



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, May 21, 2019 CITY COUNCIL CHAMBERS 6:00 PM

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

COUNCIL ABSENT: Mayor Marsh

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 PROCLAMATION

PROCLAMATION DECLARING JUNE 2019 AS BIKE TO WORK MONTH, AND WEDNESDAY JUNE 26, 2019 AS BIKE TO WORK DAY

Councilor Wright presented the proclamation to Katie Guthrie.

1.5 PROCLAMATION

PROCLAMATION DECLARING MAY 5-11 2019 AS LOVELAND TRAVEL AND TOURISM WEEK

Councilor Clark presented the proclamation to Kelly Jones and Cindy Mackin.

1.6 PROCLAMATION

PROCLAMATION DECLARING MAY 5-11, 2019 AS ECONOMIC DEVELOPMENT WEEK

Councilor Fogle presented the proclamation to Kelly Jones and Cindy Mackin.

PROCEDURAL INFORMATION

2. PUBLIC COMMENT

Mayor Pro Tem Overcash opened the meeting for public comment.

Roger Weidleman, Loveland resident, addressed Council regarding the home solar rate presentation from previous week's meeting.

3. PRESENTATIONS

3.1 CITY MANAGER

THE BRANDS AT THE RANCH AND THE BRANDS WEST PROJECT UPDATE

Representatives from the Water Valley Land Company / Eagle Crossing Development, Inc. will provide an update to City Council regarding their latest development plans for the 200 acres associated with The Brands at the Ranch and The Brands West Project.

Martin Lind, Water Valley Land Company CEO, addressed Council regarding the history of the project and noted the goal to attract new businesses to the area. Mr. Lind reported on the drive from retail to tourism which is one of their strategic adjustments. The gondola concept was noted as a transportation tool for the project.

Ed Goodman reported on the Great Colorado Experience which will be a themed attraction and the first of its kind in the world. Key attraction elements include a 4-D motion flight ride, 5-D theater, indoor virtual nature hike, environmental immersion rooms, special experiences for children and a photo safari ride. Mr. Lind has met with contractors that have built for Disney and stated that the project is doable.

Strategy and development includes expansion of tourism and youth sports which will allow Loveland to not have to compete for retailers around I-25 as they will want to be near Loveland. The entertainment complex will be about 85,000 square feet with the ability to hold 3,500 people at one time. The experience is 6.5 hours with 17 different experiences which will be combination of museums, theme parks, etc.

Council discussed areas of the project including digital integration of the "experience", housing and workforce housing and available workforce to staff the project.

Information Only

4. CONSENT AGENDA

4.1 DEVELOPMENT SERVICES

RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES, CHARGES, AND FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF LOVELAND TO MODIFY THE FEE FOR RESIDENTIAL ROOFING PERMITS AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

Currently fees for roofing are charged based on the cost of the job and could be costly for a homeowner trying to fix a roof. This may contribute to some homeowners choosing contractors that are not willing to get a permit and are most likely not registered with the City of Loveland. Reducing the fees would help with getting more people to obtain permits where registered contractors are required. There is not an immediate impact on Fund Balance as the revenue for building permits will not be updated with this change. This change will reduce the total amount charged for building permits but will also introduce the very first flat rate charge in this area. The intent is to make the permit process more transparent and thus solicit increased compliance with permit applications. The financial impacts will be analyzed and adjusted for in the 2020 Budget Development Process. The current average roofing permit costs \$869, with the Construction Advisory Board and staff recommending a flat roof permit fee of \$200.

City Council heard the first reading of this resolution at the May 7, 2019 Regular Meeting. After discussion, summed in the attached Agenda Item Report, Council voted to pass the resolution on first reading with a 8-0 vote.

A Motion To Adopt, On Second Reading, Resolution #R-48-2019 Adopting A Revised Schedule Of Rates, Charges, And Fees For The Development Services Department Of The City Of Loveland To Modify The Fee For Residential Roofing Permits And Superseding All Prior Resolutions Establishing Such Rates, Charges, And Fees

CARRIED.

4.2 LOVELAND POLICE DEPARTMENT

PUBLIC COMMENT

AN ORDINANCE PROHIBITING THE FAILURE TO APPEAR IN LOVELAND MUNICIPAL COURT DURING ALL STAGES OF LITIGATION

The purpose of this item is to provide clarity in the City Code regarding a defendant's failure to appear during the intermediary stages of litigation in Loveland Municipal Court. The proposed ordinance will provide the Court with all of the tools necessary to compel a criminal defendant's appearance in court regardless of the stage of litigation and provide for a clear affirmative defense should the defendant have good cause to show why the defendant could not appear in Loveland Municipal Court. Positive impact concerning: (a) the ability for the Loveland Municipal Court to efficiently manage its docket, and (b) providing clarity for prosecutors, defendants, and the public generally that defendants are expected to appear in court when ordered to do so.

The first reading of this item was heard at the May 7, 2019 City Council meeting where it passed on the regular agenda with a 8-0 vote with no discussion.

A Motion To Adopt, On Second Reading, Ordinance No. 6301 Amending Section 1.12.030 Of The Loveland Municipal Code Clarifying That The Failure To Appear, Upon Proper Notice, Is Unlawful During All Stages Of A Criminal Prosecution

CARRIED.

4.3 PUBLIC WORKS

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR ORCHARDS TRAFFIC SIGNAL REPLACEMENT

This item is meant to appropriate State funding for the installation of safety improvements at the intersection of US 287 and Orchards Shopping Center. Amendment 2 to the existing Intergovernmental Agreement (IGA) with the Colorado Department of Transportation identifies the Federal funding and State matching funds available for this project (90% Federal, 10% State). This funding will be used to purchase vehicle detection and signal system optimization equipment that will improve safety at the US 287 and Orchards intersection. The original grant funding agreement specified 90% federal funding and 10% City match. An amendment to that agreement was executed that changes the 10% City match to a 10% State match. \$300,000 in Federal and State grant funding is available for this project.

The first reading of this item was heard at the May 7, 2019 City Council meeting where it passed on the consent agenda with a 8-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6302 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Orchards Traffic Signal Replacement

CARRIED.

4.4 COMMUNITY PARTNERSHIP OFFICE

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR THE 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPROPRIATION

The City of Loveland receives an annual entitlement grant from the U.S. Department of Housing and Urban Development (HUD). For the 2019-2020 grant year, that amount is \$389,247. The objective is to appropriate the annual allocation, and there will be no impact as funding does not affect the current budget.

The first reading of this item was heard at the May 7, 2019 City Council meeting where it passed on the consent agenda with a 8-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6303 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For 2019-2020 Community Development Block Grant (CDBG) Appropriation

CARRIED.

4.5 COMMUNITY PARTNERSHIP OFFICE

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME

Community Development Block Grant (CDBG) funding allocated to the Loveland Housing Authority's (LHA) Larimer Home Improvement Program (LHOP) for down payment assistance for low-income Loveland residents is being returned to the City of Loveland to be allocated to other CDBG projects.

LHA has not been able to use the money for down payment assistance because it is required to be loaned to a resident living at, or below 80%, of the area median income, which is \$61,280 for a family of three. There are few homes in Loveland that are for attainable for someone living at that level of income and LHA has not had an application for down payment assistance for quite some time.

This CDBG funding is in addition to our annual allocation.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Allocation Of Community Development Block Grant (CDBG) Program Income

CARRIED.

**4.6 CITY MANAGER
PUBLIC COMMENT
ORDINANCE EXTENDING THE GAS FRANCHISE GRANTED TO PUBLIC SERVICE COMPANY
OF COLORADO**

The existing Natural Gas Franchise Agreement is set to expire on July 1, 2019. This six (6) month extension through December 31, 2019 will allow adequate time for staff negotiations with Xcel Energy to continue. Any further needed extensions beyond 2019 can be done through written agreement by the City Manager.

A Motion To Adopt, On First Reading, An Ordinance Extending The Gas Franchise Granted To Public Service Company Of Colorado

CARRIED.

**4.7 PARKS AND RECREATION
RESOLUTION APPROVING A GRANT OF EASEMENT TO LOVELAND READY-MIX CONCRETE
INC. FOR THE RECONSTRUCTED RIST AND GOSS DITCH**

The Big Thompson Watershed Coalition was successful in securing Community Development Block Grant (CDBG) Funding from the 2013 flood to replace the Rist and Goss Dam and Head Gate located on the Big Thompson River just west of the Namaqua Avenue Bridge. Granting the permanent easement to Loveland Ready Mix will allow Loveland Ready Mix as part owner of the Rist and Goss Ditch to conduct operations and repairs. The Rist and Goss Reconstruction should be completed by the beginning of May 2019 in time to operate for the 2019 irrigation season.

Loveland Ready Mix held a Prescriptive Easement to Operate and Maintain the Rist and Goss Ditch in its prior configuration. This permanent easement will clarify the location and conditions for the operation and maintenance activities by Loveland Ready Mix. Approximately 75% of the New Rist and Goss Ditch will be piped underground in a 24" Diameter pipe. There will be an open channel section near the head gate on the Big Thompson River, and another open channel section near Namaqua Avenue. No compensation is required of either party.

A Motion To Adopt Resolution #R-51-2019 Approving A Grant Of Easement To Loveland Ready-Mix Concrete, Inc. For The Reconstructed Rist And Goss Ditch

CARRIED.

**4.8 PUBLIC WORKS
RESOLUTION AUTHORIZING A NOTICE OF AWARD FOR THE 37TH STREET CONNECTOR
AND DRY CREEK IMPROVEMENTS PROJECT**

The purpose of this item is to award a contract to Walsh Construction, Inc. in the amount of \$3,583,015 to construct a roundabout at 37th St and Monroe Ave and connect street and infrastructure from 37th St from Harding Dr to Lincoln Ave. The project also includes Dry Creek stabilization improvements between US 287 and Lincoln Ave and the installation of large stormwater pipes under 37th St to Dry Creek which are stormwater master plan improvements in this area. The goals of this project are to begin the process of connecting 37th Street from US 287 to the existing section of 37th Street east of Lincoln Ave in order to improve east-west mobility

throughout the city. Also, Stormwater Division master planned improvements will be completed in and around Dry Creek during this time to help build capacity and resiliency into the city stormwater network. There were three submitted bids, with Walsh Construction being the lowest bidder for the combination of three projects in this item.

A Motion to Adopt Resolution #R-52-2019 Authorizing A Notice Of Award For The 37th Street Connector And Dry Creek Improvements Project

CARRIED.

5. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

6. MOTION TO ADOPT THE CONSENT AGENDA

**Councilor Clark motioned; Councilor Johnson seconded the motion.
A Motion To Adopt The Consent Agenda, Items 4.1 to 4.8.**

CARRIED UNANIMOUSLY 7-0.

Councilor Fogle was not present in the Council Chambers.

7. BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to introduce new business for discussion at this time or on a future City Council agenda.

Councilor Johnson requested a Rule of 4 for staff to work on a dust mitigation plan in conjunction with Lake Loveland due to reported health hazards related to the silt. The request included to look at any other items that may increase the water levels in the lake. A Rule of 4 was achieved with affirmation from all councilmembers.

**8. REGULAR AGENDA
PROCEDURAL INFORMATION**

**8.1 ECONOMIC DEVELOPMENT
PUBLIC COMMENT**

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR AN INCENTIVE AGREEMENT WITH COMPLETE SOLUTIONS ROBOTICS, LLC

Kelly Jones, Economic Development Director, reviewed the current internal process for incentive agreements and noted that the city council approved an updated incentive policy in 2017.

Ms. Jones introduced the proposed incentive agreement to council and reported that Complete Solutions Robotics intends to build two 20,000 square foot manufacturing facilities at 7151 Franklin Avenue Longview Midway Business Park in Loveland. If the incentives are approved and the companies move forward, it will add up to 20 new jobs to the community over the next five years. It was reported that the company has been in Loveland for nine years and this incentive will assist in the long term retention of a technology firm in Loveland. The addition of a manufacturing/industrial building in Longview Midway business park is great infrastructure for a growing technology park. Ms. Jones stated that this is a \$75,000 fee reimbursement, post certificate of occupancy. It is a business

retention and expansion opportunity and the return on investment to the city is \$165,000 over five years.

Mike Olson, President, Complete Solution Robotics addressed council and stated that the company originated in 2010 and reported that robotics in manufacturing is doing well. The company is working to create partnerships with other companies and Mr. Olson noted the businesses that Complete Solution Robotics is a preferred provider. They are starting to build their new facility as they were unable to find any industrial space to fit their needs. They anticipate breaking ground in two months and hope that the building will be complete by first quarter of 2020.

Councilor Olson requested there be more complete financial data related to incentive agreements in future packets.

Mayor Pro Tem Overcash opened the meeting for public comment.

Debbie Davis, Loveland resident and current chair of the Chamber of Commerce, stated the incentive is an incredible opportunity and that taking small businesses to the next level is important. She commended Ms. Jones on her great work of bringing these businesses into the city of Loveland.

Mindy McCloughan, President of the Chamber of Commerce, spoke highly of the council for being pro-business and noted the importance of being smart and strategic about business in Loveland.

Motioned by Councilor Clark; seconded by Councilor Olson.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For An Incentive Agreement With Complete Solutions Robotics, LLC

CARRIED UNANIMOUSLY 8-0.

**8.2 ECONOMIC DEVELOPMENT
PUBLIC COMMENT**

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR AN ECONOMIC INCENTIVE AGREEMENT WITH INTELLIVATION, LLC

Mike Scholl, Economic Development Manager, presented this item to council. Under the approved Economic Development Incentive Policy, any proposed incentive in excess of \$30,000 requires staff to bring the item to council for review prior to formal consideration. Mike Simmons presented the request to City Council on behalf of Intellivation. If the incentives are approved and the company moves forward, it will add up to 18 new jobs to the community over the next five years. Staff will bring the agreement for formal consideration and the appropriation ordinance for second reading as early as the June 4, 2019 regular Council meeting.

Mr. Scholl stated that Intellivation is an industrial coating process business that is currently located in northern Colorado but needs more space. Intellivation had received \$30,000 in a previous incentive request which will be amended to receive up to \$75,000 as construction costs have been much higher than anticipated. The additional rebate is for fees such as building permit, materials use tax, etc.

Mike Simmons, Intellivation, started company a little over 10 years ago. The company designs and manufactures vacuum web coating systems and currently has 11 employees. Mr. Simmons provided an overview of vacuum coating process and reviewed operations. He noted there is opportunity for growth and the need for more space with a high ceiling. As the construction costs came in over budget, the project was been put on hold. He stated they are looking to build a new 21,000 square foot building and manufacturing center which would create an additional 18 new high tech jobs with competitive pay and benefits.

Motioned by Councilor Clark; seconded by Councilor Johnson.

Bill Becker, Director of Advocacy for the Loveland Chamber of Commerce, noted the scrutiny the incentive requests go through and was appreciative of the process. He thanked the council, Ms. Jones and her team for their work on the incentive requests.

Council thanked the economic development department for bringing both incentives forward and requested to see the number of incentive applications received and those approved.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For An Economic Incentive Agreement With Intellivation, LLC

CARRIED UNANIMOUSLY 8-0.

RECESS AS LOVELAND CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND URBAN RENEWAL AUTHORITY

8.3 ECONOMIC DEVELOPMENT

A MOTION TO RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING CONFIDENTIAL BUSINESS INFORMATION AND TO PROVIDE STAFF DIRECTION ON NEGOTIATIONS PURSUANT TO THE COLORADO REVISED STATUTES AND CITY OF LOVELAND CHARTER

To obtain direction from City Council regarding certain real property interests and related negotiations, and to receive legal advice thereon. City Council will act on behalf of the Commissioners of the Board of the Loveland Urban Renewal Authority.

Motioned by Councilor Clark; seconded by Councilor Olson.

A Motion To Recess Into Executive Session Regarding Real Property, Negotiations Related Thereto And To Receive Legal Advice Thereon

CARRIED UNANIMOUSLY 8-0.

**8.4 FINANCE
PUBLIC COMMENT**

**ORDINANCES ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR
NEW AND RE-APPROPRIATIONS TO THE 2019 LOVELAND URBAN RENEWAL
AUTHORITY (LURA) BUDGETS**

This item is a request for new appropriations for Utilities and Maintenance of the building located at 205 E. 6th Street. It is meant to ensure adequate funding is appropriated for re-appropriations and new appropriations for 2019; to continue efforts started but not completed in 2018 (re-appropriations) and begin identified new efforts (new appropriations). Staff recommended and received City Council approval for non-lapsing capital and grant funded projects in December 2018. Since then, staff has developed a financial policy regarding how to implement non-lapsing re-appropriations. Staff committed to providing detailed information regarding non-lapsing appropriations for this initial cycle of this effort, but not beyond this first year (unless City Council requests this detail).

The re-appropriations request is for the Longbow Incentive approved in 2018. The first reading of this item was heard at the April 16, 2019 Loveland City Council Regular meeting where it passed on the regular agenda with a 7-1 vote, and the second reading of this item was pulled from the May 7, 2019 City Council meeting by City Manager Steve Adams to be brought back at the May 21, 2019 meeting.

Steve Adams, City Manager, addressed Council acknowledging the correspondence he had received that afternoon from Longbow Industries/LPR Construction which would affect the agenda item. He read the letter in its entirety which stated that they would be withdrawing from the agreement and project. The letter, which explained their reasoning, would be attached to the packet the following day.

Motioned by Councilor Clark; seconded by Councilor Olson.

Mayor Pro Tem Overcash opened the meeting for public comment to which there was none.

Motioned by Councilor Jersvig to postpone the question indefinitely; seconded by Councilor Olson.

A Motion To Adopt On Second Reading Ordinance No. 6299 Of The Board Of The Loveland Urban Renewal Authority (LURA) Enacting A Supplemental Budget And Appropriation To The 2019 Loveland Urban Renewal Authority (LURA) Budget For Utilities And Maintenance Of The Building At 205 E. 6th Street

CARRIED UNANIMOUSLY 8-0.

Motioned by Councilor Clark; seconded by Councilor Olson.

Mayor Pro Tem Overcash opened the meeting for public comment to which there was none.

Motioned by Councilor Jersvig to postpone the question indefinitely; seconded by Councilor Olson.

A Motion To Adopt On Second Reading Ordinance No. 6300 Of The Board Of The Loveland Urban Renewal Authority (LURA) Enacting A Supplemental Budget And Re-Appropriation To The 2019 Loveland Urban Renewal Authority (LURA) Budget For The Longbow Incentive Agreement

CARRIED UNANIMOUSLY 8-0.

**ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND URBAN
RENEWAL AUTHORITY AND RE-CONVENE AS LOVELAND CITY COUNCIL**

8.5 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

9. NO-ACTION ITEMS

**9.1 COMMUNITY PARTNERSHIP OFFICE
HOMELESS STRATEGIC PLAN UPDATE**

The University of Denver Burnes Center on Poverty and Homelessness at the Graduate School of Social Work started working on the City of Loveland Homeless Strategic Plan in the fourth quarter of 2018. This item is to update City Council about information gathered during the Homeless Strategic Plan process that started in 2018.

Alison Hade, Community Partnership Administrator, stated the purpose is to give preliminary information to the council prior to the August study session.

Gary Sanford, University of Denver, reported that there appears to be misconceptions of homelessness in the community and that there are not a lot of options for the homeless in Loveland. The city is faced with limited data and the community is divided on how to approach the issue.

Mr. Sanford reported on the three phases of the process. The first phase was evaluation of current efforts including collecting of information, gaining an understanding of local efforts and gathering best practice information. They are currently in Phase 2 where they are in development of an actionable management plan including increase of local capacity, implementation of single data system, increase of community awareness, reduction of impact of street homelessness, expansion of services to prevent and reduction of homelessness and increase to access housing. Phase 3 is development of strategic implementation plan.

Strategic goals include increase local capacity, identify/assess/capture population needs and interventions, increase community awareness, reduce impact of street homelessness, prevent/address underlying causes of homelessness and increase access to appropriate housing.

Council discussed the success of the veterans housing, that the local leadership body needs to be far greater than just the city, having the information and ability to prevent individuals from becoming homeless, and how to gear programs to help the homeless become self-sufficient.

Information Only

10. REPORTS

10.1 CITY COUNCIL

Councilor Olson sent an update by email to the council.

Councilor Fogle attend the CLA conference in Westminster; he will forward presentations to council.

Councilor Clark attended the CDOT transportation commission meeting where the commission looked at the funding request for north I25 for an additional \$310M in funding which was approved. Mr. Clark stated that funding request all the interim work being done Hwy 402 and CR 14 to be done to full build out.

Councilor Ball reported that he is on the Library board and that activities at the library are going well and commented on the robust reading program.

Councilor Johnson reported that at the Airport Commission meeting it was noted that the virtual tower is moving to the next phase.

10.2 CITY MANAGER REPORT

Mr. Adams reported that the Foundry project received its final certificate of occupancy last Wednesday.

It was also noted that Wilson Ave is open.

10.3 CITY ATTORNEY REPORT

No report.

11. ADJOURN

Mayor Pro Rem Overcash adjourned the meeting at 10:12 pm

Respectfully Submitted,



A handwritten signature in blue ink, appearing to read "Patti Garcia", is written over a horizontal line.

Patti Garcia, City Clerk

A handwritten signature in black ink, appearing to read "Jacki Marsh", is written over a horizontal line.

Jacki Marsh, Mayor

