



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, April 17, 2018 CITY COUNCIL CHAMBERS 6:00 PM

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

COUNCIL ABSENT: Olson

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 20, 2018 AS ARBOR DAY**

Councilor Fogle presented the proclamation to Dan Willadsen, Parks Manager, who accepted on behalf of the Parks and Forestry Specialist, City of Loveland.

**1.4.2 PROCLAMATION
DECLARING THE DAY OF APRIL 21, 2018 AS ANNUAL WATERWAY CLEAN-UP
EVENT**

Councilor Jersvig presented the proclamation to Joe Chaplin, Stormwater Quality Specialist, City of Loveland.

**1.4.3 PROCLAMATION
DECLARING APRIL 28, 2018 AS INTERNATIONAL SCULPTURE DAY**

Councilor Ball presented the proclamation to Abbie Powers, Visual Arts Commission Chair.

**1.4.4 PROCLAMATION
DECLARING MAY 2018 AS MENTAL HEALTH AWARENESS MONTH**

Councilor Wright presented the proclamation to Laurie Stolen, Larimer County Behavioral Health Project Director; Carol Plock, Health District of Northern Larimer County; Kelsey

Lyons, Community Health Improvement Plan Coordinator; Blake, Donoho, Summitstone Health Partners; Amy Kegg, Summitstone Health Partners; Carl Nassar, Heart Centered Counseling; Gil Barela, Mental Health Matters Consultant; Natalie Diekman, Mental Health Matters Consultant; Janna Kowalski, Board of Health; and Monica Smith, UC Health.

1.5 PRESENTATIONS

1.5.1 PRESENTATION NATIONAL LEAGUE OF CITIES

Avery Pflieger and Connor Lindgren, Youth Advisory Commissioners, presented their National League of Cities trip to Council.

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 27, 2018 Study Session and April 3, 2018 Regular Meeting.

A Motion to Approve the City Council minutes for the March 27, 2018 Study Session and April 3, 2018 Regular Meeting

CARRIED.

2.2 CITY CLERK

MEMBER APPOINTMENTS TO THE LOVELAND HOUSING AUTHORITY

This is an item appointing members to the Loveland Housing Authority.

1) A Motion to Appoint Kory Stolte To The Loveland Housing Authority For A Current Vacancy for a Term Effective Until June 30, 2019

2) A Motion to Appoint Jennifer Swanty To The Loveland Housing Authority For A Term Effective Until June 30, 2023

3) A Motion to Appoint Jon Mallo To The Loveland Housing Authority For A Term Effective Until June 30, 2023

CARRIED.

2.3 PARKS AND RECREATION

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE PRAIRIE RIDGE TRAIL AND TRAILHEAD PROJECT

The City of Loveland has been awarded a \$260K Local Park and Outdoor Recreation Grant from the Great Outdoors Colorado (GOCO) for construction of soft-surface trails, a parking lot, and a vault restroom at Prairie Ridge Natural Area. The new trailhead and trails will provide users with a 1-mile ADA accessible trail, 1.5-miles of soft surface trails, a 20-car gravel parking lot, a vault toilet, and connections to regional trail systems operated by Fort Collins, Larimer County, and Colorado Parks and Wildlife (CPW). In addition, the project will include the widening of Taft Hill Road to accommodate a designated left turn lane into the trailhead. The grant request seeks funding for construction in 2018 and 2019; City of Loveland Open Lands Funds were requested for the 2018 budget cycle. The approximate cost for construction is \$676,262. The City was awarded \$260,000 from GOCO, and \$200,000 by CPW. The City is offering \$216,262 in City matching funds, which satisfies the local match requirements for both grant applications. The project was also awarded a \$200K Land, Water and Conservation Funds grant from CPW, a grant administered by the National Park Service. Each grant can be used as match for the other. This item was presented to City Council on October 17, 2018 where the resolution to apply for grant funding for the project was adopted, unanimously, with a 9 to 0 Vote.

A Motion To Adopt Resolution #R-33-2018 Approving A Grant Agreement Between The City Of Loveland, Colorado And The State Board Of The Great Outdoors Colorado Trust Fund For A Local Parks And Outdoor Recreation Grant For The Completion Of A Trail Project In The Prairie Ridge Natural Area

CARRIED.

2.4 PUBLIC WORKS

AMENDMENT TO CONSTRUCTION CONTRACT WITH JAG'S ENTERPRISES FOR THE 2017 CONCRETE REPAIR TARGET AREA (TA) PROGRAM

This item approves an amendment to a construction contract with JAG's Enterprises for concrete repairs in advance of the street resurfacing projects. The Target Area (TA) Concrete Program (the "Project") concentrates on the repair of damaged curb, gutter and/or sidewalk in advance of the street resurfacing projects. This concrete work also includes bringing these areas into compliance with the Federal requirements for the Americans with Disabilities Act (ADA). The work on this Project can begin in the early spring and continue thru the end of the year, weather permitting. JAG's Enterprises of Greeley was awarded a contract in 2015 as the successful bidder for the Project (the "Contract"). The Contract was renewed in 2016 and 2017. The 2017 contract price was \$900,000. The City approved one change order for the 2017 Contract in the amount of \$175,000, increasing the total 2017 contract price to \$1,075,000 at the April 4, 2017 Regular City Council meeting with an 8 to 0 Vote. City Council approved the renewal of the Contract for 2018 on February 6, 2018 with a 9 to 0 Vote in the amount of \$1,600,000; however, the contract renewal has not been fully executed. In order to take advantage of good weather this spring, JAG's began work for 2018. In order to process payment to JAG's for this work, the 2017 contract price must be increased by \$500,000 to a total of \$1,575,000. The 2018 contract price will be reduced by the same amount. JAG's has successfully done this work the past 6-years. City Council approval is required for this amendment by Loveland Municipal Code Section 3.12.060(B) as the contract price exceeds \$500,000 and the amendment/change order amount exceeds twenty-percent (20%) of the original contract price. There is no impact to unassigned fund balance due to the funding for this request already budgeted in 2018.

A Motion to Adopt Resolution #R-34-2018 Approving A Contract Amendment To The Construction Contract With Jag's Enterprises, Inc. For The 2017 Street Rehabilitation Program, Schedule TA, And Authorizing The City Manager To Execute The Contract Amendment

CARRIED.

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 2.4.

CARRIED UNANIMOUSLY, 8 – 0.

4. 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.

Councilor Johnson asked for a Rule of 4 to have a Study Session on an affordable housing project between Habitat for Humanity, Loveland Housing Authority, and private developers. Councilors Ball, Overcash, and Marsh joined Councilor Johnson.

5. PUBLIC COMMENT

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

Rick Hiker, Loveland resident, expressed concern regarding solar power fees and penalties. Vi Wickam, Loveland resident, expressed concern regarding the Building Division's response to his building permit and the change of use to his building.

Nancy Kain, Loveland resident, expressed concern regarding gun safety in the public schools and having a public meeting so the public may participate. Council, with a Rule of 4, agreed to allow the public to comment at the May 22, 2018 where Council will have a joint Study Session with the Thompson School District Board.

Bob Jeffreys and Jerry Bernhardt, Loveland residents, expressed concern regarding the construction of the 37th Street connection between Garfield and Lincoln they shared a list of added barriers that the neighborhood would like included in the final plan.

**6. 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.

Steve Adams, City Manager, asked that Item 6.6 be placed before the first item on the Regular Agenda due to unexpected staffing needs.

Moved by Councilor Fogle, seconded by Councilor Jersvig

A Motion To Move Item 6.6 To The First Item On The Agenda

CARRIED UNANIMOUSLY, 8 - 0.

**6.6 HUMAN RESOURCES
DISCUSSION REGARDING CITY ATTORNEY INTERVIEWS AND NEGOTIATIONS WITH
POSSIBLE EXECUTIVE SESSION**

The meeting is for City Council to discuss preferred candidate(s) and receive an update on negotiations for the City Attorney recruitment and appointment. After the Executive Session, Council may give direction to staff to bring an item to the next Council meeting to continue to negotiate contract terms with an applicant, re-post the position, or make a motion to insert the preferred candidate name in the resolution and move to adopt the resolution in Open Session. The City Attorney position recruitment began when the job was posted on January 30, 2018. On March 6, 2018, the posting closed, and on March 20, 2018, Council directed

staff to coordinate interviews for the recommended candidates. On April 9, 2018, Council conducted interviews and provided direction to staff to negotiate with preferred candidate(s).

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion For City Council to recess into executive session for the purpose of considering applicants 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)(I) and Charter Section 4-4(c)(5), regarding applicants 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

CARRIED UNANIMOUSLY, 8 - 0.

Council recessed into Executive Session at 7:05 p.m.

Council reconvened from Executive Session at 7:23 p.m.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion To Adopt Resolution #R-36-2018 Appointing Moses Garcia To The Position Of City Attorney Effective Upon Adopting Of This Resolution And In Relation Thereto Authorizing The Mayor To Execute An Employment Agreement

CARRIED UNANIMOUSLY, 8 - 0.

6.1 FINANCE

UPDATE ON COST ALLOCATION PLAN AND STAFF RECOMMENDED IMPLEMENTATION STRATEGY FOR 2019 BUDGET

Matthew Elliott, Senior Budget Analyst, presented this item to Council. The Finance Department contracted with MGT of America Consulting, LLC, to prepare a full cost allocation plan for the City to use for the 2019 Budget process. Staff has developed a number of options regarding the implementation of the cost allocation plan for the 2019 Budget process and recommends that City Council approve the Staff recommended option. The cost allocation plan and Staff recommended implementation strategy were reviewed with the Citizens' Finance Advisory Commission (CFAC) during the April CFAC meeting held

on April 11, 2018. CFAC resolved to endorse staff's recommended implementation strategy by a 6 to 1 Vote.

Councilors expressed concern regarding the Enterprise Funds allocations, specifically Golf at 50%. Steve Adams, City Manager, explained the reason for the allocation process and the need for the three year phasing. Councilors also expressed concern regarding how much time the project is taking. Theresa Wilson, Budget Manager, addressed Council and stated that this first year took the majority of the time, but in future years it will just be a matter of updating. Councilors asked about the transparency and if the public would be able to understand the budget. Ms. Wilson explained that cost allocations are complicated and hard to explain succinctly. Brent Worthington, Finance Director, explained there is another way to budget for costs, but it would be more cumbersome. Council thanked staff for the presentation.

Information Only

6.2 CITY MANAGER'S OFFICE

PUBLIC HEARING

CENTERRA METROPOLITAN DISTRICT NO. 3 EXPANSION

Alan Krcmarik, Executive Fiscal Advisor, presented this item to Council and introduced Alan Pogue, McWhinney's legal counsel and Kim Perry, VP of Community Design and Neighborhood Development, representing Centerra Metropolitan District No. 3. The district desires to include within its boundaries two parcels of property intended for residential development. The property to be included is located adjacent to and east of the existing boundaries of District No. 3. A map (attachment 1) showing the property (Inclusion Property) and the existing boundary of District No. 3 is attached to the resolution. Section I.A.4. of the original Service Plan for the Centerra Metropolitan Districts provides that any boundary adjustment which adds to or subtracts from the total acreage of the Centerra Metropolitan Districts Nos. 1 through 4 is considered a material modification of the Service Plan and requires approval of City Council. In recent discussions regarding metropolitan districts, members of Council reiterated their concern that prospective buyers of property in metropolitan districts need to know that the property carries higher mill levies. The material modification to the Service Plan provides an opportunity for City Council to further the public good by integrating meaningful disclosure to future owners or home purchasers within District No. 3 as an area designated for residential development. If Council approves the inclusion of the Inclusion Property, it will then be presented to the Board of Directors of District No. 3 and the Larimer County District Court as required by to Section 32-1-401, C.R.S. The developer's objective is to have about 240 acres of additional property added to District No. 3 for purposes of development. One of the City's objectives is to support additional transparency and disclosure of the financial responsibilities that accrue to owners of property in metropolitan districts. Owners of the residential properties will have additional mill levies imposed on the property. Currently, the additional mill levy in District No. 3 is 5 mills. According to the legal counsel for District No. 3, this property is not planned to be added to the Urban Renewal Area (URA).

Council asked what type of residential would be built in the proposed district. Ms. Perry, stated that it would be a variety of housing types: Single Family Detached, Multi-Family, Condos, and 55 plus.

Council asked what infrastructure would be included. Mr. Pogue stated streets, storm drainage, parks, traffic signal, street lights and water and wastewater infrastructure.

Ms. Perry, stated that they are obligated to dedicate a school site and have been in conversations with the school district and charter schools.

Some Councilors expressed concern regarding the cost to homeowners in a metropolitan district. Other Councilors expressed support for the project and the McWhinney's inclusion of affordable housing in their projects.

Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Johnson

A Motion to Adopt Resolution #R-35-2018 Approving A Material Modification To The Consolidated Service Plan For Centerra Metropolitan Districts Nos. 1 Through 4 Permitting The Inclusion Of Real Property Into Centerra Metropolitan District No. 3 And Disclosures For Centerra Metropolitan District No. 3

CARRIED 6 - 2, No Votes: Ball and Marsh.

Councilor Clark left the meeting at 9:10 p.m.

6.3 PARKS AND RECREATION PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR THE REIMBURSEMENT OF FUNDS TO THE THOMPSON R2J SCHOOL DISTRICT FOR THE CONSTRUCTION OF THE HIGH PLAINS SCHOOL PUBLIC PARK IMPROVEMENTS

Janet Meisel-Burns, RLA, Special Projects Manager, presented this item to Council. In January 2014, the City of Loveland, Lakes at Centerra Metropolitan District No.1, (Lakes at Centerra) and Thompson R2J School District (District) entered into An Intergovernmental Agreement (IGA) to jointly construct public park improvements at the High Plains Environmental Center and the High Plains public school located at 4255 Buffalo Mountain Drive in east Loveland (see attachment 5 for Location Map). The obligation of the agreement placed development and construction of the park improvements with the Lakes at Centerra and the Thompson School District and placed the obligation for reimbursement on the City to repay both parties once all construction was completed and the conditions of the IGA were met. Now that construction of both park and school facility improvements have been completed, the final reimbursement to the school district needs to be completed by the City. The funding ordinance will appropriate \$800,000 from the Parks CEF Fund for the park improvements constructed by the District. The City reimbursed the Lakes at Centerra for park improvements near the High Plains Environmental Center in June 2015. This item was presented to City Council on January 7, 2014 where the agreement was reviewed and adopted by resolution with a unanimous vote of 9 to 0. This item was also presented to City

Council on January 6, 2015 where the agreement was amended to grant the school district a time extension due to weather delays for the school construction.
Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Ball

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City of Loveland Budget For Reimbursement To Thompson Valley School District For High Plains Park Public Park Improvements

CARRIED UNANIMOUSLY, 7 - 0.

**6.4 LOVELAND POLICE DEPARTMENT
LOVELAND POLICE DEPARTMENT REORGANIZATION UPDATE**

Bob Ticer, Police Chief, presented this item to Council and explained the reorganization of the Loveland Police Department, which included the elimination of the commander rank and the addition of the rank of assistant chief (two commanders became assistant chiefs), and the rank of Deputy Chief, which involved the reclassification of one of the three existing commander positions for the Deputy Chief rank's creation. A more in-depth look at the reorganization of the Loveland Police Department is located in the attached AIR under the History section. This item was presented to the Police Citizen's Advisory Board on March 5, 2018 as an information only presentation, and there was no opposition to the reorganization. Mayor Marsh asked to have the Boards and Commissions included on the organizational chart.

Information Only

**6.5 LOVELAND POLICE DEPARTMENT
SUPPLEMENTAL APPROPRIATION FOR FUNDING THE COMBINED REGIONAL
INFORMATION SYSTEMS PROJECT**

This item was pulled from the agenda by Steve Adams, City Manager.

6.7 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA
No items were removed from the Consent Agenda.

7. REPORTS

7.1 BUSINESS FROM CITY COUNCIL

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

Jersvig: Appreciated Friday's Barbershop.

Marsh: Penske Truck is opening on Byrd Ave.

Fogle: Historic Preservation Commission's Tour de Pants at Bill Reed, for the 100th Anniversary is on May 5, 2018.

7.2 CITY MANAGER REPORT
None

7.3 CITY ATTORNEY REPORT
None


ADJOURN

Mayor Marsh adjourned the April 17, 2018 Regular Council Meeting at 9:26 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City
Clerk


Jackie Marsh, Mayor