



**MINUTES**  
**LOVELAND CITY COUNCIL SPECIAL MEETING**  
**AND STUDY SESSION**  
**Tuesday, February 13, 2018 City Council Chambers 6:00 PM**

**COUNCIL PRESENT:**

Marsh, Overcash, Fogle, Clark, Olson, Jersvig, Wright

**COUNCIL ABSENT:**

Johnson, Ball

**SPECIAL MEETING**

**1. INTRODUCTION**

1.1 CALL TO ORDER at 6:00 p.m.

1.2 ROLL CALL

**2. AGENDA**

**2.1. HUMAN RESOURCES**

**MUNICIPAL JUDGE QUARTERLY PERFORMANCE MEETING WITH POSSIBLE EXECUTIVE SESSION**

Geri Joneson, Municipal Court Judge, presented her quarterly report 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 said that this report will be the last report in this format, and they will be condensing the report in order to make it easier for Council to review. As this was the 4<sup>th</sup> quarter report, totals for the year were available. Judge Joneson reviewed the statistics located in the report, highlighting items such as a decrease in adult theft offenses, juveniles that have requested to attend programs, such as the Jump Start Program, a second time, an increase in ticket totals for 2017; which were 8,237, and that the charges or offenses have increased by about 700 since 2016, primarily regarding traffic charges or offenses.

Council requested that the new format for the Quarterly Reports show trends so information is available for comparison. They also requested an opportunity to review the new format before it is finalized. Judge Joneson agreed to provide trends from 2011-2017 in the new format, as well as seek Council feedback before the format is finalized.

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

After the Executive Session, Council made a request to the Human Resources Director, Julia Holland, to provide an updated study on the compensation of Municipal Judges along the front range of Colorado in order to make an adjustment to the City of Loveland Municipal Judge's annual salary. A resolution will be required to make this adjustment. A rule of four was established.

Moved by Councilor Jersvig, seconded by Councilor Olson

***A Motion that 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, 7 – 0.

**Council recessed into Executive Session at 6:29 p.m.**

**Council reconvened from Executive Session at 6:51 p.m.**

**Council recessed into the Joint Study Session with the Citizens Finance Advisory Commission at 7:14 p.m.**

**3.1. CITY MANAGER**

**CITY COUNCIL AND CITIZENS FINANCE ADVISORY COMMISSION (CFAC) DISCUSSION AND UPDATE REGARDING ROLES AND DUTIES**

Representatives from the Citizens Finance Advisory Commission joined the Study Session, including Vice Chair Derek Strader, Chair Leslie Snow, Staff Liaisons Brent Worthington and Theresa Wilson, Kevin Cox, Cass Sosa, Richard Bilancia, Roger Weidelman, and Barbara Cogan. City Council expressed interest in reviewing the Duties of CFAC and clarifying certain expectations of City Council for this commission. This discussion between City Council and CFAC focused on roles and responsibilities of the Citizen Finance Advisory Commission. Director of Finance, Brent Worthington expressed his policy regarding ethics and disclosure.

Councilor Olson presented his "Proposed CFAC Duties" which covered Principals and a Proposed Mission. He stated that these ideas are a start and would like feedback from the Commissioners. CFAC members expressed concern regarding the Audit Committee recommendation from Councilor Olson; they were not sure they had the expertise.

Council would like CFAC to review the Proposed CFAC Duties at their next meeting on February 14, 2018 and compile a list of what CFAC thinks they can accomplish. CFAC members commented that they would like direction on Council's priorities.

Council would like to see trends and Mayor Marsh would like the commission to look at incentives and the affordability of them.

Councilors commented that they appreciate the CFAC members for their service and commended them for the sharing their concerns.

*Information Only.*

**Council reconvened to the Special Meeting at 8:55 p.m.**

**4.1. CITY CLERK  
APPROVAL OF MINUTES**

Mayor Marsh introduced the approval of the minutes with an explanation of her amendment to the January 16, 2018 minutes. This item sought approval of the City Council minutes for the January 16, 2018 Regular Meeting and the January 23, 2018 Study Session. These items were removed from the consent agenda on the February 6, 2018 Loveland City Council Meeting by the Mayor, Jacki Marsh.

Mayor Marsh requested that the following statement be added to the January 16, 2018 meeting minutes.

"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 to the January 16, 2018 minutes also.

The minutes will be added to the February 20, 2018 meeting for approval.

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

The Mayor introduced Joseph Bernosky, Director of Water and Power. The Amended and Restated Organic Contract between the Town of Estes Park and the Cities of Fort Collins, Longmont, and Loveland ("Organic Contract") created PRPA. Section 2.3.2(ii) of the Organic Contract provides that the governing body of each municipality shall appoint one member to the PRPA Board of Directors "to be selected for judgment, experience, and expertise which make that person particularly qualified to serve as a Director of an electric utility." Section 2.3.3(ii) provides that the Appointed Director shall serve for a term of four years.

It has been the custom and practice of the City of Loveland to appoint the Director of Water & Power to serve as the City's Appointed Director to the PRPA Board of Directors. Steve Adams, former Director of Water & Power and current City Manager, served in this capacity from May 2011 until December 31, 2017. Joseph J. Bernosky is the current Director of Water & Power and possesses the requisite judgment, experience, and expertise to serve as the City's Appointed Director to the PRPA Board of Directors. Staff therefore recommends that Joseph J. Bernosky be appointed to the PRPA Board of Directors to serve a four-year term. This item was on the February 6, 2018 Loveland City Council meeting where it was postponed. It was requested of Joseph Bernosky that if there are any changes on Alternative Energy that affects rates, Bernosky should make a presentation to Council to keep everyone informed of the direction. Mayor Marsh expressed support in Bernosky taking on this role as the Director from Loveland on the Platte River Power Authority Board of Directors.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***Adopt A Motion Appointing Joseph J. Bernosky To Serve As The Appointed Director From Loveland On The Platte River Power Authority Board Of Directors Commencing February 2018 And Expiring December 31, 2022, And Authorizing The Mayor To Sign The Mayor's Certificate Confirming Appointment Of Director Of Platte River Power Authority***

CARRIED UNANIMOUSLY, 7 - 0.

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

**4.3 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**

Kelly Jones, Economic Development Director and Mike Scholl, Economic Development Manager, presented this item to Council. Mayor Marsh requested time for questions that could be shared with the public before the Council entered into Executive Session. The purpose of the Executive Session is to receive legal advice regarding purchase or acquisition of the 6th Street Larimer County building and parking lot and subsequent transfer or sale of such building and lease of such lot, and to determine a position on issues subject to negotiation, receive reports on negotiation progress and status, develop negotiation strategy and instruct negotiators. This item was discussed at the May 2, 2017 Loveland City Council Executive Session, the June 6, 2017 Executive Session, The September 26, 2017 Study Session, the October 24, 2017 Special Meeting, the November 7, 2017 Regular Meeting, and the January 30, 2018 Study Session. In depth details of the discussions that took place is located in the Council or Board/Commission Review section of the attached AIR 020618. This item was on the February 6, 2018 Loveland City Council Agenda where it was postponed.

Mayor Marsh expressed concern regarding the Urban Renewal Law and the requirement to post a public notice two weeks consecutively in a local publication and to have a competitive bid process to achieve fair market value. The City Attorney recommended that Council convene to an Executive Session.

Moved by Councilor Jersvig, seconded by Councilor Clark.

*A Motion for the Loveland City Council, sitting as the Board of Commissioners of the Loveland Urban Renewal Authority, recess into executive session, pursuant to the Colorado Open Meetings Law and City of Loveland Charter section 4-4, for the following purposes:*

- To determine a position relative to 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);*
- To receive information regarding or discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, as authorized by C.R.S. § 24-6-402 (4)(a) and Charter Section 4-4(c)(2);*
- To discuss 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 4-4(c)(3);*

CARRIED 6 to 1, No Vote: Marsh.

The Board recessed into Executive Session at 9:32 p.m.

The Board reconvened from Executive Session at 10:20 p.m.

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

**5. ADJOURN**

**Mayor Marsh adjourned the February 13, 2018 Special Meeting at 10:20 p.m.**

Respectfully Submitted,



  
Beverly A. Walker, Acting City Clerk

  
Jack Marsh, Mayor

