Cantu, Loveland resident, spoke in support of municipal broadband.

Christina Grassano, Loveland resident, spoke in support.

John Keil, Loveland resident, expressed concern regarding the ability for people to opt out and not be charged.

Roger Weidelman, Loveland resident, spoke in support of further development of the information.

Darren Barrett, Loveland resident, expressed concern regarding the funding.

Marshall Smith, Loveland resident, software developer, expressed appreciation for the Task Force and support for municipal broadband.

Ms. Reed-Harmel responded to public comments: The feasibility study includes the type of services that will be provided, which would be internet and telephone and the task force is evaluating if television services should be provided. The \$2.5 million would be done through a Request For Proposals and the contracts would be approved by Council.

Council Comments:

Councilor Ball spoke in support and stated it is a utility and would support adopting an ordinance to approve the City to provide broadband.

Councilor Olson expressed concerns regarding the cost and role of government and expressed that it should be a ballot question for the citizens to decide.

Councilor Johnson spoke in support and stated that it is the right thing to do for the community and for all citizens to have access to internet.

Councilor Jersvig spoke in support of a ballot question and expressed his concern with not letting citizens decide. He wanted to amend the resolution to remove the phrase, "but not limited to." He made a motion, but rescinded it after further discussion.

Councilor Wright spoke in support and expressed concern that Loveland would "fall behind" neighboring municipalities.

Councilor Clark expressed concerned about the cost and spoke in opposition, but wants to have a ballot question for the citizens to decide.

Overcash spoke in support of the Task Force recommendations, but with an amendment that would move forward and put it on a ballot with Council support.

Councilor Fogle expressed concern over not taking action and the costs increasing over time and spoke in support of the Task Force recommendations. He also expressed concern over the timing of being able to have a ballot question in November.

Councilor Marsh expressed concern regarding the need for a solution and sharing her options to gauge public support and she spoke in support of the Task Force recommendations.

Derek Turner, Assistant City Attorney, recommended the following amendment language in the body of the resolution:

Additional clause: Whereas City Council desires to seek voter approval prior to initiation of a city affiliated municipal broadband service

New section 3: The City manager is directed to take the actions necessary to place on a general or special election ballot a measure related to approval of a city affiliated municipal broadband service.

Moved by Councilor Overcash, seconded by Councilor Olson.

A Motion to Amend to Resolution R-15-2018 as stated by Mr. Turner, Assistant City Attorney.

FAILED 4 to 5, No Votes: Fogle, Marsh, Ball, Wright, Johnson

Moved by Councilor Jersvig, seconded by Councilor Johnson

1) A Motion To Adopt Resolution #R-15-2018 Approving And Adopting The Recommendations Of The City Of Loveland Broadband Task Force Concerning Municipal Broadband Services

CARRIED 8 to 1, No Vote: Clark

Moved by Councilor Jersvig, seconded by Councilor Fogle

2) A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Municipal Broadband Services

CARRIED 8 to 1, No Vote: Clark

Moved by Councilor Jersvig, seconded by Councilor Fogle

3) A Motion To Adopt, On First Reading, An Ordinance Amending The Title, Purposes, And Activities Of The City Of Loveland, Colorado Electric Enterprise To Include Communications Services, Thereby Establishing The City Of Loveland, Colorado Electric And Communications Enterprise

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

Moved by Councilor Jersvig, seconded by Councilor Fogle

4) A Motion To Adopt, On First Reading, An Ordinance Amending Chapter 2.60 Of The City Of Loveland Municipal Code To Establish A Communications Advisory Board

CARRIED 7 to 2, No Votes: Clark and Olson

EXTEND MEETING TIME

Moved by Councilor Fogle, seconded by Councilor Johnson
A Motion to extend the meeting to 11:00 p.m.

CARRIED UNANIMOUSLY, 9 - 0.

5.2 LIBRARY

PUBLIC COMMENT

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

Diane Lapierre, Library Director, presented this item to Council. The purpose of this item is to consider the approval of an ordinance, on second 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. This item was presented to the Loveland Public Library Board meeting held on October 26, 2017 where 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 with a 7 to 0 Vote. This item was also presented to the Loveland City Council held on January 2, 2018 where the ordinance was adopted, on first reading, unanimously with a 6 to 0 Vote. This item was presented, on second reading, at the January 16, 2018 Loveland City Council meeting where the item was pulled from consent agenda for discussion, and was later postponed due to time restrictions. A local resident recently argued to the Library Director and two Council members that state law prohibits minors from serving on the Library Board. After carefully reviewing the City of Loveland Charter, Loveland Municipal Code (specifically Section 2.60.020), Loveland Boards and Commissions Handbook, Colorado Library Code, C.R.S. § 24-90-101 et seq., and other statutes, the City Attorney's Office advises that state law contains no such prohibition. There is no conflict between the proposed ordinance and Colorado statutes (including the Colorado Library Code). The proposed ordinance neither permits what State statutes forbid nor forbids what State statutes permit. Even if it did conflict with state law, the ordinance would supersede state law.

Public Comment: Linda Rosa, Loveland resident, expressed concern regarding Colorado Library Law.

Moved by Councilor Jersvig, seconded by Councilor Ball

A Motion To Adopt, On Second Reading, Ordinance No. 6176 Amending Section 2.60.160 Of The Loveland Municipal Code Pertaining To The Library Board

CARRIED UNANIMOUSLY, 9 - 0.

5.3 DEVELOPMENT SERVICES

PUBLIC HEARING

1) CENTERRA REZONING, MILLENNIUM GENERAL DEVELOPMENT PLAN AMENDMENT, AND VESTED PROPERTY RIGHTS 2) PFEIFF ANNEXATION, ZONING, MILLENNIUM GENERAL DEVELOPMENT PLAN AMENDMENT, ACF EXCEPTION, AND VESTED PROPERTY RIGHTS 3) CENTERRA PARCELS A2 AND A8 VESTED PROPERTY RIGHTS

Noreen Smyth, Senior Planner, presented this item to Council. Kim Perry with McWhinney, and Lucia Liley, attorney representing the applicant presented to Council.

This is consideration of a first reading of a series of ordinances and a resolution concerning the Centerra and Millennium regions of east Loveland.

The request related to the area known as Centerra 222 is to rezone 5.2-acre and 9.3-acre portions of the Savanna Second Subdivision from I Industrial to Millennium Planned Unit Development, to amend the Millennium General Development Plan (GDP) to include the land within the boundaries of the GDP, and to extend vested property rights to the land. A detailed description of the proposal can be found in Attachment 1, the Centerra 222 Planning Commission Staff Report Date October 23, 2017.

The request related to the area known as Pfeiff is to annex a 31.8-acre portion of Pfeiff Farm into the City of Loveland as the "Pfeiff Addition", zone it Millennium Planned Unit Development, amend the Millennium GDP to include the land within the boundaries of the GDP and establish zoning standards for said land, and extend an Adequate Community Facilities exception and vested property rights to the land. A detailed description of the proposal can be found in Attachment 7, the Pfeiff Planning Commission Staff Report Date October 23, 2017.

The request related to the areas known as Centerra Parcels A2 and A8 is to extend the term of the existing vested property rights to 2031, which allows an additional 11 years for the development of residential uses and an additional 6 years for the development of nonresidential uses on the subject property. Requests to extend vested property rights do not require a Planning Commission hearing. A detailed description of the request was prepared by the applicant and is included as Attachment 19. The Centerra 222 and the Pfeiff Addition items were presented to the Planning Commission at their October 23, 2017 meeting. At the hearing, staff explained that the purpose of the rezoning and General Development Plan (GDP) amendment is to correct, in conjunction with future platting actions, a situation in which existing tracts are split zoned. The allowed uses and development standards would not change significantly as a result of the requested rezoning and GDP amendment. It was also explained that no detailed development plans are available at this time, but that industrial developments similar to those already existing in this area of Centerra are anticipated to be developed on the land. A Commissioner asked for more information about proposed roundabouts (traffic circles) in the area, which were then described by the applicant. Commissioners indicated support for the requested actions. No members of the public spoke at the hearing. At the Planning Commission public hearing, two Loveland residents spoke regarding the Pfeiff Addition. One inquired whether single family detached housing was required by the GDP amendment, expressing concern that the land could instead be developed entirely with higher density residential. Staff explained that the Create Loveland Comprehensive Plan supports high density residential development in this area, and therefore, while single family residential development is allowed, the GDP amendment as proposed does not require it. Another resident expressed concern about added traffic. Commissioners also inquired about future vehicular access points to the subject property and of recent and future transportation improvements in the vicinity. Staff described recent and planned traffic improvements in the area, and explained that a traffic study is required to be submitted with future development applications for the property. Transportation improvements associated with the development of the land will be decided upon at the time of the submittal of the traffic study. Both items were approved unanimously with a 6 to 0 Vote, with 2 members absent. The vested property rights request did not require a Planning Commission hearing.

Public Comment: Roger Hartman, Loveland resident, expressed concern for the residential density at the Pfeiff Addition and traffic impact on Boyd Lake Avenue.

LOVELAND CITY COUNCIL MEETING
February 6, 2018

At 10:57 p.m.

Moved by Councilor Fogle, seconded by Councilor Jersvig
A Motion to extend the meeting to 11:30 p.m.

CARRIED UNANIMOUSLY, 9 - 0.

At 11:25 p.m.

Moved by Councilor Jersvig, seconded by Councilor Wright
A Motion to extend the meeting to 12:00 a.m.

CARRIED 6 to 3, No Votes: Olson, Ball, Overcash.

Councilor Ball left at 11:30 p.m.

Moved by Councilor Jersvig, seconded by Councilor Johnson

1) 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 Portions of Tracts A and D and Portions of Outlots B and C of the Savanna Second Subdivision, City of Loveland, Larimer County, Colorado

CARRIED 7 to 1, No Vote: Marsh.

Moved by Councilor Jersvig, seconded by Councilor Johnson

2) A Motion To Adopt Resolution #R-13-2018 Concerning the Annexation to the City of Loveland, Colorado, of a Certain Area Designated at "Pfeiff 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 7 to 1, No Vote: Marsh.

Moved by Councilor Jersvig, seconded by Councilor Johnson

3) 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 at "Pfeiff Addition" to the City of Loveland

CARRIED 7 to 1, No Vote: Marsh.

Moved by Councilor Jersvig, seconded by Councilor Fogle

4) 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 "Pfeiff Addition" to the City of Loveland

CARRIED 7 to 1, No Vote: Marsh.

Moved by Councilor Jersvig, seconded by Councilor Johnson

5) 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 Certain Property Located Within the Millennium Addition PUD 9th Amendment (#P-59), Approving the Amended General Development Plan for the Millennium Addition PUD 10th Amendment, and Approving the Third Amendment to the Amended and Restated Annexation and Development Agreement for the Millennium General Development Plan, Which Agreement Creates a Vested Property Right Pursuant to Section 24-68-103 Colorado Revised Statutes, As Amended

CARRIED 7 to 1, No Vote: Marsh.

5.4 WATER & POWER

APPOINTMENT OF JOSEPH J. BERNOSKY TO SERVE AS THE APPOINTED DIRECTOR FROM LOVELAND ON THE PLATTE RIVER POWER AUTHORITY BOARD OF DIRECTORS

This item was postponed to the February 13, 2018 Special Meeting due to time constraints.

5.5 ECONOMIC DEVELOPMENT

CONSIDER ACQUISITION BY THE LOVELAND URBAN RENEWAL AUTHORITY OF THE 6th STREET LARIMER COUNTY BUILDING AND PARKING LOT AND SUBSEQUENT SALE OF THE BUILDING AND LEASE OF THE LOT, WITH POSSIBLE EXECUTIVE SESSION

This item was postponed to the February 13, 2018 Special Meeting due to time constraints.

5.6 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5.6.1 ADOPTION OF MINUTES

Approval of the City Council minutes for the January 16, 2018 Regular Meeting and the January 23, 2018 Study Session.

This item was postponed to the February 13, 2018 Special Meeting due to time constraints.

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.

No Reports

6.2 CITY MANAGER REPORT

No Report

6.3 CITY ATTORNEY REPORT

No Report

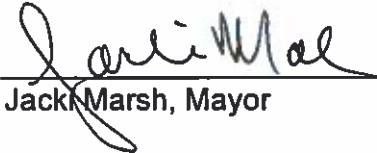
ADJOURN

Mayor Marsh adjourned the February 6, 2018 City Council Meeting at 11:45 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City Clerk


Jack Marsh, Mayor