



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, May 15, 2018 CITY COUNCIL CHAMBERS 6:00 PM**

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

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

Johnson arrived at 6:05

**1.4 PROCLAMATIONS AND PRESENTATIONS**

**1.4.1 PROCLAMATION**

**DECLARING MAY 19, 2018 AS KIDS TO PARKS DAY**

Councilor Wright presented the proclamation to Elizabeth Kayl, Parks and Recreation Director.

**1.4.2 PROCLAMATION**

**DECLARING JUNE 2, 2018 AS NATIONAL TRAILS DAY**

Councilor Ball presented the proclamation to Marilyn Hilgenberg, Open Lands and Recreation Trails Manager.

**1.4.3 PROCLAMATION**

**DECLARING JUNE 2018 AS BIKE MONTH**

Councilor Olson presented the proclamation to Katie Guthrie, Principal City Planner.

**1.4.4 PROCLAMATION**

**DECLARING MAY 20-26, 2018 AS PUBLIC WORKS WEEK**

Councilor Fogle presented the proclamation to Mark Jackson, Public Works Director.

**1.4.5 PROCLAMATION**

**DECLARING MAY 13-19, 2018 AS POLICE WEEK**

Councilor Jersvig presented the proclamation to Chief Bob Ticer.

**1.4.6 PRESENTATION  
TRANSIT SURVEY BY THE YOUTH ADVISORY COMMISSION**

Lincoln Solt, Youth Advisory Commission Member, presented this item 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 April 17, 2018 Regular Meeting, the April 24, 2018 Special Meeting and Study Session and the May 1, 2018 Regular Meeting.

***A Motion To Approve City Council Minutes for the April 17, 2018 Regular Meeting, the April 24, 2018 Special Meeting and Study Session and the May 1, 2018 Regular Meeting***

CARRIED.

**2.2 ECONOMIC DEVELOPMENT  
PUBLIC COMMENT  
APPROPRIATION TO FUND LOVELAND STRATEGIC PARTNERSHIP'S #LIVE  
LOVELAND CAMPAIGN**

This item is a request for \$100,000 in funding for the #Live Loveland campaign. This initiative grew out of the Loveland Strategic Partnership (LSP), a non-profit made up of many different segments of the community from government to non-profit, education and small business owners to the faith community. #Live Loveland was created specifically to engage citizens in

their community and highlight community pride through a variety of tactics (attachment 1). The LSP estimates their current year budget to be between \$200,000 and \$225,000. To date, they have raised \$100,000 and have additional fundraisers planned for the remainder of 2018. There are three sources of funding listed below by fund:

1. Economic Incentives Fund (\$47,500)
2. Council Special Projects Fund (\$47,500)
3. Lodging Tax Fund (\$5,000)

This item was presented to City Council at a Study Session held on February 27, 2018. This item was also presented to the Community Marketing Commission on March 21, 2018 where they unanimously approved a motion to recommend to City Council the appropriation of \$5,000 for the Live Loveland Campaign. This item was also presented to City Council on May 1, 2018 where the ordinance was adopted unanimously, on first reading, with a vote of 8 to 0.

***1) A Motion To Adopt, On Second Reading, Ordinance No. 6201 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For #LiveLoveland***

CARRIED.

***2) A Motion To Approve Resolution #R-49-2018 Approving A Grant Agreement Between The City Of Loveland And The Loveland Strategic Partnership For The #LiveLoveland Project***

CARRIED.

## **2.3 LOVELAND FIRE RESCUE AUTHORITY PUBLIC COMMENT**

### **TRANSFER OF FIRE CAPITAL EXPANSION FEES FUNDS**

In November 2017, City Council approved an Intergovernmental Agreement (IGA) and subsequently adopted a resolution regarding the collection of impact fees for Loveland Fire Rescue Authority (LFRA) in lieu of Capital Expansion Fees (CEF's). The purpose of this ordinance is to transfer the balance of the existing Fire CEF funds (previous to January 1, 2018) to the Fire Authority impact fee account, to be used under the same premise as CEF's (capital, growth related projects). As a matter of note, LFRA now has IGA's with all three of the entities within their jurisdiction (City of Loveland, Larimer County, and Town of Johnstown), regarding the implementation of impact fees. There is not an impact on unassigned fund balance. This request if approved would move the unassigned fund balance within the Fire CEF Fund to the New Fire Impact Fee Fund. This item was presented to City Council on November 12, 2017 where Council approved an IGA by Resolution with a vote of 9 to 0. This item was also presented to the LFRA Board meeting held on November 13, 2017 and December 13, 2017 where the resolutions were approved with a 5 to 0 vote. This item was presented to City Council on May 1, 2018 where the ordinance was adopted unanimously on first reading with a vote of 8 to 0.

***A Motion To Adopt, On Second Reading, Ordinance No. 6202 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Transfer Of Fire Capital Expansion Fee (CEF) Funds To The Loveland Fire Rescue Authority (LFRA) Emergency Services Impact Fee Fund***

CARRIED.

**2.4 DEVELOPMENT SERVICES  
PUBLIC COMMENT  
NORTH BOYD LAKE 1ST SUBDIVISION VACATION**

The City is reviewing a site plan for a commercial development on North Boyd Lake Avenue, adjacent to the airport and Union Pacific Railroad, (attachment 1). The property is approximately 16.83 acres and is proposed as a mini storage and outdoor storage facility. There are access and utility easements along the center of the property, which were established to provide public and emergency access and a utility corridor to the property. Based on the design of the commercial development, these easements totaling approximately 3.54 acres are no longer necessary, as they plan to reestablish all necessary easements through separate instruments (attachment 2). The applicant is requesting that the old easements be vacated within the property boundaries. This item was presented to the Planning Commission on April 23, 2018 where it received unanimous approval. This item was also presented to City Council on May 1, 2018 where the ordinance was adopted on first reading unanimously with an 8 to 0 Vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6203 Vacating Emergency Access, Public Access And Utility Easement Located On, Over And Across A Portion Of North Boyd Lake First Subdivision, City Of Loveland, County Of Larimer, State Of Colorado.***

CARRIED.

**2.5 DEVELOPMENT SERVICES  
PUBLIC HEARING  
NORTH TAFT THIRD SUBDIVISION ZONING**

This is consideration of a first reading of an ordinance concerning the proposed North Taft Third Addition in northwest Loveland. This request is to annex and zone a 5.22-acre parcel at the southeast corner of N. Taft Ave. and W. 43rd St. This parcel is considered a county enclave, and as such it is subject to different hearing and notice standards than conventional annexations as detailed in the attached ordinance. The parcel currently is zoned Larimer County FA-Farming, and the requested City of Loveland zoning is R2-Developing Two-Family Residential. A detailed description of the proposal can be found in Attachment 5, the North Taft Third Addition Planning Commission Staff Report. This item was presented to the Planning Commission on April 9, 2018 where the item was approved with a 7 to 0 Vote.

***1) A Motion To Adopt Resolution #R-50-2018 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "North Taft Third 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.

***2) A Motion to Adopt, On First Reading, An Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, of a Certain Area Designated as "North Taft Third 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.

***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 "North Taft Third Addition" to the City of Loveland***

CARRIED.

## 2.6 DEVELOPMENT SERVICES

### PUBLIC HEARING

#### AMENDMENT TO THE WINDSONG TENTH DEVELOPMENT AGREEMENT

The vacant lot, referred to as 0 Knobcone Drive, 680 Sunday Drive, (attachment 1) was originally intended to be sited for a church, business or multi-family property and is approximately 2.1 acres. Since then, the applicant has purchased this corner property in hopes to build a single-family residence (attachment 2), similar to that found in the Windsong 10th Subdivision (attachment 4). Based on the homeowner's architectural proposal (attachment 5) for their house, an amendment to the Development Agreement is needed to accommodate their roof pitch from the required 5/12 – 6/12 to 3/12. (attachment 3). The applicant has also filed for a variance from their Home Owners Association (HOA) and received a letter of approval (attachment 6), pending the City amending the development agreement per the regulatory procedures outlined within the Development Agreement.

***A Motion To Adopt An Ordinance, On First Reading, of The City Council of the City of Loveland, Colorado Approving A Second Amendment To A Development Agreement For Certain Property Located Within The Windsong Tenth Addition, City of Loveland, County of Larimer, Colorado***

CARRIED.

## 2.7 PUBLIC WORKS

### CDBG-DR GRANT FOR CONSTRUCTION OF THE WILSON AVENUE FLOOD MITIGATION PROJECT

The City was awarded a \$2,024,245 Community Development Block Grant - Disaster Recovery (CDBG-DR) grant by the State of Colorado Department of Homeland Security and Emergency Management (DHSEM) for construction of the Wilson Avenue Flood Mitigation Project. (To view Grant Agreement, see Exhibit A of the attached Resolution)The final design has been completed with the construction cost estimated at \$3,372,221. The City has requested additional CDBG-DR funding for the grant to cover the entire expected construction cost and that request is currently being reviewed. Therefore, the final grant value will be from \$2,024,245 up to \$3,372,221. The City was previously awarded a \$404,000 CDBG-DR grant for the engineering design of this project, which was approved by City Council on June 6, 2017. The construction funding is provided through this grant agreement, which is the second one for the Wilson Avenue Flood Mitigation Project. A supplemental appropriation ordinance was adopted by City Council, on second reading, for this project on April 18, 2017 with a vote of 5 to 0.

***A Motion To Adopt Resolution #R-49-2018 Approving The Community Development Block Grant Disaster Recovery Resiliency Planning Grant Agreement (Project No. CDBGR3-LOV-5) Between The City Of Loveland And The State Of Colorado Department Of Public Safety Division Of Homeland Security And Emergency Management***

CARRIED.

## 2.8 PUBLIC WORKS

### **AWARD OF A CONSTRUCTION CONTRACT TO SEMA CONSTRUCTION, INC. FOR RAILROAD AVENUE FLOOD RECOVERY PROJECT (FLEN01)**

The purpose of this item is to award the contract to SEMA Construction, Inc. in the amount of \$2,506,155.78 to construct improvements on S. Roosevelt Avenue (S. Railroad Avenue) consisting of increased roadway width for bike lanes, raising the roadway profile, installing a 100-foot bridge and opening up the downstream secondary channel to improve flood resiliency. These grants have already been appropriated within the 2018 Budget therefore there will not be any impact on unassigned fund balance.

***A Motion To Adopt Resolution #R-42-2018 Authorizing A Notice Of Award For The Railroad Avenue Flood Recovery Project (Project No. FLEN01) To SEMA Construction, Inc. Of Centennial, Colorado And Authorizing The City Manager To Execute The Contract***

CARRIED.

## 2.9 PARKS AND RECREATION

### **APPROVAL TO AWARD A CONSTRUCTION CONTRACT TO COLT AND STEEL CORPORATION FOR PHASE II CONSTRUCTION OF VIESTENZ-SMITH MOUNTAIN PARK (PROJECT PKVSMP2)**

The purpose of this item is to award the contract to Colt and Steel Corporation in the amount of \$758,497.14 to construct Phase II of Viestenz-Smith Mountain Park (VSMP). The project includes a paved and expanded parking lot on the eastern side of the park, soft surface trails

to achieve an interconnected trail network within the park, ADA walks to buildings, boulder retaining walls, and electrical improvements. The construction bid includes two approved bid alternates. Alternate 1 includes paving the upper parking lot in asphalt for \$63,221.12. Alternate 2 includes buried electric conduit under the improved parking lot to future buildings for \$4,670.49. There will not be any impact on unassigned fund balance within the GF, TABOR or Capital Projects Fund due to the requested funding already being appropriated within the 2018 Budget.

***A Motion to Adopt Resolution #R-43-2018 Authorizing A Notice of Award for Construction of the Phase II Viestenz-Smith Mountain Park Project (PKVSMP2) to Colt and Steel Corporation of Brighton, Colorado, and Authorizing the City Manager to Execute the Contract***

CARRIED.

## 2.10 PARKS AND RECREATION

### **MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY PLANNING COUNCIL**

The City of Loveland has been awarded a bicycle and pedestrian counter by the MPO that will be installed on the Recreation Trail. The MOA provides guidance for installation, data gathering and sharing between the MPO and City. The goal of the counter is to provide a data collection mechanism for bicyclist and pedestrian use on the Recreation Trail for planning and decision-making related to non-motorized transportation and recreation issues. The data will be shared with the MPO on a monthly basis for five years from the effective date of the MOA. The partnership will facilitate work of the respective organizations to provide a sound technical basis for the recommendations and implementation of bicycle and pedestrian related transportation plans, infrastructure and programs. If the request is approved, there will not be any impact on unassigned fund balance within the Conservation Trust Fund due to the funds already being appropriated in the 2018 Budget. The Counter monitors and differentiates between pedestrian and cyclists. The system is permanently installed and uses infrared and an inductive loop, to sense movement and count trail usage. The counter does not collect personal data or take photographs.

***A Motion to Adopt Resolution #R-44-2018 Approving the Memorandum of Agreement between the City of Loveland and the North Front Range Transportation & Air Quality Planning Council for Permanent Bicycle and Pedestrian Counter Acquisition and Data Reporting***

CARRIED.

## 2.11 PARKS AND RECREATION

### **LARIMER COUNTY SECURITY AND MAINTENANCE SERVICES FOR VIESTENZ-SMITH MOUNTAIN PARK AND ROUND MOUNTAIN TRAILHEAD**

The Intergovernmental Agreement (IGA) between The City of Loveland and Larimer County would allow for security and maintenance services of Viestenz-Smith Mountain Park and



Round Mountain Trailhead to be provided by Larimer County Parks, Open Space and Trails rangers and maintenance staff. Larimer County Parks, Open Space and Trails routinely provides security and maintenance services to their properties in the Big Thompson canyon, and could provide the same services to Viestenz-Smith Mountain Park and Round Mountain Trailhead at a cost effective rate. There will be no impact to the unassigned General Fund Balance due to the funding already being appropriated within the 2018 Budget. Contracted services for each fiscal year would be \$107,894. Since Round Mountain Trailhead opens at the end of May and Viestenz-Smith Mountain Park is planned to open in September, service fees have been prorated to \$37,896 for the 2018 operational year.  
**This item was pulled from the agenda by City Manager, Steve Adams.**

**2.12 DEVELOPMENT SERVICES  
SET PUBLIC HEARING DATE FOR BIGHORN ANNEXATION**

Council unanimously approved this item at the May 1, 2018 meeting, but due to an error in the Exhibit to the Resolution, which is the legal description of the property, it needs to be reconsidered. The Resolution will set a public hearing date of July 3, 2018 for consideration of the annexation of 5.02 acres to be known as the Bighorn Addition (attachment 1). The subject property, which is currently vacant, is located northwest of the intersection of N. Garfield Avenue and W. 57th Street (attachment 3). The applicant is Bighorn Loveland, LLC/Ted Fouts and Dan Guggenheim. A neighborhood meeting was held on March 29, 2018 with 10 people in attendance along with the applicant's consultants and staff. Questions and discussion at the meeting centered on transportation matters and the recreational vehicle storage business proposed to be developed in the future on the property. The annexation and zoning request was scheduled for a Planning Commission public hearing on May 14, 2018.

***A Motion To Adopt Resolution #R-46-2018 Finding A Certain Petition For Annexation Known As Bighorn 1st Addition, Filed March 6, 2018, To Be 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.

**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 Fogle

***A Motion To Pull Item 2.11 From the Consent Agenda by City Manager Adams.***

CARRIED UNANIMOUSLY, 9 – 0.

Moved by Councilor Jersvig, seconded by Councilor Fogle

***A Motion To Adopt The Consent Agenda, Items 2.1 to 2.12.***



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.*

Public Comment was not 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 Approve Councilor Olson to be the Alternate Council Liaison on the Loveland Downtown Partnership.***

CARRIED UNANIMOUSLY, 9 - 0.

**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 ECONOMIC DEVELOPMENT**

**PUBLIC COMMENT**

**SUPPLEMENTAL REQUEST LODGING TAX RESERVES FOR MARKETING EVENT FUNDING AND VISITORS CENTER INVENTORY**

Cindy Mackin, Visitor Services Coordinator in Economic Development, presented this item to Council. The purpose of this item was to request a supplemental appropriation from Lodging Tax reserves for a 2018-2019 Winter Wonderlights event and for cost of goods sold at the Loveland Visitors Center. Staff applied for and won a marketing grant in 2017 to have the Winter Wonderlights at a Chapungu Sculpture Park event during December 2017 and January 2018 when lodging collections are often lowest. Staff did not know if the event would be successful during the budgeting process last year, but due to the successful media coverage, PR and attendance at the event, staff is seeking a supplemental appropriation to once again have Winter Wonderlights during the winter of 2018-2019. When a product is sold at the Visitors Center, the cost of those goods are charged against a certain account. In 2017, staff did not forecast the Visitors Center sales to increase and therefore did not budget enough for the cost of goods sold in that particular account. If approved, the remaining unassigned fund balance in the Lodging Tax Fund will be \$393,364. If #Live Loveland is also approved, the remaining unassigned balance would be \$388,364. This item was presented to

the Community Marketing Commission on March 21, 2018 where they voted, unanimously, to recommend this item proceed to Council. This item was also presented to City Council on May 1, 2018 where Council adopted the ordinance, on first reading, with a vote of 7 to 1. Council questioned the marketing indicators of the event, the value of the public relations coverage, the amount of lodging sales tax that the Community Marketing Commission's spent on events in the different areas of Loveland, and the timing of the event during the holiday season. A concern was expressed that the event may not have been successful and could harm sales tax revenue city wide.

Public Comment was not given.

Moved by Councilor Ball, seconded by Councilor Fogle

***A Motion to Call for the Question.***

CARRIED UNANIMOUSLY, 9 - 0.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion To Adopt, On Second Reading, Ordinance No. 6200 For A Supplemental Request Lodging Tax Reserves For Marketing Event Funding And Visitors Center Inventory***

CARRIED UNANIMOUSLY, 9 - 0.

## **7.2 DEVELOPMENT SERVICES**

### **PUBLIC COMMENT**

#### **WEST CREEK ADDITION ANNEXATION**

Troy Bliss, Senior Planner with Development Services, presented the following information to City Council:

-A Motion to adopt an ordinance to annex 9.7 acres of property to be known as the West Creek Addition; and

-A quasi-judicial action to zone the 9.7 acres to E - Employment.

The property is located at the southeast corner of State Highway 402 and County Road 9. Kelsey Bruxvoort with AGPROfessionals, LLC, representing the applicant, Pat Travis with the West Creek LLC ownership, presented the applicant's conceptual master plan. 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. The annexation is being presented as a "serial" annexation in order to comply with statutory requirements regarding contiguity. Essentially, three separate serials are proposed in sequence. 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 held a public hearing for consideration of the West Creek Addition. The Planning Commission approved of this item with a Vote of 4 to 2. This item was also presented to City Council on February 20, 2018 where a resolution was adopted with a unanimous vote of 9 to 0. This item was presented to City Council on March 20, 2018 where the ordinances were adopted, on first reading, with a unanimous vote of 8 to 0.

Ms. Bruxvoort, in response to Council questions, stated that due to infrastructure costs the applicant doesn't plan to build within the next year or two. She also stated that if the annexation doesn't go through they would pursue the development with the County. Randy Maizland, Civil Engineer with Transportation Development Review, addressed Council questions regarding proposed traffic right of way issues. Jeff Bailey, Engineer with Public Works, addressed Council questions regarding the Hwy 402 plan. Steve Adams, City Manager, addressed Council questions regarding the water and wastewater plans.

**Mayor Marsh recessed the meeting at 8:05 p.m.**

**Mayor Marsh reconvened the meeting at 8:20 p.m.**

Public Comment: Mayor accepted for the record the Mobility and Safety letter from Debbie Guinn.

Debbie Guinn, resident on Sauk Road, representing 5 or more citizens, expressed concern regarding the Traffic Impact Study, the Comprehensive Plan, and the need for infrastructure. Julie Hilliard, County Rd 16 resident, expressed concerns regarding the maintenance of County Rd 9 and the Conceptual Master Plan. Sherolyn Leeper, Loveland resident, expressed concern regarding traffic, the need for a traffic signal at the intersection of Hwy 402 and County Rd 9 and the police staffing for the area. Sonja Warburg-Mast, Loveland resident, expressed concern regarding traffic safety and the zoning as light industrial in surrounding residential. Scott Guinn, 1709 Sauk Rd, expressed concern regarding traffic safety on Hwy 402 and County Rd 9 and Sauk Rd. Don Haggerty, County Rd 9 resident, expressed concern regarding "fit" in the area, water and traffic issues. Wayne Rothgery, Loveland resident, expressed concern regarding the Boyd Lake Ave extension. Trevor Ryan, Loveland resident, expressed concern regarding the employment zoning, traffic noise and safety, and use of septic systems. Ajean Ryan, Sauk Rd resident, expressed concern with the proposed development and architectural design standards. Mark Koentopp, Loveland resident, expressed concern with the Comprehensive Master Plan.

Pat Travis, applicant, addressed Council and agreed with the comments about the traffic situation on Hwy 402. He stated that due to the costs of the infrastructure, he would need to sell part of the property, but stated he would just "sit" on it if the annexation is approved. Councilors expressed concern for the traffic, zoning, incompatibility, the need for the Comprehensive Master Plan, and what the applicant plans to do with the property. **Councilor Fogle asked for and achieved a Rule of 4 to have a Study Session on the 402 Comprehensive Master Plan and possible moratorium with Councilors Marsh, Jersvig and Johnson agreeing.**

Moved by Councilor Jersvig, seconded by Councilor Olson.

**1) A Motion To Adopt, On Second Reading, Ordinance No. 6204 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**

FAILED, 1 - 8, Yes Vote: Overcash

Moved by Councilor Jersvig, seconded by Councilor Johnson

**2) A Motion To Adopt, On Second Reading, Ordinance No. 6205 Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "West Creek Addition" The City Of Loveland**

FAILED, 1 - 8, Yes Vote: Overcash.

**7.3 PARKS AND RECREATION**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION FOR THE ACQUISITION OF LAND FOR FUTURE COMMUNITY PARK DEVELOPMENT**

Moved by Jersvig, seconded by Olson

**A Motion to move this item to the June 5, 2018 Regular Council meeting.**

CARRIED UNANIMOUSLY, 9 – 0.

**Councilor Fogle recused himself due to a conflict of interest at 9:28 p.m., prior to Item 7.4.**

**7.4 COMMUNITY PARTNERSHIP OFFICE**

**LOVELAND HOUSING AUTHORITY FEE WAIVER REQUEST FOR MIRASOL THIRD SUBDIVISION**

Alison Hade, Community Partnership Administrator, presented this item to Council. Loveland Housing Authority (LHA) is requesting a waiver of development fees totaling \$967,792 for the construction of the Mirasol Phase III 60-unit apartment building. This request includes \$366,070 in fees that require back-filling and \$601,722 in fees that do not. The Community Housing Development Fund has \$912,519. After this request, the balance will be \$546,449. City Council designated the LHA as a preferred partner at their meeting held on February 7, 2017. Council approved the Mirasol Third Subdivision as a qualified Affordable Housing Development at their meeting held on June 6, 2017. The Affordable Housing Commission motioned to approve a waiver of fees for the LHA on May 2, 2018. All three meetings provided unanimous approval

Council discussed backfilling the LFRA fee waivers until the Municipal Code is changed. **A Rule of 4 was achieved to bring a supplemental appropriation for the IGA to the LFRA with Overcash, Marsh, Jonson and Wright agreeing.**

Moved by Councilor Jervig, seconded by Councilor Johnson

**A Motion To Adopt Resolution #R-47-2018 Granting Loveland Housing Authority's Fee Waiver Request For Mirasol Third Subdivision**

CARRIED UNANIMOUSLY, 8 - 0.

**7.5 COMMUNITY PARTNERSHIP OFFICE  
HABITAT FOR HUMANITY FEE WAIVER REQUEST**

Alison Hade, Community Partnership Administrator, presented this item to Council. Loveland Habitat for Humanity is requesting a waiver of development fees totaling \$167,895 for the construction of six homes to be built in 2018. This request includes \$67,351 in fees that require back-filling and \$100,544 in fees that do not. The Community Housing Development Fund will have a balance of \$479,098 after this request. City Council designated Loveland Habitat for Humanity as a preferred partner at their meeting held on February 7, 2017. City Council also approved the remaining lots in the Sierra Valley Subdivision as a Qualified Affordable Housing Development at their meeting held on June 6, 2017. The Affordable Housing Commission motioned to approve a waiver of fees for Habitat for Humanity on May 2, 2018. All three meetings provided unanimous approval.

Moved by Councilor Jersvig, seconded by Councilor Olson

***A Motion To Adopt Resolution #R-48-2018 Waiving Certain Development Fees For The Construction of Six Residences by Loveland Habitat for Humanity***

CARRIED UNANIMOUSLY, 8 - 0.

**7.6 PUBLIC WORKS, ECONOMIC DEVELOPMENT, CULTURAL SERVICES  
PULLIAM COMMUNITY BUILDING PRESENTATION**

Moved by Jersvig, seconded by Olson

***A Motion to Move this item to the May 22, 2018 Joint Study Session with Thompson School District.***

CARRIED 8 - 1, No Vote: Wright.

**7.7 ECONOMIC DEVELOPMENT  
DISCUSSION REGARDING A PROPOSED INCENTIVE REQUEST WITH POSSIBLE EXECUTIVE SESSION**

The purpose of the Executive Session is to share proprietary business information regarding an incentive request received by the City.

***Information Only***

Moved by Councilor Jersvig, seconded by Councilor Olson

***A Motion for the Loveland City Council recess into executive session concerning a proposed incentive request***

***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 consider documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, including trade secrets, privileged information, and***

*confidential commercial or financial data identified in CRS Section 24-72-204(3)(a)(IV)  
as authorized by CRS Section 26-6-402(4)(g).*

CARRIED UNANIMOUSLY, 9 - 0.

**Council recessed into Executive Session at 9:46 p.m.**

**Council reconvened from Executive Session at 10:18 p.m.**

**7.8 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**8. REPORTS**

**8.1 BUSINESS FROM CITY COUNCIL**

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

Clark - Ribbon cutting for the Hwy 34 opening in the canyon

**8.2 CITY MANAGER REPORT**

Mr. Adams - a packet will be brought to Council regarding body cameras for the Loveland Police Department.

**8.3 CITY ATTORNEY REPORT**

Mr. Garcia - preparing Council procedures and CORA request.

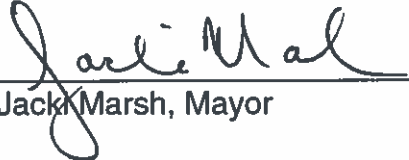
**9. ADJOURN**

**Mayor Marsh adjourned the May 15, 2018 City Council meeting at 10:20 p.m.**

Respectfully Submitted,



  
Patti Garcia, City Clerk

  
Jack Marsh, Mayor