



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, March 20, 2018 CITY COUNCIL CHAMBERS 6:00 PM

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

COUNCIL ABSENT: Councilor Fogle

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

2. CONSENT AGENDA

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the end of the Regular Agenda. Members of the public will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

2.1 CITY CLERK
APPROVAL OF MINUTES

Approval of the City Council minutes for the February 20, 2018 Regular Meeting, The February 27, 2018 Study Session, and The March 6, 2018 Regular Meeting.

A Motion to Approve The February 20, 2018 Regular Meeting, The February 27, 2018 Study Session, and The March 6, 2018 Regular Meeting.

CARRIED.

2.2 ECONOMIC DEVELOPMENT

PUBLIC COMMENT

APPROPRIATION AND APPROVAL OF REIMBURSEMENT AGREEMENT FOR DESK CHAIR, LLC

Desk Chair, a co-working office space located in Downtown Loveland at 201 E. 4th Street, requested reimbursement for improvements to the sidewalk along Cleveland Avenue and 4th Street adjacent to the building (attachment 4 - Sidewalk Plans) at a cost of \$78,827. Desk Chair will assume all costs that exceed the capped amount. If this item were approved by City Council, the remaining balance of the Economic Incentive Fund would be \$842,688. At the February 27, 2018 Study Session, City Council directed staff to bring the item back to Council for formal consideration. As part of the discussion, Council inquired about the cost estimates which are explained in the attached copy of the email sent to Council prior to the meeting. (attachment 10) In addition, staff will work with the owner's design team and the Public Works Department on the use of sandstone pavers in the front sidewalk. There was a question regarding the proposed Heart Improvement Project Downtown Infrastructure Plan (HIP Streets). The owner indicated that he would like to move forward, given that only a small portion of the sidewalk would be impacted with HIP Streets. This item was presented to Council at their Regular Meeting held on March 6, 2018 where the ordinance was adopted unanimously, on first reading, with a vote of 9 to 0.

1) A Motion To Adopt, On Second Reading, Ordinance No. 6198 Enacting A Supplemental Budget and Appropriation To The 2018 City of Loveland Budget For an Economic Incentive For Desk Chair, LLC

CARRIED.

2) A Motion To Adopt Resolution #R-24-2018 of The City of Loveland Approving An Infrastructure Reimbursement Agreement Between Desk Chair, LLC and The City Of Loveland

CARRIED.

2.3 PUBLIC WORKS

GRANT AGREEMENT WITH COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR US287 & US34 VARIABLE MESSAGE SIGN PROJECT

The Colorado Department of Transportation (CDOT) administers Federal funds for local agency projects such as this variable message sign project. This agreement defines City of Loveland and Colorado Department of Transportation responsibilities related to this project. If approved, the City will receive \$497,000 in Federal funding with a City match of \$103,314 to install variable message signs on US287 north of 71st Street and on US34 west of Rossum Drive. The funding for this project was appropriated on March 6, 2018 via the "New

Appropriations" Ordinance that was presented along with the "Re-Appropriations". Therefore, there is not any impact on unassigned fund balance.

A Motion To Adopt Resolution #R-25-2018 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 Installation of Variable Message Signs on US Highway 287 and US Highway 34

CARRIED.

2.4 PUBLIC WORKS

AWARD OF A CONSTRUCTION CONTRACT FOR THE 2018 STREET RESURFACING PROGRAM, CHIP SEAL PAVING SCHEDULE CS

This item approves the award of a Contract for the 2018 Street Resurfacing Program, Chip Seal Paving Schedule CS with A-1 Chip Seal Company, Inc., of Denver, Colorado in the amount of \$868,784.29 and authorizes the City Manager to execute the contract. The funding for Chip Seal Paving Schedule CS was approved as part of the 2018 City of Loveland Budget within the City's Annual Street Rehabilitation Program.

A Motion To Adopt Resolution #R-26-2018 Authorizing A Notice Of Award For The 2018 Street Resurfacing Program, Chip Seal Paving Schedule Cs To A-1 Chip Seal Company Of Denver, Colorado And Authorizing The City Manager To Execute The Contract

CARRIED.

2.5 PUBLIC WORKS

AWARD OF A CONSTRUCTION CONTRACT FOR 2018 STREET RESURFACING PROGRAM, ASPHALT PAVING SCHEDULE AP

This item approves the award of a Contract for the 2018 Street Resurfacing Program, Asphalt Paving Schedule AP with Coulson Excavating Company, Inc., of Loveland, Colorado in the amount of \$2,120,250 and authorizes the City Manager to execute the contract. The funding for Schedule AP was approved as part of the 2018 City of Loveland Budget within the City's Annual Street Rehabilitation Program.

A Motion To Adopt Resolution #R-27-2018 Authorizing A Notice Of Award For The 2018 Street Resurfacing Program, Asphalt Paving Schedule AP To Coulson Excavating Company, Inc. Of Loveland, Colorado And Authorizing The City Manager To Execute The Contract

CARRIED.

2.6 DEVELOPMENT SERVICES

CREATE LOVELAND COMPREHENSIVE PLAN AMENDMENTS

The Annual Update to Create Loveland identifies major plan amendments adopted over the past year, upcoming amendments for future consideration, new or revised City Council

budgeting or strategic planning priorities, and a summary of the year's development review activities. Create Loveland is a living document, and the Annual Update is a key strategy for keeping the Plan up to date. Being up to date means that the Plan is in line with current realities and that the policies are relevant to the current conditions. The Annual Update serves to keep the Plan relevant and therefore more likely to be implemented. It supports the integration of the Plan into the day-to-day work of the City and provides an opportunity to demonstrate to the Planning Commission and City Council how the Plan is being implemented. To date, there have been no policy changes, two rezoning ordinances, one administrative graphic update, and one Growth Management Area change reflected in the Update. Please find the Plan at <http://www.cityofloveland.org/departments/development-services/community-strategic-planning/comprehensive-plan>.

A Motion To Adopt Resolution #R-29-2018 Approving A Second Amendment To The City Of Loveland 2016 Comprehensive Master Plan Known As Create Loveland

CARRIED.

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 Clark

A Motion To Adopt The Consent Agenda, Items 2.1 to 2.6.

CARRIED UNANIMOUSLY, 8 - 0.

5. PUBLIC COMMENT

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

Gary Rechnitz, Loveland business owner, expressed appreciation for the sale of the County building on 6th Street.

Margaret McKenzie, Loveland resident, spoke regarding the sale of the County building, she had questions that the City Manager will provide answers to.

Linda Rosa, Loveland resident, referred to the City Charter section 4-9 regarding the consent agenda. She also expressed concern regarding Council etiquette and decorum at the meetings.

Clay Caldwell, Loveland business owner, expressed concern regarding the negativity in the community.

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.

No business was presented.

7. REGULAR AGENDA

PROCEDURAL INFORMATION

Council will give anyone in the audience time to speak to any PUBLIC COMMENT or PUBLIC HEARING item on the Regular Agenda before acting upon it. The Mayor will call for public comment following any staff report. Council conducts public hearings according to its Rules of Procedure and legal requirements. Loveland's Charter only requires that a majority of the quorum present vote in favor to adopt an ordinance first reading. However, adopting an ordinance on second or final reading requires that at least five of the nine Council members vote in favor.

**7.1 DEVELOPMENT SERVICES
PUBLIC HEARING
WEST CREEK ADDITION ANNEXATION**

Troy Bliss, Senior Planner, presented this item to Council. The annexation of 9.7 acres of property to be known as the West Creek Addition; and to zone the 9.7 acres to I - Developing Industrial. The property is located at the southeast corner of State Highway 402 and County Road 9. The applicant is Pat Travis, representing the West Creek LLC ownership. The proposal is to annex and incorporate the 9.7 acres into the City for future development that is intended to comprise employment/industry uses. Upon annexation, the property is planned to be subdivided into three (3) separate lots with the southern most lot intended to develop first as a small indoor manufacturing facility that produces module cleanrooms for pharmacies, hospitals, and medical offices across the country (i.e. Travis Cleanair, Inc. Custom Cleanroom Suites). This item was presented to the Planning Commission on February 12, 2018 where they recommended conditional approval by a vote of 4 to 2. This item was also presented to City Council at their Regular Meeting held on February 20, 2018 where the Resolution was adopted and the property deemed eligible for annexation with a vote of 9 to 0.

Council's questions included: road improvements, traffic studies, neighborhood concerns, utilities, oil and gas operations in this zoning, grading and drainage of the site, Comprehensive Plan, lighting, number of signatures on the petition opposing, plans for traffic lights at the intersection of County 9 and Highway 402, County requirements, definition of small manufacturing, appropriate zoning, difference between land use and zoning. Brett Limbaugh, Development Services Director, explained the Growth Management Area, Larimer County agrees that if someone wants to develop an area the county refers them to the City if there is continuity, if not, the County would review the development and zoning. Steve Adams, City Manager, explained the process for the Comp Plan and the master plans. He stated that there is work being done on the utility plans and which entity is best to serve that area; work is being done with CDOT on the access control plan and right of ways; and the land use master plan work is being done with a consultant and neighborhood meetings.

Deanne Frederickson, AGPROfessionals, LLC, applicant's representative, explained that the applicant had intended to develop in the County as FA zoning which has less restrictive standards than the City's Industrial Zone. The applicant had met with the neighbors regarding the site plan and rearranged the buildings according to feedback. The road will be designed according to traffic study standards which will require a lot of infrastructure as a major

collector. She addressed the question of truck traffic informing Council there is usually only one semi truck once a month.

Pat Travis, applicant, Travis Cleanair, Inc. Custom Cleanroom Suites, addressed Council and explained that there would be approximately twenty employees and the average salary is in the \$50,000 range. There will be two buildings, a 5,000 square foot designed as a single story and a 10,000 square foot building which they haven't designed yet. Their two main production facilities are in Iowa, the Loveland location would be for repairs and office space.

Public Comment:

Sonja Warburg-Mast, resident on E County Road 16 and Warburg Farm developer, expressed concern regarding the zoning compatibility with the types of residential in the area and the traffic on Highway 402. Julie Hilliard, resident E County Road 16, expressed concern regarding the process and the overall plan. Trevor Ryan, resident on Sauk Road, spoke in opposition and expressed concern over traffic safety, chemicals in septic systems, run-off, noise, environmental impacts, zoning standards and visual pollution. Shane Coors, resident, spoke in opposition and expressed concern over the industrial zoning and not being a right fit currently or for future growth. Debbie Glenn, resident on Sauk Road, spoke in opposition and expressed concern about conformity, the unknowns, noise, traffic safety, drainage and water pressure. Wayne Rothgery, resident on E County Road 16, expressed concern regarding drainage from the Boyd Lake extension. Rick Lamb, Sauk Hill Road resident, expressed concern regarding the zoning and use by right without public input and traffic safety hazards. Marvin McKay, resident on County Road 9, spoke in opposition and expressed concern regarding the potential lights, roads, water and sewer. Kim Gerard, Utah resident, spoke in opposition and expressed concern regarding environmental impacts and drainage. Glen Rothgery, Paradise Acres resident, spoke in opposition and concerned about the land use designation in the Comp Plan. Mark Koentopp, County Road 9 resident, expressed concern about the Comp Plan without a master plan and the annexation setting the precedence for other manufacturing.

Applicant Response to Public Comments:

Septic systems are highly regulated.

Run off has to be detained and released at the historic rate.

Noise ordinance for everyone is the same.

Lighting code requires down directional lighting.

Water pressure, hydrology reports to ensure the correct pressure is in place.

Environmental Study is available.

Traffic Study has been done, CDOT's plan is to raise the road for better visibility.

Willing to change to Employment zoning, but need to have a concept plan. Willing to present it in a month if Council will allow.

Addressing the question regarding County vs City. It's less expensive to build in the County than the City. The City requires stricter site improvements, road improvements and design standards.

Councilors' comments were in support of the annexation if the zoning were amended to an employment zone instead of an industrial zone. They prefer the City annex and not the County because of the stricter improvement and design standards

Moved by Councilor Jersvig, seconded by Councilor Johnson

1) A Resolution Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "West Creek 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 UNANIMOUSLY, 8 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

2) 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 As "West Creek Addition" To The City Of Loveland

CARRIED UNANIMOUSLY, 8 - 0.

Moved by Councilor Johnson, seconded by Councilor Jersvig

A Motion To Amend The Zoning Ordinance To Change The Zoning From I - Industrial To E - Employment.

CARRIED UNANIMOUSLY, 8 - 0.

Moved by Councilor Jersvig, seconded by Councilor Overcash

3) 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 "West Creek Addition" The City Of Loveland

CARRIED UNANIMOUSLY, 8 - 0.

POSTPONE ITEMS TO A FUTURE MEETING

Items 7.3 Development Services - Nuisance and Abatement Code Amendments and 7.4 Development Services - West Eisenhower Reinvestment Zone Update

Moved by Councilor Olson, seconded by Councilor Jersvig

A Motion To Postpone Items 7.3 And 7.4 To A Future Meeting

CARRIED UNANIMOUSLY, 8 - 0.

7.2 COMMUNITY PARTNERSHIP OFFICE SERVICES CONTRACT WITH HOUSE OF NEIGHBORLY SERVICE

Alison Hade, Community Partnership Office Administrator, presented this item to Council. Glorie Magrum, House of Neighborly Service Executive Director, addressed Council and expressed her appreciation to Council and stated that HNS is working with City staff to move

forward. The purpose of this item is to approve a contract with House of Neighborly Services (HNS) to provide services for the City of Loveland community through the 137 Homeless Connection and Angel House Programs using \$70,000 in annual City funding, as originally discussed by City Council on September 27, 2016. If approved, the services contract will provide HNS with \$35,000 for each program, for a total of \$70,000 annually. In addition, the contract provides that the City will fund necessary accessibility improvements to the building at 137 S. Lincoln Avenue, which the City leases from its owner and subleases to HNS for the benefit of the community. This item was also presented to the Human Services Commission on March 1, 2018 where they voted to recommend that City Council approve the contract and funding as described below. There was a motion and the vote was with 3 yes votes, 3 no votes, and 3 abstentions.

Public Comment:

Roy Eibert, Loveland resident, works for HNS and expressed his appreciation of Loveland's community support.

Jo Anne Warner, Chair of the Human Services Commission (HSC), expressed concern over who owns the 137 Connect and Angel House programs and preferential treatment to how the programs are funded. She stated that Council, by approving the contract, would be circumventing the HSC process and vote regarding the contract.

Loveland residents and HNS clients: Jeremy Shrader, Jackie Honeycutt, Modisal Jackson, Teresa Degrassio, and Ed Woofter, HNS volunteer, spoke in support of HNS.

Councilors commented that the City asked HNS to take on the 137 Connect and Angel House programs, that is the reason they are receiving funding outside of the HSC grant process.

Councilors thanked the clients for sharing their stories and HNS and Ms. Hade for working on the partnership.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion To Adopt Resolution #R-28-2018 Approving A Contract With The House Of Neighborly Service To Perform Community Services

CARRIED UNANIMOUSLY, 8 - 0.

Moved by Councilor Johnson, seconded by Councilor Jersvig

A Motion To Extend The Meeting End Time To 11:00 P.M.

CARRIED UNANIMOUSLY, 8 - 0.

**7.5 HUMAN RESOURCES
CITY ATTORNEY RECRUITMENT REVIEW OF APPLICANTS WITH POSSIBLE
EXECUTIVE SESSION**

The Executive Session is for Council to review and consider applications for the City Attorney recruitment with the Executive Recruiter.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion that the City Council recess into executive session for the purpose of reviewing applicants and considering applications and related materials for the position of City Attorney, pursuant to City of Loveland Charter section 4-4,

•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 CRS § 24-6-402 (4)(e)
•To receive information and discuss Personnel matters to include review, evaluation, deliberation, and discussion as authorized by CRS § 24-6-402(4)(f)(l) and Charter Section 4-4(c)(5), regarding the review of applications for the City Attorney position; and as authorized by CRS § 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 consider additional matters for which an executive session is permitted under the State statutes concerning the meetings of local public bodies as authorized by Charter Section 4-4(c)(6).

CARRIED UNANIMOUSLY, 8 - 0.

Mayor Marsh recessed the Council meeting into Executive Session at 10:20 p.m.
Council reconvened from Executive Session at 11:02 p.m.

7.6 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the Consent Agenda.

8. REPORTS

8.1 BUSINESS FROM CITY COUNCIL

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

No Reports

8.2 CITY MANAGER REPORT

No Report

8.3 CITY ATTORNEY REPORT


No Report

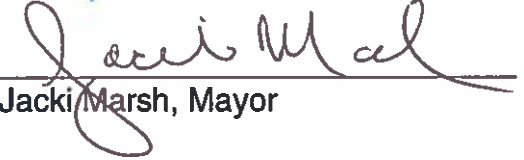
9. ADJOURN

Mayor Marsh adjourned the March 20, 2018 Regular Council meeting at 11:02 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City Clerk


Jackie Marsh, Mayor