



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, February 20, 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**

**1.4.1 PROCLAMATION**

**GAMMA CHI CHAPTER #3668 50TH ANNIVERSARY KICKOFF DAY  
(FEBRUARY 28, 2018)**

Councilor Fogle presented the proclamation to the members of the chapter:  
Phyllis Minch, President, Judy Barker, Pat Bernhardt, Kerry Date, Kathy Fischer, Bonnie Gillmore, Lee Jordanger, Mary Jane Kinney, Marlene Kopsa, Moofie Miller, Neoma Scott, Lisa Weeks, Riki Johnston

**1.4.2** Mayor Marsh, on a point of privilege, announced that the Request for Proposals for the 6th Street County Building is now open. Any questions on how to submit a bid can be directed to Steve Adams, City Manager.

**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.*

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the January 30, 2018 Study Session.

***A Motion To Approve The City Council Minutes For The January 30, 2018 Study Session***

CARRIED.

**2.2 CITY CLERK  
APPROVAL OF MINUTES**

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

***A Motion To Approve The City Council Minutes For The January 16, 2018 Loveland City Council Meeting and the January 23, 2018 Loveland City Council Study Session***

CARRIED.

**2.3 CITY CLERK  
MEMBER APPOINTMENT TO THE CULTURAL SERVICES BOARD**

This is an item appointing a member to the Cultural Services Board.

***A Motion To Appoint Cornelia Winters To The Cultural Services Board For A Term Effective Until December 31, 2022***

CARRIED.

**2.4 PUBLIC WORKS  
PUBLIC COMMENT  
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. This item was presented to City Council on February 6, 2018 where the ordinance was adopted unanimously, on first reading, with a 9 to 0 Vote.

***1) A Motion To Adopt, On Second Reading, Ordinance No. 6182 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) A Motion To Adopt Resolution #R-16-2018, Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation (CDOT) For The Preparation Of An Access Control Plan For SH 402 From US 287 To I-25 And Authorizing The City Manager To Execute The Agreement***

CARRIED.

## **2.5 PUBLIC WORKS PUBLIC COMMENT**

### **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. This item was presented to City Council on February 6, 2018 where the ordinance was adopted unanimously, on first reading, with a 9 to 0 vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6183 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.

**2.6 DEVELOPMENT SERVICES  
PUBLIC HEARING**

**LOVELAND EISENHOWER INVESTMENTS (LEI) VESTED PROPERTY RIGHTS  
EXTENSION**

This is consideration of a first reading of an ordinance to extend the vested property rights that were established in the Loveland Eisenhower Investments (LEI) 2010 Annexation Agreement from eight years to ten years. The property known as LEI is located on the north side of E. Eisenhower Boulevard, between N. Denver Avenue and the northerly extension of Sculptor Drive. It was annexed in 2010 and zoned Mixed-Use Activity District, and a conceptual master plan for development of the property was concurrently approved. An Annexation and Development Agreement between the applicant and the City, establishing the rights and obligations of the applicant relative to development of the land, was also approved at that time. This constituted a site-specific development plan, and as such, per the requirements of the Colorado Revised Statutes, the Agreement also established vested property rights for the applicant. The term of the vesting per the Agreement is eight years, allowing development to commence on the property up to the year 2018. Vested property rights requests do not require review by the Planning Commission, and instead go straight to City Council.

***A Motion To Adopt, On First Reading, An Ordinance Approving The Second Amendment To The Annexation And Development Agreement Between Loveland Eisenhower Investments LLC And The City Of Loveland To Extend Certain Vested Property Rights Pursuant To Section 24-68-103 Colorado Revised Statutes, As Amended And Loveland Municipal Code Chapter 18.72***

CARRIED.

**2.7 DEVELOPMENT SERVICES  
PUBLIC HEARING**

**SHAMROCK WEST THIRD SUBDIVISION VACATION**

The purpose of this item is to consider the adoption of an ordinance, on first reading, vacating a utility easement at 4201 N. Taft Avenue, on the recently constructed Ziggi's Coffees Kiosk property. The easement was created by separate document last year in conjunction with the Ziggi's Site Development Plan and Building Permit processes for the purpose of extending City power lines to the coffee kiosk. The power lines were

originally planned to be installed to the west of the building, but were instead installed to the east of the building, outside the boundaries of the recorded easement. Therefore, a new easement that aligns with the location of the power lines will be recorded (attachment 3) and the existing easement (attachment 1) that does not align with the installed power lines is being vacated. The vacation of the original easement that does not align with the location of the power lines requires approval of a City Council ordinance, while the creation of the new easement in the location of the installed power lines does not require City Council approval, and instead is approved administratively. The vacation of the original utility easement, while not required, is considered beneficial. The applicant is Alles, Taylor & Duke, LLC. Utility Easement Vacations do not require review by other entities.

***A Motion To Adopt, On First Reading, An Ordinance Vacating A Ten Foot Wide Utility Easement Located On, Over And Across A Portion Of Lot 2, Block 1 Of Shamrock West Third Subdivision, City Of Loveland, County Of Larimer, State Of Colorado***

CARRIED.

## 2.8 PUBLIC WORKS

### **AWARD OF A CONSTRUCTION CONTRACT TO J-2 CONTRACTING COMPANY FOR BOYD LAKE AVE INTERSECTION IMPROVEMENT PROJECT (EN1606) APPROVAL TO AWARD CONSTRUCTION CONTRACT**

The purpose of this item is to award the contract to J-2 Contracting Company in the amount of \$2,558,124.50 to construct a roundabout at Mountain Lion Drive and additional pedestrian and drainage improvements to the US 34 intersection. North Boyd Lake Avenue will also be widened to a four lane arterial cross section between the two intersections which will include two lanes of travel each direction, bike lanes curb, gutter and sidewalk. (See attachment 1 for Boyd Lake Avenue Location Map). A total of \$2,710,166 is included in the 2018 Re-Appropriations Ordinance for this project (\$683,000 via General Fund Transfer and \$2,027,118 via Streets CEF Fund Transfer). The 2018 Re-Appropriations Ordinance is scheduled for first reading on February 20, 2018 and for second reading on March 6, 2018. A temporary budget transfer has been made to ensure sufficient funds are available in the appropriate line items for the award of this contract, which will be reversed after the re-appropriations ordinance is approved.

***A Motion To Adopt Resolution #R-17-2018 Authorizing A Notice Of Award For The Boyd Lake Avenue Intersection Improvement Project (Project No. EN1606) To J-2 Contracting Company Of Greeley, Colorado And Authorizing The City Manager To Execute The Contract***

CARRIED.

## 2.9 DEVELOPMENT SERVICES

### **WEST CREEK ADDITION PETITION FOR ANNEXATION**

This item was considered on the Regular Agenda item 7.8.1.

**2.10 FISCAL ADVISOR  
DECEMBER 2017 INVESTMENT REPORT**

The budget projection for investment earnings for 2017 was \$2,167,387. On the portfolio's 2017 beginning balance, this equates to an annual interest rate of 0.98%. Based on the December 2017 monthly report, the estimated yield on fixed income securities held by US Bank was at 1.57%; for total assets, the yield was 1.48%. For the month, accounting staff posted net total earnings of \$73,726 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 four and a half months, rates all along the interest rate curve have moved upwards. The Federal Reserve Board increased the Federal Funds rate again in December. The estimated market value at the end of December 2017 is \$228.0 million. Proceeds from the lease financing for the downtown parking facility are included in the total. The portfolio decreased in value by \$203,433 in December, increasing the unrealized loss in the portfolio to \$2,398,274. The investment program strives to earn competitive returns within state law and City investment policy guidelines which emphasizes safety first, liquidity second, and yield.

*Information Only*

**2.11 FINANCE  
DECEMBER 2017 FINANCIAL 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 December 31, 2017. Citywide Revenue of \$302.4 million is 83.3% of total annual budget. Sales Tax collections December YTD are 5.5% above December 2016 YTD, and 99.1% of the total annual budget. Building Material Use Tax collections for December are 18.2% below December 2016 YTD, and 79.4% of the total annual budget. Sales and Use Tax collections combined are 97.7% of total annual budget. Citywide total expenditures of \$307.9 million are 96.1% of the total annual budget.

*Information Only*

- 3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**
- 4. MOTION TO ADOPT THE CONSENT AGENDA**

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt The Consent Agenda, Items 2.1 to 2.11, with the exception of Item 2.9 pulled by Councilor Clark.***

CARRIED UNANIMOUSLY, 9 - 0.

**5. PUBLIC COMMENT**

*Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

No Public Comment was given.

**6. 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.

Moved by Councilor Fogle, seconded by Councilor Johnson

*A Motion to Amend the Regular Agenda to Postpone Item 7.3 - Discussion of Metropolitan District Service Plan Policy to a future meeting.*

CARRIED UNANIMOUSLY, 9 - 0.

Mayor Marsh requested extending the rules of membership regarding a person only serving on one board or commission to the Downtown Development Authority (DDA) and Loveland Downtown Partnership (LDP) boards.

Discussion ensued regarding what type of boards the DDA and LDP are. It was suggested that the issue be taken to those entities to discuss and approve. *The City Attorney's Office will research if the DDA is considered a "City Board" and will advise the City Manager and City Clerk of the answer.*

**7. 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.*

**7.1 HUMAN RESOURCES**

**MUNICIPAL COURT JUDGE ANNUAL SALARY ADJUSTMENT**

Julia Holland, Human Resources Director, presented this item to Council. On February 13, 2018, Council conducted their quarterly evaluation with Judge Joneson. After the executive session, Council directed Staff to provide a resolution to consider an annual increase to the Judge's base salary. Staff was also directed to provide market salary information in advance of this meeting to consider in determining the appropriate level of increase.

Moved by Councilor Jersvig, seconded by Councilor Overcash



***A Motion To Adopt Resolution #R-20-2018 Regarding The Compensation Of the Municipal Judge to increase the annual base salary to \$145,000.***

CARRIED 8 - 1, No Vote: Ball.

**7.2 CITY MANAGER  
MUNICIPAL BROADBAND SERVICE**

Briana Reed-Harmel, Senior Electrical Engineer and Project Manager for the Broadband Feasibility Study, presented this item to Council. 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. This item was presented to City Council on February 6, 2018 where the resolution was adopted with a vote of 8 to 1; Ordinance No. 6184 was adopted, on first reading, with a vote of 8 to 1; Ordinance 6185 was adopted, on first reading, with a vote of 5 to 4; and Ordinance No. 6186 was adopted, on first reading, with a vote of 7 to 2.

Public Comment: Roger Weideman, expressed concern with regards to combining broadband and utilities, as well as how it would be staffed.

Cherylynn Leeper, expressed concern regarding the private entities that the City could partner with.

Bruce Crouissant, expressed support regarding the recommendation of the Broadband Taskforce, product delivery and collection and use of funds.

Bill Eves, Loveland resident, spoke in support of the ordinances.

Darren Barrett, Loveland resident, expressed concern regarding the cost to individuals and the funding. Supports the engineering study and appropriate ballot language.

Councilor Comments: Overcash and Jersvig expressed their desire for the item to be an ballot issue for the public to decide, stating it is an expansion of government.



Olson also would like to ensure protection for non-users from having to pay for the service.

Clark expressed his concern regarding the 2015 ballot question interpretation. Fogle, Ball, Wright and Johnson spoke in support of a municipal broadband. Marsh spoke in support of the study and stated we can see how it is as we go, regarding whether or not to have it placed as a ballot issue.

Moved by Councilor Jersvig, seconded by Councilor Fogle

- 1) A Motion To Adopt, On Second Reading, Ordinance No. 6184 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Municipal Broadband Services**

CARRIED 8 - 1, No Vote: Clark.

Moved by Councilor Jersvig, seconded by Councilor Fogle

- 2) A Motion To Adopt, On Second Reading, Ordinance No. 6185 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 - 4, No Votes: Jersvig, Clark, Olson, and Overcash.

Moved by Councilor Jersvig, seconded by Councilor Fogle

- 3) A Motion To Adopt, On Second Reading, Ordinance No. 6186 Amending Chapter 2.60 Of The City Of Loveland Municipal Code To Establish A Communications Advisory Board**

CARRIED 7 - 2, No Votes: Clark and Olson.

**7.3 CITY MANAGER  
DISCUSSION OF METROPOLITAN DISTRICT SERVICE PLAN POLICY**

This item was pulled by Council from the agenda and postponed to a future meeting.

**7.4 DEVELOPMENT SERVICES  
PUBLIC HEARING**

- 1) CENTERRA REZONING, MILLENNIUM GENERAL DEVELOPMENT PLAN AMENDMENT, ACF EXCEPTION, 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 4) ENVIRONMENTAL FEES**

Noreen Smyth, Senior Planner, presented this item to Council. This is consideration of a second reading of a series of ordinances concerning the Centerra and Millennium regions of east Loveland. This item is also a consideration of a resolution regarding the Environmental Fees Agreement.

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 the Adequate Community Facilities exception applicable to the GDP and 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.

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.

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 18.

The request related to the amendment to the environmental fees agreement is to revise the map associated with the agreement that delineates the parcels within the Millennium Planned Unit Development (PUD) to reflect the PUD's current boundaries after certain deletions from and additions to the PUD. A detailed description of the request was prepared by the applicant and is included as Attachment 20.

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. This item was presented to City Council on February 6, 2018 where the Resolution was adopted with a vote of 7 to 1, with one member absent. The four ordinances were adopted, on first reading, with a vote of 7 to 1, with one member absent.

Questions to the applicant from Council were concerning the TIF, property taxes and fees; the request for vesting rights; and the General Development Plan (GDP). Kim Perry, with McWhinney, responded that the URA and TIF boundary areas are set and this item would not be subject to that. Vesting gives the ability to move through the development through a longer period of time. Lucia Liley, Attorney representing McWhinney, explained that the Master Plan has a very specific plan and the public had the opportunity throughout the studies of each process. Nothing is changing that was adopted through the public hearing process and everything was seen that relates to the whole GDP, site specific plans were not seen, but all requirements are still applicable.

Public Comment: Olivia Lowe, Loveland resident, expressed concern regarding the public hearing process and that she felt that the public's concern wasn't being addressed.

Moved by Councilor Olson, seconded by Councilor Overcash

***A Motion to Call the Question***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

**1) A Motion to Adopt, On Second Reading, Ordinance No. 6187 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 Moved by Councilor Jersvig, seconded by Councilor Johnson**

CARRIED 8 - 1, No Vote: Marsh

Moved by Councilor Jersvig, seconded by Councilor Johnson

**2) A Motion To Adopt, On Second Reading, Ordinance No. 6188 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 8 - 1, No Vote: Marsh

Moved by Councilor Jersvig, seconded by Councilor Fogle

**3) A Motion To Adopt, On Second Reading, Ordinance No. 6189 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 8 - 1, No Vote: Marsh

Moved by Councilor Jersvig, seconded by Councilor Fogle

**4) A Motion To Adopt, On Second Reading, Ordinance No. 6190 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 8 - 1, No Vote: Marsh

Moved by Councilor Jersvig, seconded by Councilor Fogle

**5) A Motion To Adopt Resolution #R-18-2018 Approving The Fourth Amendment To Agreement Regarding Environmental Fees**

CARRIED UNANIMOUSLY, 9 - 0.

## 2018 PROJECT RE-APPROPRIATIONS

Matthew Elliott, Senior Budget Analyst and Theresa Wilson, Budget Manager, presented this item to Council. Budget Office staff worked with City departments to identify remaining balances related to on-going operations and maintenance and project items appropriated but not completed in 2017 that need to be re-appropriated for continuation in 2018.

Council questioned the re-appropriation process and how to change the process so the capital project funds don't lapse and a re-appropriation isn't necessary through Council. Budget staff, with coordination from Legal, will do a list serve to poll other municipalities for options to re-appropriate other funds administratively and bring findings to a future Study Session.

Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***1) A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Re-Appropriation To The 2018 City Of Loveland Budget For Projects Appropriated But Not Completed in 2017***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***2) A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Re-Appropriation To The 2018 Northern Colorado Regional Airport Budget For Airport Pavement Projects***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***3) A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Re-Appropriation To The 2018 City Of Loveland Budget For Community Development Block Grants (CDBG) And Human Services Grants***

CARRIED UNANIMOUSLY, 9 - 0.

## 7.6 FINANCE 2018 NEW APPROPRIATIONS

Matthew Elliott, Senior Budget Analyst and Theresa Wilson, Budget Manager, presented this item to Council. This is an annual effort. Budget Office staff brings forward an operations and maintenance (O&M) and new projects appropriations ordinance each year. Staff brings forward a new appropriations ordinance to address both projects/contracts and operations/maintenance needs in February of each year. If Approved, the remaining fund balances are listed by fund in the Attached AIR-100344, Section Budget Impact, Additional Comments.

Council had questions regarding several of the FTE's listed including the Parking Garage Attendant and the Digital Communications Specialist for the Public

Information Office. Council also questioned the line item of 1% for the Arts and the Library Feasibility Study both of which Staff was available to answer Council's questions satisfactorily.

Moved by Councilor Jersvig, seconded by Councilor Fogle

**1) A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For New Operations And Maintenance Items And Projects**

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

**2) A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Appropriation To The 2018 Northern Colorado Regional Airport Budget For Emergency Response Reimbursement**

CARRIED UNANIMOUSLY, 9 - 0.

**7.7 COMMUNITY PARTNERSHIP OFFICE  
UPDATE ON HOUSE OF NEIGHBORLY SERVICE PROGRAM/CONTRACT REVIEW  
WITH POSSIBLE EXECUTIVE SESSION**

Alison Hade, Community Partnership Office (CPO) Administrator, presented this item to Council. City Council requested an update from staff by rule of 4, procedures concerning the City's review of contracts with House of Neighborly Service (HNS) and complaints and comments received by staff and City Council. The purpose of this item is to provide a verbal update to City Council on the review. This item was discussed during Public Comment during the January 16, 2018 City Council meeting. Discussion was primarily around amendments to the House of Neighborly Service Articles of Incorporation and Bylaws.

Ms. Hade addressed Council to inform them that there is not an investigation into HNS only into the grant contract stipulations. Concerns and complaints regarding accessibility and equal access to services and the HNS by-laws and articles of incorporation have been received by the CPO. The City plans to continue to partner with HNS and establish ongoing meetings between the CPO and HNS. Derek Turner, Assistant City Attorney, also addressed the Council regarding the concerns of religious components and the federal grant requirements. Council thanked Ms. Hade and Glorie Magrum with HNS for their work.

Public Comment: Dr. Scott Johnson, Loveland resident, expressed concern regarding an agency in the Life Center, Birthline, untrained volunteers giving medical advice. He is concerned with the services being delivered equally and fairly.

Dee Holt, Executive Director of Birthline, spoke regarding their services as a pregnancy resource center and stated that at no time do they give medical advice.

Bruce Croissant, Loveland resident, spoke in support shared a story regarding a person he drove as a SAINT volunteer to HNS.

Barb Schlieger, Loveland resident, expressed concern regarding the miscommunication that lead up to the article in the Reporter Herald.

Moved by Councilor Olson, seconded by Councilor Johnson

***A Motion to Waive the Attorney Client Privilege and continue the legal briefing in open session***

CARRIED UNANIMOUSLY, 9 - 0.

## 7.8 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

### 7.8.1 DEVELOPMENT SERVICES WEST CREEK ADDITION PETITION FOR ANNEXATION

Troy Bliss, Senior Planner, presented this item to Council. This item will set a public hearing date of March 20, 2018, for the consideration of an annexation containing approximately 9.7 acres to be known as the West Creek Addition. The property is located at the southeast corner of State Highway 402 and County Road 9. Included with the annexation is a request to zone the property I - Developing Industrial. The purpose for seeking annexation and zoning is to develop the property in accordance with the City's Comprehensive Plan under the land use provisions for employment. The Planning Commission held a public hearing on February 12, 2018 for consideration of the West Creek Addition. By a vote of 4 to 2, the Planning Commission is recommending conditional approval of the annexation and zoning to City Council.

Councilor Clark expressed concern regarding the right of ways for the future expansion of the 402 Corridor as well as the incomplete Corridor Plan. Mr. Bliss shared with Council that the project is conditioned upon the addition of the right of ways. He also shared additional concerns that were considered by the Planning Commission were things such as traffic, access, landscape, and architecture. Rod Wensing, Deputy City Manager, addressed Council to inform them that the RFP is out for a consultant to finalize the plan; the time frame is 6-8 months which includes extensive public outreach.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt Resolution #R-19-2018 Finding A Certain Petition For Annexation Known As West Creek Addition, Filed January 22, 2018, To Be In Substantial Compliance With Section 30 Of Article II Of The Colorado Constitution And With The Requirements Of Section 31-12-107(1), C.R.S.; And Establishing A Date, Time, And Place For A Hearing To Determine Whether The Proposed Annexation Complies With The Applicable Requirements Of Sections 31-12-104 And 31-12-105, C.R.S., And Is Eligible For Annexation To The City Of Loveland, Colorado***

CARRIED UNANIMOUSLY, 9 - 0.

## 8. REPORTS

### 8.1 BUSINESS FROM CITY COUNCIL

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

Wright - Attended Daughters of the American Revolution and the Police Award Ceremony

Jersvig - Attended joint workshop with the Affordable Housing Commission and the Human Services Commission to discuss recommendations for affordable housing fund options

Olson - Attended the CFAC meeting where they worked on their mission statement, identifying roles and responsibilities and develop a work plan

Overcash - Attended the appreciation luncheon sponsored by King Soopers for Valentine re-mailing volunteers

**8.2 CITY MANAGER REPORT**

Mr. Adams expressed appreciation to Council, Staff and Task force for Broadband efforts.

**8.3 CITY ATTORNEY REPORT**

Mr. Douglas stated it was an honor and a privilege to serve the City of Loveland. (this was his last meeting before retirement)

**ADJOURN**

Mayor Marsh adjourned the February 20, 2018 Regular Council meeting at 10:30 p.m.

Respectfully Submitted,



Beverly A. Walker, Acting City Clerk

Jacki Marsh, Mayor



