



MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 21, 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

1.4 PROCLAMATION

Proclamation Declaring September 2018 as Hydrocephalus Awareness Month

Councilor Wright read proclamation with Stacey Dalbey, Teagan Dalbey and Avery Dalbey accepting the proclamation.

1.5 PRESENTATIONS

COMMISSIONER REPORT

County Commissioner Tom Donnelly addressed Council and commented on the US 34 PEL study and I-25 expansion along with providing an overview of the Community Report that was distributed to the public in attendance.

2. CONSENT AGENDA

2.1 CITY CLERK

APPROVAL OF MINUTES

Approval of the City Council minutes for the July 24, 2018 Study Session and Special Meeting, and the July 17, 2018 Regular Meeting.

CARRIED.

2.2 CITY CLERK

MEMBER APPOINTMENT TO THE COMMUNITY MARKETING COMMISSION

This item is the recommendation to City Council to appoint the alternate to replace a resigning member to the Community Marketing Commission.

1) A Motion To Appoint Jonathan Cocek To The Community Marketing Commission To Fill A Partial Term Effective Until June 30, 2019

CARRIED.

2) A Motion To Appoint Jonathan Cocek To The Community Marketing Commission To Fill A Partial Term Effective Until June 30, 2019

CARRIED.

2.2 CITY CLERK

CALL FOR A SPECIAL MEETING ON AUGUST 28, 2018 FOR PROPERTY SALE NEGOTIATIONS WITH POSSIBLE EXECUTIVE SESSION AND AN EXECUTIVE SESSION TO REVIEW CLAIMS AND LITIGATION BY AND AGAINST THE CITY AND THE CITY'S POSITION IN RELATION THERETO

This item provides a motion calling for a Special Meeting on August 28, 2018. If approved, the City Clerk shall call for a Special Meeting on August 28, 2018 at 6:00 PM for items to be noticed at least twenty-four hours in advance. The items currently anticipated are a discussion of Property Sale Negotiations, and An Executive Session To Review Claims And Litigation By And Against The City And The City's Position In Relation Thereto.

A motion calling for a Special Meeting on August 28, 2018 for

1) A discussion of City Owned Property Sale Negotiations 2) The Purpose Of Conducting An Executive Session To Review Claims And Litigation By And Against The City And The City's Position In Relation Thereto

CARRIED.

2.3 PUBLIC WORKS

PUBLIC COMMENT

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

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. 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. This item was presented to City Council on August 7, 2018 on the Regular Agenda. City Council did not have any questions pertaining to the ordinance and the first reading passed on a 9-0 vote.

A Motion to Adopt, On Second Reading, Ordinance No. 6231 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.

2.2 PUBLIC WORKS

PUBLIC COMMENT

LEFT TURN SIGNAL PROJECT AND INTERGOVERNMENTAL AGREEMENT

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. There will not be any impact on unassigned fund balance. This item was presented City Council on August 7, 2018 on the consent agenda where the first reading passed unanimously.

A Motion To Adopt Resolution #R-78-2018 Approving An Intergovernmental Agreement Between The City Of Loveland And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, For The Loveland Left Turn Signal Project

CARRIED.

A Motion To Adopt, On Second Reading, Ordinance No. 6227 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Left Turn Signal Project

CARRIED.

2.4 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. Community engagement will be positively impacted. Staff engagement has grown as they have had additional opportunities to serve the community. Positive steps taken toward continuing to champion the social equity pillar of the department. 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 August 7, 2018, where first reading was passed on Consent with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6232 Enacting A Supplemental Budget And Appropriation To The 2018 City of Loveland Budget For Utilization Of Recreation Division Sponsorships and Donations

CARRIED.

2.5 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

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.

This item was presented to City Council on August 7, 2018. City Council members asked questions and had discussion on how the revenue generated from auctioned items would be addressed; that donated items would be focused on non-profits and governmental agencies only; what role City Council has in monitoring and reviewing donations; how favoritism with donations would be safeguarded; what limits would be placed on donations; ensuring data service donations were thoroughly scrubbed; and clarifying donations to religious organizations. Staff responded to the questions and comments, ensuring that the Administrative Regulation governing auctioned items will specify that donations go to non-profits and governmental agencies only, that limitations would be placed on donations in regards to the recipient and monetary value, and that a reporting mechanism would be developed to ensure transparency to Council and the public. There were no comments from members of the public, and the first reading passed with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6233 To Amend Chapters 3.04 And 7.28 Of The Loveland Municipal Code To Codify And Authorize Donations Of City Services And Surplus Or Abandoned Personal Property For Public Purposes

CARRIED.

2.7 PUBLIC WORKS

PUBLIC COMMENT

TRANSFER OF FUNDS FROM TRANSPORTATION FUND TO FLEET FUND, TO PURCHASE SNOW & ICE CONTROL ATTACHMENTS FOR TRUCKS

The purpose of this request is to transfer fleet-related budget from the Transportation Fund to the Fleet Fund, in the amount of \$211,400, in order to be compliant with a 2017 policy change by the Finance Department, which stipulates that all General Fund vehicles & equipment are to be purchased out of the Fleet Fund instead of the individual department funds. Doing so increases the accuracy and transparency of tracking all of the related capital costs associated with fleet assets. The objective of this item is to consolidate all capital funds (budget) associated with purchasing two fully outfitted snowplow trucks into the Fleet Fund. Funding for these trucks/equipment replacements is already included in the 2018 City Budget previously approved by City Council. Invitation to bid posting 8/3/2018, Invitation to bid opening 8/30/2018. This is an administrative transfer of funds only; there is no impact on unassigned balance or City Budget. The 2018 Approved Replacements, Streets Division, for a total of \$211,400 which includes 2 front plows, 2 wing plows, 2 deicers, and 1 pickup plow.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Transfer of Funds from the Transportation Fund to the Fleet Fund, To Purchase Snow & Ice Control Attachments for Trucks

CARRIED.

2.9 DEVELOPMENT SERVICES

LOVELAND AND WINDSOR FAIRGROUNDS AVENUE INTERGOVERNMENTAL AGREEMENT

The Intergovernmental Agreement (IGA) between Loveland, Windsor and Larimer County seeks to provide an agreed-upon cross section and design aesthetic for the Fairgrounds Avenue corridor between County Road 30 and Crossroads Blvd. The intent of this IGA is to help ensure streamlined and consistent development processes between the two municipalities, Larimer County, and the land owners directly adjacent to Fairgrounds Avenue (Attachment 1). Based on the existing access control plan (Attachment 2), this IGA will address all components pertaining to the ultimate cross section including, but not limited to: travel lane, bike lane and sidewalk dimensions; landscaping, lighting, corridor amenities including litter cans and benches, and maintenance (Attachment 3). The illustrative Right-of-Way corridor plan is meant to provide additional clarity based on access and aesthetics for the corridor in its entirety (Attachment 4). This IGA only covers the existing public right-of-way. Land use proposals and projects within the corridor such as The Brands, the update of the master plan for The Ranch, the Poudre School District elementary school site and related expansion of the Windsor Highlands Metropolitan Districts all demonstrated a need for Loveland and Windsor to coordinate planning efforts to ensure a cohesive aesthetic and

functional roadway. The adjacent landowner's frontage along Fairgrounds Ave will be held to the contents outlined within the IGA. This item was presented at a joint meeting of the Town of Windsor and City of Loveland Council meeting as an informational only item.

A Motion to Adopt Resolution #R-80-2018 Approving an Intergovernmental Agreement Between the Town of Windsor, City of Loveland, and the County Commissioners for the County of Larimer Adopting Fairgrounds Avenue Right-of-Way Plan

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 Johnson

A Motion To Adopt The Consent Agenda as presented.

CARRIED UNANIMOUSLY.

5. BUSINESS FROM CITY COUNCIL

There was no business from City Council.

6. 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.

7. REGULAR AGENDA

PROCEDURAL INFORMATION

7.1 PUBLIC WORKS

PUBLIC COMMENT

INTERGOVERNMENTAL UPDATE FOR THE OWNERSHIP AND OPERATION OF THE LOVELAND POLICE AND COURTS BUILDING AND CAMPUS

Michael Hogan, Facilities and Operations Manager presented the agenda item to Council noting that the original Intergovernmental Agreement (IGA) between Loveland and Larimer County for the location, construction, and operation of the Loveland Police and Courts building was signed in October 2000. From that time until present it has provided guidance and direction related to the ownership and operations of the facility. With the growth of both entities and the planned expansion by Larimer County in early 2019 it was time to update the IGA to properly manage the additional footage and clear up other dated sections that no longer provided value to the agreement.

Mr. Hogan explained the changes and updates to the IGA and noted there will be no changes to the operating plan. Changes would include ownership adjustments, maintenance funding, security cost sharing, policies for entity leaving location and defining permitted uses.

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 Authorizing The Conveyance Of Real Property Located Within The City Of Loveland At 810 East 10th Street, Loveland, Colorado Known

As The Loveland Police And Courts Building From The City Of Loveland To The City Of Loveland And The County Of Larimer

CARRIED UNANIMOUSLY.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt Resolution #R-79-2018 Of The Loveland City Council Approving An Intergovernmental Agreement With The County Of Larimer For The Ownership And Operations Of The Loveland Police And Courts Building And Dissolving The Loveland Larimer Building Authority

CARRIED UNANIMOUSLY.

7.2 DEVELOPMENT SERVICES

PUBLIC COMMENT

BOYD LAKE PLACE ADDITION ANNEXATION AND ZONING

Kerri Burchett, Current Planning Division, presented the agenda item to Council noting this was an annexation of 27.3 acres owned by Lakeview Holdings, LLC. The property is located west of Boyd Lake Avenue and the High Plains School, and south of Frank Road (see Attachment 1 Vicinity Map) Proposed zoning of the property is Planned Unit Development (PUD) with a specific Preliminary Development Plan that would allow 98 single-family homes at a density of 3.6 units per acre. The objective is to annex the property into City limits and allow the development of a low density single-family subdivision. The homes would be marketed towards active adults with 5,500 square foot lots, detached sidewalks, and amenities such as a putting green, horseshoe pit, off-street trails, and covered seating areas. Specific site, landscape, and amenity plans were provided in the Planning Commission staff report. If City Council approves the annexation and zoning, the next steps of development would be the submittal of a final development plan, infrastructure plans, and a subdivision plat. Development would be subject to the standards outlined in the PUD, including setbacks, open space, building heights, architecture and landscaping.

Ms. Burchett provided an overview of the surrounding properties, the annexation findings, how the project works with the Comprehensive Plan and the proposed zoning along with the Planned Unit Development.

Randy Maizeland, Civil Engineer, provided an overview of the neighborhood traffic concerns which included the transportation network, work that the City is currently doing to relieve some of the congestion along Boyd Lake Avenue.

Ms. Burchett went through neighborhood meeting information and the progress of the project in relation to the neighborhood input.

The item was presented to the Planning Commission on July 23, 2018 with 16 neighborhood residents speaking in opposition to the annexation and zoning. Key concerns centered primarily around traffic, including the lack of a southern connection to the Lost Creek roundabout, traffic congestion on Boyd Lake Avenue and Frank Road, and potential cut-through traffic through the Boyd Lake Shores Subdivision, north of the property. Other concerns voiced by the neighborhood included the orientation of lots onto Frank Road, lack of a separator between the residential developments, and concern that new residents will use the amenities and try to access Boyd Lake through the Boyd Lake Shores Subdivision. Considerable discussion occurred regarding the project's compliance with the City's street standards. The applicant's traffic consultant explained that the traffic study demonstrates compliance with City standards without a connection to the Lost Creek roundabout. He further provided information from his analysis on cut-through traffic indicating that most, if not all, of the project's traffic will use Boyd Lake Avenue as opposed to using local roads through Boyd Lake

Shores, as it is a quicker route. Justin Stone, Senior Civil Engineer, described the City's current infrastructure project at the intersection of Boyd Lake Avenue and Eisenhower Boulevard that will relieve some of the congestion on Boyd Lake Avenue. He also discussed the recommended conditions related to transportation.

Council discussed the building of a median as opposed to a roundabout, who would be responsible for building it and how connections could be made. Traffic concerns were also discussed.

Chad Rodriguez, Lakeview Holdings, addressed Council at length and presented the history regarding the development and what is being proposed.

David Crowder, McWhinney, presented to Council their history with the proposed development and various elements of the project.

Mayor Marsh opened the meeting for public comment

A power point was presented to Council by Wendy Heard, Wayne, Kristine Hunsucker, and Lindsey highlighting undue concentration of traffic, traffic congestion and emergency service issues, continuity concerns and safety.

Darrin Barret expressed concern regarding safety related to traffic and construction.

John Eisach stated that he does not know of any other 55+ community in Loveland and requested that it be seriously looked at.

Leanne Gerk stated that Frank Road was named after her parents and expressed concern of what will differentiate their area from the new community (i.e. boat docks, lifestyle); she additionally requested a buffer be made.

Eva Bucknoffer stated that Frank Road is safety concern.

Mayor Marsh closed the public comment.

Chad Rodriguez noted the history and agreements in place along with the timeline and coordination between adjacent land owners.

There was a lengthy discussion regarding the parcel boundaries, reimbursement for infrastructure that has already been taken care of and adjacent developer requirements.

Council addressed both developers and recommended an arbitrator be chosen to guide them to a plan that would benefit the community. City Council would like to see the development mapped out and how the streets work together; show the highest and best use for this property. This item is to come back in a study session format with public comment.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Approve Resolution #R-77-2018 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Boyd Lake Place 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

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Withdraw the Motion To Approve Resolution #R-77-2018

CARRIED UNANIMOUSLY

No Motion

A Motion To Approve, On First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Boyd Lake Place Addition" To The City Of Loveland

No Motion

A Motion To Approve, On First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Boyd Lake Place Addition" The City Of Loveland

7.3 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

None.

8. REPORTS

8.1 CITY MANAGER REPORT

No report.

8.2 CITY ATTORNEY REPORT

No report.

9. ADJOURN

Mayor Marsh adjourned the August 21, 2018 Regular City Council Meeting at 10:26 p.m.

Respectfully Submitted,



Handwritten signature of Patti Garcia in blue ink.

Patti Garcia, City Clerk

Handwritten signature of Jacki Marsh in black ink.

Jacki Marsh, Mayor