



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, April 3, 2018 CITY COUNCIL CHAMBERS 6:00 PM

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

COUNCIL ABSENT: Ball

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 PROCLAMATIONS

1.4.1 PROCLAMATION

DECLARING APRIL 2018 AS FAIR HOUSING MONTH

Councilor Johnson presented the proclamation to Ranae Alaniz, Affordable Housing Commission member.

1.4.2 PROCLAMATION

DECLARING THE WEEK OF APRIL 8-14, 2018 AS NATIONAL LIBRARY WEEK

Councilor Wright presented the proclamation to Diane Lapierre, Loveland Public Library Director.

1.4.3 PROCLAMATION

DECLARING APRIL 2018 AS PARKINSON'S DISEASE AWARENESS MONTH

Councilor Clark presented the proclamation to John and Marilyn Baker with the Good Samaritan Society.

1.4.4 PROCLAMATION

DECLARING APRIL 3, 2018 AS NATIONAL SERVICE RECOGNITION DAY

Councilor Fogle presented the proclamation to Hannah Gregory with Volunteers of America.

1.4.5 PROCLAMATION

DECLARING APRIL 2-6, 2018 MADE IN LOVELAND WEEK

Councilor Olson presented the proclamation to Wilynn Formeller with Made in Loveland.

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 March 20, 2018 Regular Meeting.

A Motion to Approve the City Council Minutes for the March 20, 2018 Regular Meeting

CARRIED.

**2.2 CITY CLERK
MEMBER APPOINTMENTS TO THE DISABILITIES ADVISORY COMMISSION AND THE
CONSTRUCTION ADVISORY BOARD**

This is an item appointing members to the Disabilities Advisory Commission and the Construction Advisory Board.

1) A Motion to Appoint Mary Ann Jakabosky To The Disabilities Advisory Commission For A Term Effective Until June 30, 2020

2) A Motion to Appoint Sharolyn Leeper To The Disabilities Advisory Commission For A Term Effective Until June 30, 2020

3) A Motion To Re-appoint Taylor Summer To The Disabilities Advisory Commission For A Term Effective Until June 30, 2020

4) A Motion To Re-appoint Cari Brown To The Disabilities Advisory Commission For A Term Effective Until June 30, 2020

5) A Motion To Re-appoint Jason Baker To The Construction Advisory Board For A Term Effective Until June 30, 2020

6) A Motion To Re-appoint Blaine Rappe To The Construction Advisory Board For A Term Effective Until June 30, 2020

7) A Motion To Re-appoint Adam Trainor To The Construction Advisory Board For A Term Effective Until June 30, 2020

CARRIED.

**2.3 LOVELAND POLICE DEPARTMENT
NORTHERN COLORADO REGIONAL COMMUNICATION NETWORK
INTERGOVERNMENTAL AGREEMENT**

The purpose of this item is to adopt the Intergovernmental Agreement ("IGA") (Exhibit A to Resolution #R-31-2018), which addresses the rights and obligations for each participating law enforcement agency or other public safety agency. Continued participation in the NCRCN provides for continued effective radio communication capabilities which first responders in Northern Colorado regularly rely upon in discharging their duties.

A Motion to Adopt Resolution #R-31-2018 Approving An Intergovernmental Agreement Concerning The Northern Colorado Regional Communication Network

CARRIED.

**2.4 HUMAN RESOURCES
CALL FOR A SPECIAL MEETING ON MONDAY, APRIL 9, 2018, STARTING AT 8:30 AM
IN THE CITY MANAGER'S CONFERENCE ROOM TO HOLD AN EXECUTIVE SESSION
TO CONDUCT INTERVIEWS FOR THE CITY ATTORNEY POSITION.**

The reason for the Special Meeting and Executive Session on April 9, 2018 is to set a date, time and place for City Council to interview candidates for the position of City Attorney. After the Executive Session, Council may give direction to staff to bring an item to the next Council meeting to negotiate contract terms with an applicant, to follow up, or to re-post the position.

A Motion Calling For A Special Meeting To Be Held On April 9, 2018, At 8:30 AM, For The Purpose Of Conducting Interviews For The City Attorney Position In Executive Session

CARRIED.

**2.5 HUMAN RESOURCES
CALL FOR SPECIAL MEETING ON APRIL 10, 2018 FOR CITY MANAGER ADAMS QUARTERLY
PERFORMANCE REVIEW WITH POSSIBLE EXECUTIVE SESSION**

This action is for City Council to conduct the City Manager's quarterly performance review meeting on April 10, 2018 at 6:00 PM, which may include an executive session to discuss personnel matters.

A Motion Calling For A Special Meeting To Be Held On April 10, 2018, At 6:00 PM, For The Purpose Of Conducting An Employee Performance Evaluation Meeting And Discussion Of Personnel Matters For The City Manager, Steve Adams, With A Possible Executive Session

CARRIED.

**2.6 FISCAL ADVISOR
FEBRUARY 2018 INVESTMENT REPORT**

The budget projection for investment earnings for 2018 is \$2,527,729. On the portfolio's 2018 beginning balance, this equates to an annual interest rate of 1.13%. Based on the February 2018 monthly report, the estimated yield on fixed income securities held by US Bank was at 1.66%; for total assets, the yield was 1.58%. For the month, accounting staff posted net total earnings of \$267,851 to City fund accounts. U.S. short-term Treasury interest rates had moved sharply higher from the second week of November 2016 to a peak in March 2017, 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 six and a half months, rates all along the interest rate curve have moved upwards. The Federal Reserve Board increased the Federal Funds rate again on March 21, 2018. Additional rate increases are expected in June, September, and perhaps in December. The estimated market value at the end of February 2018 is \$225.3 million. Unspent proceeds from the lease financing for the downtown parking facility are included in the total. Due to the large shift in the bond market interest rates, the holdings in the portfolio decreased in value by \$514,280 in February, increasing the unrealized loss in the portfolio to \$4.25 million. 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

**2.7 FINANCE
FEBRUARY 2018 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 February 28, 2018. Citywide Revenue of \$49.2 million is 14.8% of total annual budget. Sales Tax collections February YTD are 1.9% above February 2017 YTD, and 18.0% of the total annual budget. Building Material Use Tax collections for February are 28.1% above February 2017 YTD, and 11.3% of the total annual budget. Sales and Use Tax collections combined are 17.4% of total annual budget. Citywide total expenditures of \$46.5 million are 12.6% of the total annual budget.

Information Only

3. 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 2.7.

CARRIED UNANIMOUSLY, 8 - 0.

4. PUBLIC COMMENT

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

Public Comment was not given.

**5. 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.

Moved by Councilor Johnson, seconded by Councilor Fogle

A Motion To Move Item 6.1, Business From City Council, Before Item 5.1 On The Regular Agenda.

CARRIED UNANIMOUSLY, 8 - 0.

**6.1 BUSINESS FROM CITY COUNCIL
PROCEDURAL ISSUES**

1) Councilors discussed the need to address procedural issues regarding Colorado Open Records Act (CORA) request notifications. Council would like a procedure to be informed of requests by other Councilors and the public. CORA requests are open records, Moses Garcia, Acting City Attorney, stated that Council could direct the City Manager to provide a process that could inform Council on a regularly occurring basis of what information is being requested. A Rule of 4; Johnson, Overcash, Fogle, Clark, and Olson, was achieved to direct staff to provide a process on informing Council on CORA and other informational requests.

2) Councilor Overcash asked for a Rule of 4 to have a Study Session item from Loveland Police Department on the 28 Day Cycle Review regarding crime statistics, including gang and drug activities. Johnson, Fogle and Jersvig completed the Rule of 4.

**5.1 PUBLIC WORKS
AMENDMENT TO REIMBURSEMENT AGREEMENT FOR NEW STREET CONSTRUCTION**

Jeff Bailey, Interim Public Works Director, presented this item to Council. This will approve the extension of an existing Reimbursement Agreement for new street construction by resolution as part of the City's Reimbursement Policy set forth in the Larimer County Urban Area Street Standards. By not extending this Agreement, the Developer will lose its ability to recoup the costs of public improvements from future developers on the obligated properties. The City's Reimbursement Policy for New Street Construction provides, in part, that a "developer" that installs and constructs a public street, alley or pedestrian-bikeway to serve property through undeveloped areas or areas that may be redeveloped, or constructs a public street, alley or pedestrian-bike way along the perimeter may enter into a reimbursement agreement with the developer. With approval of this agreement, the City may collect a front footage charge from the abutting property owner prior to the issuance of any building permits for the abutting property.

Alan Pogue, Legal Counsel for McWhinney, addressed Council to answer question regarding the properties not annexed into the City.

Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion To Adopt Resolution #R-32-2018 Approving An Amendment To A Reimbursement Agreement For New Street Construction With Centerra Metropolitan District No. 1

CARRIED UNANIMOUSLY, 8 - 0.

5.2 DEVELOPMENT SERVICES NUISANCE AND ABATEMENT CODE AMENDMENTS

Brett Limbaugh, Development Services Director, presented this item to Council. City Council recognized that there was a need to address and revise the City's abatement policies during the 2016 City Council Retreat. At the behest of City Council, Development Services reviewed the Code as it relates to abatement and identified both a need to revise portions of the existing Code and address deficiencies with a streamlined, uniform abatement policy. Staff made an initial presentation to the City Council at a Study Session on August 22, 2017 and listed options for City Council to consider. Staff took City Council input from this study session and crafted an initial rough draft of the new ordinance including deadlines for abatement. Staff attempted to bring this item to the City Council on January 23, 2018, but the agenda was long and the item was deferred to the March 20, 2018 City Council meeting. Staff is prepared to discuss the code changes and abatement deadlines with City Council before finalizing the draft ordinance which would then be scheduled for a public hearing. Attachment 1 is a PowerPoint presentation outlining the proposed process and Municipal Code revisions for City Council review. This item was on the City Council regular agenda on March 20, 2018 where it was postponed. Mr. Limbaugh stated that a new title would be added to the code; Title 20, would consolidate "Nuisance and Abatement" issues and code enforcement. Several Councilors suggested taking out the "unwholesome business" phrase in Title 7.04.010. Councilors would like to include a provision to address the "dumping" of houses. Councilors questioned excess storage of vehicles on a property and including a motor vehicle dealer licensing which require commercial storage. Council expressed concern regarding the

practice of "red-tagging", the time limitations, and the code language that allows for demolition of a building by the City. Mr. Limbaugh stated the reason for recommending the adoption of the 1997 Uniform Code is it is tested and the ICC has not seen a reason to update it, he also informed Council that many other communities in Colorado have adopted this Code. Staff will find out if Fort Collins, Longmont, Windsor and Greeley are using this Code. Council questioned if there should be a capped amount for immediate abatement or an adoption of fees allowed to be charged for abatement. Under the proposed abatement deadlines, Council wanted unsanitary conditions to be changed from 7 days to 4 or 5 days; they also recommended an addition to the Code, that a situation go to court prior to demolishing a building. Councilors thanked staff for the presentation.

Information Only

5.3 DEVELOPMENT SERVICES

WEST EISENHOWER REINVESTMENT ZONE UPDATE

David Eisenbraun, Community and Strategic Planner II, presented this item to Council. The West Eisenhower Reinvestment Zone (WERZ) seeks to stimulate development by waiving building permit, utility and capital-related fees, as well as providing Use Tax Credits at the time of permitting. This two-year program provides economic assistance for redevelopment of properties along West Eisenhower Boulevard generally between Wilson and Taft Avenue. To date, there have been 32 vouchers processed totaling just over \$48,152. This item was on the March 20, 2018 City Council agenda where it was postponed.

Mr. Eisenbraun stated this item sunsets in July 19, 2018. He read an email from Rob Woodward a Loveland resident and developer, that expressed his concern regarding the cost of redevelopment in the zone versus building new on vacant land. Mr. Eisenbraun stated that there have been improvements to address these concerns with the flexible zoning overlay that has since been implemented. Council supported approving an extension of another two years.

Information Only

5.4 HUMAN RESOURCES

CITY ATTORNEY RECRUITMENT PROCESS DELIBERATION AND DISCUSSION WITH POSSIBLE EXECUTIVE SESSION

Julia Holland, Human Resources Director, presented this item to Council. This motion is for City Council to conduct a meeting to discuss the City Attorney recruitment process, which will include Council preparation for interviews in executive session.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion for the City Council recess into executive session for the purpose of reviewing applications and preparing for interviews for the position of City Attorney, pursuant to City of Loveland Charter section 4-4, To receive information, prepare for interviews, and discuss Personnel matters to include review, evaluation, deliberation, and discussion as authorized by CRS § 24-6-402(4)(f)(I) and Charter Section 4-4(c)(5), regarding the review of applications for the

City Attorney position and preparing for interviews with applicants 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.

5.5 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No Items were pulled.

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.

Clark - Shared information regarding transportation issues that will be addressed in the Colorado Senate. The MPO will be searching for a new Executive Director.

Johnson - Shared information regarding the airport meeting that included an update on the Remote Tower.

Fogle - Congratulated LFRA for closing on the loan for Fire Station 7.

Overcash - Thanked Council for letting him request a Study Session on crime stats.

Expressed appreciation to the Reporter Herald for changing their policy for anonymous comments. Attended the Golf Commission meeting and shared that there was a discussion about raising golf fees.

Wright - Shared the Transportation Advisory Board's flood recovery projects on Wilson and Lincoln; the Visual Arts Commission discussing the possibility of placing insurance riders on artwork for damage claims; and she gave feedback on the Boards and Commissions Appreciation event and how commissions are talking about working together on projects.

Olson - Expressed appreciation for the Boards and Commissions Appreciation event. Gave an update on the Windy Gap project and the proposal for the Big Thompson River master plan.

Jersvig - Attended the Human Services Commission and shared information on the Senate Bill for the Start Program.

Marsh - She will attend the VA facility opening on Thursday.

6.2 CITY MANAGER REPORT

Steve Adams, City Manager, recommended to cancel the meeting on June 17, 2018 for lack of quorum due to Colorado Municipal League conference.

He asked Councilors if they intended to attend the July 3, 2018 meeting, to which, the majority of Council stated they intended to attend.

6.3 CITY ATTORNEY REPORT

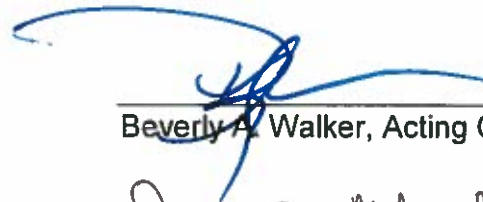
Moses Garcia, Acting City Attorney, asked Council if they would like him to review their procedures and incorporate Robert's Rules into them in order to provide some proficiency to the Council meetings. He proposed to meet with each Councilor for ideas and bring his revisions to Council in a month.

7. ADJOURN

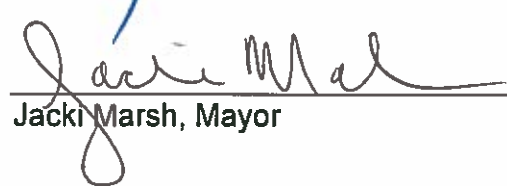
Mayor Marsh adjourned the April 3, 2018 regular Council meeting at 9:20 p.m.

Respectfully Submitted,





Beverly A. Walker, Acting City Clerk



Jacki Marsh, Mayor

