



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, August 7, 2018 CITY COUNCIL CHAMBERS 6:00 PM**

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

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the July 3, 2018 Regular Meeting and the July 10, 2018 Special Meeting.

***A Motion to Approve the City Council minutes for the July 3, 2018 Regular Meeting and the July 10, 2018 Special Meeting***

CARRIED.

**2.2 HUMAN RESOURCES**

**CALL FOR SPECIAL MEETING ON AUGUST 14, 2018 FOR MUNICIPAL JUDGE JONESON  
QUARTERLY PERFORMANCE REVIEW WITH POSSIBLE EXECUTIVE SESSION**

This action is for City Council to conduct the Municipal Judge's quarterly performance review meeting, which may include an executive session to discuss personnel matters on August 14, 2018. This is a recurring performance evaluation meeting established pursuant to Resolution #R-117-2016 (Attachment 1) or required by the City Charter that will be conducted by City Council with their employees, which includes the City Manager, City Attorney and Municipal Judge.

***A Motion Calling For A Special Meeting To Be Held On August 14, 2018, At 6:00 PM, For The Purpose Of Conducting An Employee Performance Evaluation Meeting And Discussion Of Personnel Matters For The Municipal Judge, Geri R. Joneson, With A Possible Executive Session***

CARRIED.

**2.3 CITY CLERK  
MEMBER APPOINTMENTS TO BOARDS AND COMMISSIONS**

This item is the recommendation to City Council to appoint members to the following Boards and Commissions: the Historic Preservation Commission; The Parks and Recreation Commission. The objective is to complete memberships for these Boards or Commissions.

**1) A Motion To Reappoint Josh McCarn To The Historic Preservation Commission For A Term Effective Until June 30, 2021**

CARRIED.

**2) A Motion To Reappoint Stacey Kersley To The Historic Preservation Commission For A Term Effective Until June 30, 2021**

CARRIED.

**3) A Motion To Appoint Reyana Jones To The Historic Preservation Commission For A Term Effective Until June 30, 2021**

CARRIED.

**4) A Motion To Appoint Elizabeth Webb As The Youth Commissioner To The Historic Preservation Commission For A Term Effective Until August 31, 2019**

CARRIED.

**5) A Motion To Appoint John Bradley To The Parks And Recreation Commission For A Term Effective Until December 31, 2020**

CARRIED.

**6) A Motion To Appoint Laura Leah Olsen As An Alternate To The Parks And Recreation Commission For A Term Effective Until December 31, 2020**

CARRIED.

## **2.4 PARKS AND RECREATION**

### **PUBLIC COMMENT**

#### **SUPPLEMENTAL APPROPRIATION VIESTENZ-SMITH MOUNTAIN PARK**

This ordinance will appropriate supplemental funding for the reconstruction of, and ADA additions to, Viestenz-Smith Mountain Park. \$240,000 of this funding would come from Parks CEF Fund 260 and would be used to complete park expansion work, including adding a paved parking lot to the east of the park entrance and ADA accessible trails through the east side of the park on both sides of the river. \$100,000 of this funding would be an appropriation of revenue received from the lease of an additional section of the Round Mountain Staging Area for the Colorado Department of Transportation (CDOT) reconstruction efforts on US 34. This funding was paid to the City by Kiewit Infrastructure Group in February 2017. This funding would be used to secure and make safe to the public the historic structures within the park, including a Civilian Conservation Corps (CCC) shelter, the Caretaker's residence, and the Butterfly Pavilion. There will not be an impact on the Capital Projects Fund Balance due to the Capital Projects fund being a zero-balance fund. The only time the Capital Projects Fund would carry a balance is in situations like this where revenue was received in the year prior to project expenditures being charged. The remaining unassigned fund balance in the Parks Capital Expansion Fee (CEF) Fund will be \$624,371 if the request is approved.

This item was presented to the Parks and Recreation Commission Meeting on May 10, 2018 as an informational item only, and to the Loveland City Council Regular Meeting on July 17, 2018, where the first reading was passed on consent, with a vote of 7-0.

***A Motion To Adopt, On Second Reading, Ordinance No. 6225 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Viestenz-Smith Mountain Park***

CARRIED.

## 2.5 LIBRARY

### PUBLIC COMMENT

#### BUDGET RE-APPROPRIATION OF LIBRARY DONATION FUNDS

The Library is requesting appropriation of \$50,740 from Library donation funds to complete projects, provide staff training, recognition and professional development and market and promote library events and programs in 2018. These funds are restricted for use by the library. This request is budget neutral as revenue is appropriated from the Library's restricted revenue funds and this amount is offset by expenditures. Staff engagement will be impacted through expanded professional development and recognition, and the community will be impacted through upgrades to library spaces, services and collection accessibility. There is no impact on the unassigned General Fund balance because the requested new revenues offset the requested new appropriations. This item was presented to City Council on July 17, 2018 on first reading, and it was passed on the consent agenda with a 7-0 vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6226 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Utilization Of Library Donations***

CARRIED.

## 2.6 DEVELOPMENT SERVICES

### PUBLIC COMMENT

#### HENDRICKS 1ST ADDITION ANNEXATION

This is consideration of the annexation and zoning concerning the proposed Hendricks First Addition in southwest Loveland. This request is to annex 25.65 acres of property owned by North Loveland LLC and Derby Hill Baptist Church, and zone the property R3 – Developing High Density Residential to allow future development. The request is to annex the subject property known as Hendricks First Addition into the City of Loveland and zone it R3 with any future development of the property to occur in a manner consistent with the City of Loveland Municipal Code. A City of Loveland zoning district must be assigned at the time of annexation. At present, the subject property is part of a Larimer County enclave that is wholly surrounded by properties within the jurisdiction of the City of Loveland. Prior to any development occurring on the property, further development applications will need to be submitted for review, including subdivision plats, site development plans (for certain types of development) and building permits (Attachment 3). This item was presented to City Council on July 17, 2018. Councilors inquired about the status of the pond on the adjacent property as well as how access would be maintained to adjacent properties not part of this annexation. A neighboring property owner also asked how their access to 19th Street would be maintained. Staff indicated that the pond is a

City-owned detention facility that is not currently accessed from this site, nor would it be accessible from this site in the future. Regarding access of neighboring properties to 19th Street, staff stated that the annexation agreement includes provisions for dedication of right-of-way for future improvements to 19th Street, as well as a future extension of Valency Drive, and would ensure that access of neighboring properties is maintained through the site development planning process. After this discussion, City Council unanimously approved the first reading with an 8-0 vote.

***A Motion to Adopt, On Second Reading, Ordinance No. 6228 Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Hendricks First Addition" to the City of Loveland***

CARRIED.

***A Motion to Adopt, On Second Reading, Ordinance No. 6229 Amending Section 18.04.060 of the Loveland Municipal Code, the Same Relating o the Zoning Regulations for "Hendricks First Addition" to the City of Loveland, Colorado***

CARRIED.

## **2.7 DEVELOPMENT SERVICES**

### **PUBLIC COMMENT**

#### **KENDALL BROOK GDP AMENDMENT**

This is a public comment to consider an amendment to the Kendall Brook Business Park General Development Plan (GDP). The amendment proposes to increase the maximum allowable building height for multifamily from 40 feet to 45 feet and seeks to increase the maximum number of multifamily dwelling units from 184 to 242. These changes are sought to allow for the development of a cooperatively owned senior housing community. A developer of cooperatively owned senior housing communities is interested in developing a community within Kendall Brook on a parcel designated for mixed use. Currently there are not adequate multifamily development rights remaining to accommodate this use, and the existing maximum multifamily building height of 40 feet would not accommodate a three-story structure with an underground parking deck, due to site characteristics. The objective of this amendment is to increase the number of allowed multifamily dwelling units, and increase the maximum multifamily building height from 40 feet to 45 feet in order to accommodate the proposed development. Additional senior housing will be developed within the remaining mixed use parcel within Kendall Brook. If the GDP is amended, staff anticipates that applications for a Preliminary Development Plan, Final Development Plan/Site Development Plan, and Building Permit will be made in the near future for the parcel located at the northwest corner of N. Taft Ave. and W. 43rd St. This item was presented to City Council as a first reading on July 17, 2018. City Council members asked for details on the cooperative ownership model and reasons for the requested height increase. Both of these questions were addressed by the applicant. The president of the Kendall Brook Homeowners Association (HOA) expressed support for the amendment, and indicated that the HOA thought the proposed use will be highly compatible with the existing community. After this discussion, City Council unanimously passed the first reading with an 8-0 vote.

***A Motion To Adopt, On Second Reading, Ordinance No. 6230 Approving The First Amendment To The General Development Plan For The Kendall Brook PUD***

CARRIED.

**2.8 PUBLIC WORKS  
PUBLIC COMMENT  
LEFT TURN SIGNAL PROJECT**

Staff is asking City Council to accept federal grant funds administered by the Colorado Department of Transportation for the City's Left Turn Signal Project. If approved, the City will receive \$663,334.00 (\$597,000.60 (Fed) + \$66,333.40 (City Match)) in Federal funding to install traffic signal safety improvements. This item will improve safety at signalized intersections by replacing 5-section left turn signal heads with 4-section flashing yellow arrow (FYA) signal heads. National Cooperative Highway Research Program (NCHRP) studies found that flashing yellow arrows for permissive left turn phases reduced the rate of drivers making unsafe decisions compared to circular green indications. Flashing yellow arrows also provide more flexibility for traffic signal timing strategies. There is currently \$531,000 budgeted for the grant and \$53,000 budgeted for the City's match. This request is for the remaining grant funding of \$66,001 and the remaining City match of \$13,333. Due to the funding coming from grant revenue and existing appropriations, this will not impact unassigned fund balance.

***A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Left Turn Signal Project***

CARRIED.

**2.9 PARKS AND RECREATION  
PUBLIC COMMENT  
SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND  
BUDGET FOR UTILIZATION OF RECREATION DIVISION SPONSORSHIPS AND  
DONATIONS.**

The Recreation Division is requesting appropriation of \$34,465 from the Sponsorship and Donation Fund and Chilson Special Event Fund to license movies, fund maintenance, buy equipment and supplies for the Mobile Recreation Trailer, Movies in the Park, Farmers Market and other special events. These funds are restricted for use by the Recreation Division. This request is budget neutral as revenue appropriated matches the expenditures. The use of these funds will support the Social Equity Pillar of the Parks and Recreation Department. This has improved our service level to the community, as thousands of community patrons have participated with us at one of our mobile recreation trailer sites or movies in the park events. There is no impact on the unassigned General Fund balance because the requested new revenues offset the requested new appropriations.

***A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City of Loveland Budget For Utilization Of Recreation Division Sponsorships and Donations***

CARRIED.

**2.10 WATER & POWER  
AGREEMENT BETWEEN CITY OF LOVELAND, BUREAU OF RECLAMATION, AND  
WESTERN AREA POWER ADMINISTRATION**

This item approves the letter agreement between City of Loveland, Bureau of Reclamation, and WAPA for the upgrade and replacement of the 150 kVA pole-mounted transformer bank at Sylvan Dale Tap. The objective of this item is to authorize the City Manager to execute and sign Letter Agreement No. 18-RMR-2940. The scope of work for the City of Loveland, Bureau of Reclamation, and WAPA are detailed within the attached letter agreement shown as Attachment 1. The cost for this project is budgeted in the 2018 Power Utility Fund 330 as part of the Canyon Rebuild CIP Project; \$11,600 would be spent from the City's Power Unrestricted Fund. This item was presented to the Loveland Utilities Commission on July 18, 2018 where it was approved unanimously to bring to City Council.

***A Motion To Adopt Resolution #R-74-2018 Approving an Intergovernmental Agreement Between the City of Loveland, Colorado, United States Bureau of Reclamation, and Western Area Power Administration for Upgrade and Replacement of a Power Transformer Bank in the Big Thompson River Canyon***

CARRIED.

## **2.11 COMMUNITY PARTNERSHIP OFFICE**

### **COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN**

Each year, the Community Partnership Office submits the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) to identify the housing and public service projects that will be funded with CDBG during the next grant year. This action is necessary to submit the plan to HUD. City Council appropriated 2018-2019 CDBG funding on second reading on July 3, 2018 and approved grant recommendations on June 5, 2018. A copy of the Annual Action Plan is attached (Attachment 1). 2018-2019 CDBG funding was appropriated on second reading on July 3, 2018 (Ordinance No. 6213).

***A Motion To Adopt Resolution #R-75-2018 Approving The Community Development Block Grant Annual Action Plan For 2018-2019***

CARRIED.

## **2.12 FISCAL ADVISOR**

### **INVESTMENT REPORT**

At the midpoint of 2018, the market value of the City's investment portfolio is \$232,452,825. The budget projection for investment earnings for 2018 is \$2,527,729. So far this year, actual interest paid is \$275,000 ahead of schedule. Using the portfolio's beginning balance, the rate needed to reach the annual interest earnings target is 1.13%. The interest rate for June is at 1.84%. For the month, accounting staff posted \$121,766 to various City fund accounts. The year to June month-end total is \$1,472,440.

U.S. short-term (under 5 years) Treasury interest rates have moved sharply higher from the second week of November 2016. In June of this year, the Federal Open Market Committee increased the federal funds rate for the second time this year to the range of 1.75% to 2.00%. Another rate increase is anticipated by the market in late September. The Fed has also announced their intention to stay on a gradual path of increases, with a high probability of an increase in December. For 2019, three additional increases are in play. The Fed will be watching economic conditions closely and also paying attention to the slope of the yield curve. When the short-term rates are higher than longer term rates, the yield curve is "inverted" and an inverted yield curve usually precedes a recession. This item report the existing values of the City's

investment portfolio and how funds are invested. The report also provides some economic updates, interest rate trends, and other information that may affect the investment program.

***Information Only***

**2.13 FINANCE  
FINANCE REPORT**

The Snapshot Report is submitted for City Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of June 30, 2018. Citywide Revenue of \$158.9 million is 42.0% of total annual budget; this is 8.0% below projections. Sales Tax collections June YTD are 2.1% above June 2017 YTD, and 48.9% of the total annual budget; this is 1.1% below projections. Building Material Use Tax collections for June are 2.8% above June 2017 YTD, and 38.5% of the total annual budget; this is 11.5% below projections. Sales and Use Tax collections combined are 48.1% of total annual budget; this is 1.9% below projections. Citywide total expenditures of \$155.8 million are 33.4% of the total annual budget; this is 16.6% below projections.

***Information Only***

**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 Adopt the Consent Agenda as presented.**

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.***

Mayor Marsh opened the meeting for public comment to which there was none.

**6. REGULAR AGENDA  
PROCEDURAL INFORMATION**

**6.1 CITY MANAGER**

**THE INCLUSION OF PROPERTY INTO THE WINDSOR HIGHLANDS METROPOLITAN DISTRICT NOS. 8-10**

In October of 2017, the Town of Windsor approved the First Amendment to the Amended and Restated Consolidated Service Plan for Windsor Highlands Metropolitan Districts Nos. 1-11. In the First Amendment, the Town anticipated that Districts 8, 9 and 10, which are wholly located in Loveland, would be included into the consolidated district. The Service Plan requires that before the Property may be included into the consolidated district, the consent and approval of the City of Loveland to such inclusion must be obtained through a Resolution and inclusion agreement. Under Title 32 of the Colorado Revised Statutes, metropolitan districts serve as a financing mechanism for the provision of public improvements determined to be needed to support development. The cost of the public improvements anticipated for the three districts located in Loveland is estimated to be \$23,262,702.

The financial plan shows the total cost of the public improvements in districts not located in Loveland is estimated to be \$14,155,072. Funding for the improvements in the Metropolitan Districts will come from bonds, loans, or advances from the Developer. The City will incur additional indirect costs in the area to be served.

The land use for the Loveland property in the Districts 8, 9, and 10 has been approved through the administrative review process; no action was required to be taken by the Planning Commission.

At the Planning Commission meeting on August 13, 2018, the developer, Windsor Plains, LLC, is scheduled to present a plan to subdivide the plat on which a portion of the project will have town homes. The subdivision of the plat would allow for sale (in contrast to rental) the town homes to individual homeowners. City Planning Department staff does not believe that the subdivision of the plat is controversial and anticipates that the Planning Commission will approve the request.

Alan Krcmarik, Executive Fiscal Advisor, provided an overview of the subject location and noted the three metropolitan districts that are in Loveland – Districts 8, 9, and 10. The improvements and costs for Districts 8, 9 and 10 were reviewed; it was noted that IGA states that Loveland money stays in Loveland.

Council discussed what was considered affordable housing and inquired as to what the metro district had done or was planning to do related to an affordable housing effort. Jon Turner, representing Windsor Highlands Metropolitan District, reported that a school is being planned for the northern section of the Loveland Metro District and that apartments are being planned to be built across from the school. Mr. Turner explained that they are also working on some multi-family options.

Council inquired why this was good for Loveland. Mr. Turner explained that there is minimal tax base in that area. He had received a request to expand the current metro district in Windsor to Loveland as it already has a substantial tax base as opposed to creating a new metro district in Loveland.

David O'Leary, attorney for the metro districts reported that the combined aggregate of the mill levy cannot exceed 39 mills; no more than 34 mills for debt. Mr. Krcmarik stated that the normal mill levy in Loveland is somewhere between 70-73 mills. Mr. O'Leary noted that the mill levy would decline as the debt was paid off; they would retain a portion of the mill levy to cover operations.

Mr. Turner noted that Districts 9 and 10 are to be commercially developed although there is nothing currently planned for the development; they are zoned business. Council inquired if the developer would consider removing the additional amenities from District 8 (ie, pool, clubhouse, etc.) would equate to a savings of \$1.3M which would create more affordable housing. Mr. Turner explained that their research has found that those amenities are what the market wants.



Council and Mr. Turner discussed the various pieces of the development and the metropolitan district including board formation, prior actions that are affecting the current development and who will be serving the development for water, power, etc.

James Manire, Hilltop Securities, provided an overview of the debt financing plan.

Mayor Marsh opened the meeting for public comment to which there was none.

Councilor Johnson stated she will be voting no on the resolution as has stated that she will not support a metropolitan district that does not support her efforts of affordable/attainable housing in Loveland.

Councilor Olson welcomed the development in that area.

Mayor Marsh does not like metropolitan districts as she believes they increase the cost for people trying to afford their homes once they are in them. She also stated concern regarding Districts 9 and 10 as there is no plan for development.

Mayor Pro Tem Overcash voiced support of the resolution noting he appreciates the mixed housing being developed.

Councilor Clark stated the end users expectations continue to rise and drives the market and the need for metropolitan districts.

Councilor Ball noted will be voting no; he believes the homes could be more affordable without all the bells and whistles and would support the resolution if they were removed.

Councilor Jersvig voiced support for the resolution stating a school is needed in that area.

Councilor Wright agrees that a school is needed; she wished she could look at something without the additional amenities.

Councilor Fogle stated he struggles with Districts 9 and 10 as there are no plans but understands the school need. He wants to know more information regarding Districts 9 and 10.

Moved by Councilor Jersvig, seconded by Councilor Clark

***A Motion To Adopt Resolution #R-76-2018 Of The Loveland City Council Approving And Consenting To The Inclusion Of Property Into The Windsor Highlands Metropolitan District Nos. 8-10***

MOTION CARRIED 5-4

YES: Olson, Wright, Overcash, Jersvig, Clark

NO: Ball, Johnson, Fogle, Marsh

## **6.2 CITY MANAGER**

### **PUBLIC COMMENT**

#### **DONATIONS OF SURPLUS, LOST AND ABANDONED PROPERTY AND CITY GOODS AND SERVICES TO GOVERNMENT ENTITIES OR NON-PROFIT ORGANIZATIONS FOR A PUBLIC PURPOSE**

Rod Wensing, Deputy City Manager, reported that the city is the recipient of abandoned or surplus items on a daily basis and has no efficient process in place for disposing of or donating these items as needed. Without this ordinance, the City Manager is unable to donate unclaimed, surplus, or obsolete property without City Council approval. All abandoned personal

property must be given to the Police Department for sale at a public auction. In addition to abandoned and surplus property, the City is also asked to donate services or goods, such as recreation activity passes, to other governmental entities or charitable organizations and is prohibited from doing so without City Council approval. The proposed ordinance will authorize the City Manager and Department Directors to efficiently manage the day-to-day operations of the city, which include disposing of or donating abandoned and surplus property. This ordinance ratifies past donations and authorizes the City Manager or designee to make the determination that such donation serves a public purpose.

Mr. Wensing noted that the ordinance had not been updated since 1987; he reviewed current practices and the departments that are impacted and stated the proposed ordinance will streamline the process.

Council discussed the need for controls to be in place to assure there is no favoritism related to the donations. Council also requested to have donations go directly to non-profits, other municipalities or political subdivisions; Moses Garcia, City Attorney, will look to make that change.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Ball, seconded by Councilor Fogle  
***A Motion to Call for the Vote***

CARRIED UNANIMOUSLY, 9-0.

Moved by Councilor Jersvig, seconded by Councilor Ball

***Approve A Motion To Adopt, On First Reading, An Ordinance Amending Chapters 3.04 And 7.28 Of The City Of Loveland Municipal Code To Codify And Authorize Donations Of City Services Or Personal Property For Public Purposes And Ratification Of Previous Donations***

CARRIED UNANIMOUSLY, 9-0.

## **6.3 PUBLIC WORKS**

### **PUBLIC COMMENT**

**A DE-APPROPRIATION FROM THE 2018 CITY OF LOVELAND BUDGET OF A GENERAL FUND SUBSIDY TO THE TRANSIT FUND AND OF FUNDING FOR THE LONG TERM TRANSIT FACILITY PROJECT AND A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND BUDGET FOR THE RAILROAD AVENUE FLOOD MITIGATION PROJECT AND THE TEMPORARY TRANSIT CENTER CONTINGENCY PROJECT**

Mark Jackson, Director of Public Works, reported that the City receives an annual contribution from Fort Collins for the City of Loveland Transit (COLT) System. The City received the 2016 contribution in 2018 after the 2017 books had closed. This resulted in the General Fund subsidizing the Transit Fund in 2017 for this revenue. Thus, this request is reducing the 2018 subsidy and reallocating this funding to projects currently appropriated in 2018. The de-appropriation of Street CEF's and reallocation of General Funds enables the increased

utilization of Streets CEF funding in the 2019 Capital Program. If this request is approved there would be no impact on unassigned fund balance within the General, Transit and Transportation Funds. With the de-appropriation of Streets CEF Funding, the remaining unassigned Fund Balance within the Streets CEF Fund would be \$4,699,591.

Mr. Jackson stated that this is not taking funds away from the transit project and the City is moving forward with grant opportunities as promised. The project is time stamped for the end of this year.

Mayor Marsh opened the meeting for public comment to which there was none.

Moved by Councilor Jersvig, seconded by Councilor Johnson

***A Motion to Adopt, On First Reading, An Ordinance Enacting (1) A De-Appropriation From The 2018 City Of Loveland Budget Of A General Fund Subsidy To The Transit Fund And Of Funding For The Long Term Transit Facility Project And (2) A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Railroad Avenue Flood Mitigation Project And The Temporary Transit Center Contingency Project***

CARRIED UNANIMOUSLY, 9-0.

## **6.2 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

None.

## **7. REPORTS**

### **7.1 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.***

Mayor Pro Tem Overcash requested by Rule of 4 that Council direct city staff with investigating and developing a median improvement plan on west Eisenhower along the south shore of Lake Loveland; recommendations would be presented to Council before year end with the several options for Council consideration and the inclusion of the artistic community in the process.

Councilor Fogle added he would like staff to take a look at Highway 402 from 287 through Wilson and the weed maintenance in the area where his car dealership had been located.

Mayor Pro Tem Overcash reported on listening session that he held with Councilor Clark at Centerra with 24 citizens in attendance.

Mayor Pro Tem Overcash requested a Rule of 4 for Council to direct city staff to develop two separate project lists for possible ballot questions regarding the discussed sales tax initiative. One list would include infrastructure needs such as roads and sidewalks; the second list would include valued community amenities such as the library, museum and Pulliam Building. The result with Council approval would be to place two questions for the November 2019 ballot. Each question would have a specified list of projects, budget requirements, and a

specific amount of sales tax increase assessed to the lists. At a future meeting, the Council could discuss the merits of a single list and single ballot question present to the voters two separate lists as two separate ballot questions.

Council discussed potentially having each item as a separate ballot question and also noted that projects need to be prioritized and acknowledged the need to assure that the City is using current funds in the best manner possible. Support was provided to have the topic brought forward December 2018 or January 2019.

City Manager Adams reminded Council there was a task force working on the sales tax initiative which was put on hold until after the November election. He recommended a joint meeting with the task force at the first of the year.

Councilor Fogle reported that there will be an open house on August 28, 2018 for Sean Hawkins, the new Downtown Development Authority Executive Director.

## **7.2 CITY MANAGER REPORT**

### **THOMPSON VALLEY ROTARY ETCHING REQUEST FOR FOUNDRY PUBLIC PLAZA**

Steve Adams, City Manager, addressed the Council regarding the Rotary request noting there are currently two large stone slabs with etching acknowledging the mission of the Rotary Club. There is a request if the City would like to add a third slab; the slab is \$8,000 and the estimated cost for the etching is \$2,000. Three proposals were presented with Council stating they preferred A but would rely on staff to choose what should be written on the slab.

## **7.3 CITY ATTORNEY REPORT**

### **PRESENTATION AND DISCUSSION OF COLORADO OPEN RECORDS ACT**

Alicia Calderon, Deputy City Attorney, addressed Council on the Colorado Open Records Act (CORA) regarding how requests are being received and responded to, and how to improve communication and accessibility to public records. CORA is a comprehensive statutory scheme with timelines, procedures, and exceptions to public access. A brief presentation on CORA will be followed by a discussion about CORA requests and City Council member requests for information. On April 3, 2018 City Council requested that staff present information regarding CORA requests, responses, City Council Procedure and member information requests.

The City Clerk's office will be creating a CORA page on the City website which will help the public locate the information that is available.

The Council would prefer to see the reports quarterly; this would help identify any trends. They also believed that Council should pay for requests that go through the formal CORA process.

City Manager Adams reviews requests from Council and will send items that would be considered a CORA request to the City Clerk's office.

## **8. ADJOURN**

Mayor Marsh adjourned the August 7, 2018 Regular meeting at 10:08 p.m.

LOVELAND CITY COUNCIL MEETING  
August 7, 2018

Respectfully Submitted,



*Patti Garcia*  
Patti Garcia, City Clerk

*Jacki Marsh*  
Jacki Marsh, Mayor