



**MINUTES**  
**LOVELAND CITY COUNCIL SPECIAL MEETING**  
**Tuesday, May 8, 2018 City Council Chambers 6:00 PM**

**COUNCIL PRESENT:**

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

**COUNCIL ABSENT:**

None

**SPECIAL MEETING**

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 ROLL CALL**

**1.3 PROCLAMATION**

Proclamation Declaring May 7 - 12, 2018 As Economic Development Week  
Councilor Johnson presented the proclamation to Kelly Jones, Economic Development Director.

**2. 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.*

**2.1 HUMAN RESOURCES**

**MUNICIPAL JUDGE JONESON QUARTERLY PERFORMANCE REVIEW WITH POSSIBLE EXECUTIVE SESSION**

Judge Geri Joneson, presented this item to Council.

1) As directed by City Council, the Municipal Judge is expected to present a quarterly report to update Council on trends in the Court regarding both the type and volume of cases filed in Municipal Court, as well as inform Council of any major changes in Court procedures, legislation, or other items that may affect Municipal Court.

2) Council, per resolution, conducts quarterly performance review meetings for the Municipal Judge. This action is for City Council to conduct the performance review meeting, which may include an executive session to discuss personnel matters, such as feedback on performance. The Judge did not request an executive session and Council did not see a need for one.

The judge agreed to provide totals from 2017 1st quarter and a break out of the tobacco and marijuana cases. Council thanked the judge for the presentation and doing a great job.

## 2.2 INFORMATION TECHNOLOGIES

### CUSTOMER INFORMATION SYSTEM VENDOR CONTRACT AWARD

Bill Westbrook, IT Director presented this item to Council.

1) This item approves the award of a master contract, software license contract, implementation services contract, and a support and maintenance contract for the replacement of the present Customer Information System (CIS/Utility Billing) to Advanced Utility Systems in the amount of \$3,445,900 and authorizes the City Manager to execute the contract. This item also authorizes the City Manager to sign an amendment for \$956,742 to an existing contract with AAC Utility Partners for CIS Selection and Project Implementation Leadership Services.

2) This project's funding of \$6,601,220 was approved as part of the 2018 City of Loveland Budget within the capital projects fund. The remaining balance of \$2,198,578 (\$6,601,220 less \$3,445,900 for AUS and \$956,742 for AAC) is allocated for hardware, first year of annual support and maintenance at go-live, office space, backfilling of positions, non-AUS 3rd party interfaces, and contingency.

This item was originally on the May 1, 2018 Loveland City Council agenda where it was continued to the May 8, 2018 City Council Special Meeting.

The original billing system was put in place in 1987. Council expressed concern regarding the Enterprise Fund paying for the software. Theresa Wilson, Budget Manager, explained that all funds are City funds, so it will be a City owned asset.

Public Comment: Larry Sarner, Loveland resident, expressed concern regarding TABOR requirements and the use of an Enterprise Fund to work around the limitations.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***1) A Motion to Adopt Resolution #R-38-2018 Authorizing A Notice of Award for the Customer Information System (CIS) Replacement Bid to Advanced Utility Systems (AUS) of Toronto, Ontario, Canada And Authorizing the City Manager to Execute the Contracts***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***2) A Motion To Adopt Resolution #R-39-2018 Approving A Contract Amendment To The Services Contract With AAC Utility Partners For The CIS Selection And Project Implementation Leadership Services Project, And Authorizing The City Manager To Execute The Contract Amendment***

CARRIED UNANIMOUSLY, 9 - 0.

**2.3 WATER & POWER  
WASTEWATER TREATMENT PLANT PACKAGE THREE**

Brian Gandy, Special Projects Manager, presented this item to Council. The Wastewater Treatment Plant Expansion Project evolved through the need to: 1) meet regulatory requirements for nutrient loading to the Big Thompson River, 2) increase capacity to meet population growth, and 3) replace aging infrastructure. To comply with the City's new discharge permit, the plant effluent to the river must meet very low limits for phosphorus and nitrogen by 2020. Other project goals included increasing the treatment capacity of the plant from 10 million gallons per day (MGD) to 12 MGD, which entailed modifications to secondary clarifiers, pump systems, and the ultraviolet lamp disinfection system. These improvements were presented to City Council at a 2015 study session and funds subsequently approved in the 2016, 2017, and 2018 budgets. With a Guaranteed Maximum Price of \$3,361,416, the Package 3 scope will complete the project and funds are available in the approved 2018 budget. The total project cost of Packages 1, 2, and 3 is \$34,522,547, which is below the projected total budget of \$35,121,000. This item was on the May 1, 2018 Loveland City Council meeting where it was postponed.

Public Comment was not given.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt Resolution #R-41-2018 Authorizing A Notice Of Award For Package Three Of The Wastewater Treatment Plant Expansion To Garney Construction***

CARRIED UNANIMOUSLY, 9 - 0.

**2.4 CITY MANAGER'S OFFICE  
CITY COUNCIL APPOINTMENTS FOR LOVELAND COMMUNICATIONS ADVISORY BOARD (LCAB)**

City Manager, Steve Adams, presented this item to Council to identify a non-voting City Council liaison and alternate liaison for the newly formed Loveland Communications Advisory Board (LCAB). This item was originally on the May 1, 2018 Loveland City Council agenda where it was postponed. Council agreed to have two primaries and one alternate. The two primaries will represent the project from differing view points.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion to Approve Councilor Overcash and Fogle as City Council Liaisons and Councilor Clark as the alternate for the Newly Formed Loveland Communications Advisory Board (LCAB)***

CARRIED UNANIMOUSLY, 9 - 0.

**2.5 PUBLIC WORKS  
PUBLIC COMMENT**

**UPDATE ON THE FOUNDRY PROJECT WITH POSSIBLE EXECUTIVE SESSION**

Michael Hogan, Facilities Manager and Jay Hardy, Brinkman Partners provided City Council with an informational overview of the Foundry progress to date and what we can expect as we progress. Upon conclusion of the review Public Works will request Council entertain a motion to recess into executive session to discuss matters subject to negotiation and to receive legal advice related to the Disposition and Redevelopment Agreement (DRA) and overall status of the Foundry Project. This item was noticed at the May 1, 2018 City Council meeting under item 2.3 "Call For A Special Meeting To Be Held on May 8, 2018". A citizen pulled the item from the consent agenda, and the item was placed at the end of the regular agenda due to current City Council Policy.

Moved by Councilor Jersvig, seconded by Councilor Fogle

*A Motion To Recess Into Executive Session concerning the Foundry project and related Disposition and Redevelopment Agreement pursuant to the Colorado Revised Statutes and the City of Loveland Charter 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 CRS Section 24-6-402 (4)(e) and Charter Section 4-4(c)(1); and To discuss matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential as authorized by CRS Section 24-6-402 (4)(b) and Charter Section 4-4(c)(3)*

CARRIED UNANIMOUSLY, 9 - 0.

Council recessed into Executive Session at 7:25 p.m.

Council reconvened from Executive Session at 8:10 p.m.

**3. REPORTS**

**3.1 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.*

+ City Council meeting procedures and objectives discussion: City Attorney, Moses Garcia, explained the types of meetings that the Charter provides. He stated the agendas provide a reasonable opportunity to be heard. Study Sessions don't involve public comment since they are information only items and no action is taken. Council decided that there would be no public comment at the May 22nd Joint Study Session with the Thompson School District.

Olson: Commented about information he had about how much the downtown sales tax increased during the Winter Wonderlights event. He also shared a description of a violent video game and gave each Council member a book titled, Stop Teaching Our Kids To Kill, by Lt. Col. Dave Grossman who also wrote Assassination Generation.

Fogle: Shared his experience of the Tours de Pants, Historic Preservation Commission event on May 5, 2018. May is historic preservation month.

Marsh: She attended the Honor Flight Event with Councilor Wright. September 9, 2018 will be the last honor flight.

Overcash: Tuesday the 1st was National Law Day, he attended an event at the Loveland Police Department. Asked Mr. Adams about the Dashboard for the budget and when it would be available. Mr. Adams stated it would be presented to Citizens Finance Advisory Commission (CFAC) at the May 23, 2018 meeting and then to Council.

Jersvig: Human Services Commission, CPO to hire a third party to help with auditing grant recipients and he would like to pay for it out of the housing fund. Alison Hade addressed Council to explain the need to ensure that agencies are complying with Federal Grants, the ADA and Title 6 policies.

**Rule of 4 by Jersvig, Marsh, Wright and Johnson to update Council on the Community Housing Development fund and to add professional services and the strategic plan to the scope.**

**Rule of 4 by Johnson, Overcash, Marsh, Jersvig, and Wright to discuss the FSTRP and Utility rebate program as a Study Session item.**

Marsh: Asked about the church renting the Rialto Theater and has heard some negative feedback about it; she would like to have Cultural Services provide more information about it. No rule of 4 was achieved for an item on a future agenda.

### **3.2 CITY MANAGER REPORT**

No Council meeting on May 29, 2018, it is the 5th Tuesday. Joint Elected Officials meeting on May 30, 2018.

Winter Council and Destination Imagination are groups that are seeking Council funding, Council didn't agree to provide funding to Destination Imagination as they felt it would set a precedence.

### **3.3 CITY ATTORNEY REPORT**

No report.

### **4. ADJOURN TO STUDY SESSION**

**Mayor Marsh adjourned the May 8, 2018 Special Meeting at 9:05 p.m.**

### **5. STUDY SESSION**

**5.1 CITY MANAGER'S OFFICE  
CAPITAL EXPANSION FEE QUESTION AND ANSWER FOLLOW-UP FROM THE CITY  
COUNCIL NOVEMBER 2017 MEETING**

Alan Krcmarik, Executive Fiscal Advisor, presented this item to Council. In November 2017, the annual inflationary increase for the Capital Expansion Fees (CEF) was presented to City Council. After the discussion of a few options, the result was to adjust the fees by the annual increase in the Construction Cost Index as provided in Engineering News Record for the Denver Region, as published in the September 2017 edition. The Streets CEF uses a different cost index from the Colorado Department of Transportation (CDOT). During the discussion of the item, members of City Council asked several questions about the CEF program. The purpose of this study session item was to provide responses to those questions and to have additional discussion with Council members. Council thanked Mr. Krcmarik for his presentation.

*Information Only*

- 6. ADJOURN**  
**Mayor Marsh adjourned the May 8, 2018 Study Session at 10:20 p.m.**

Respectfully Submitted,



*Patti Garcia*

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Patti Garcia, City Clerk

*Jacki Marsh*

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Jacki Marsh, Mayor