



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

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

COUNCIL ABSENT: Clark, Johnson

1. INTRODUCTION
- 1.1. CALL TO ORDER
- 1.2. PLEDGE OF ALLEGIANCE
- 1.3. ROLL CALL

PROCEDURAL INFORMATION

2. **PUBLIC COMMENT**
Mayor Marsh opened the meeting for public comment.

Linda Rosa, a Loveland resident, spoke in regards to a proposed increase in city sales tax that is being presented as a ballot question. Ms. Rosa was concerned with the language.

A Motion Calling For Items 3.1 and 3.2 To Be Heard After The Consent Agenda

CARRIED 7-0

4. **CONSENT AGENDA**

Councilor Olson requested to pull item 4.13.

- 4.1. **CITY CLERK**
APPROVAL OF MINUTES

Approval of the City Council minutes for the July 16, 2019 Regular Meeting.

A Motion to Approve the City Council minutes for the July 16, 2019 Regular Meeting.

CARRIED.

4.2. CITY CLERK

CALL FOR SPECIAL MEETING ON AUGUST 13, 2019 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 13, 2019.

A Motion Calling For A Special Meeting To Be Held On August 13, 2019, 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.

4.3. CITY CLERK

PUBLIC COMMENT

ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2019, AND CONDUCTED AS A COORDINATED ELECTION, WITH THE LARIMER COUNTY CLERK AND RECORDER, SHALL BE GOVERNED BY THE COLORADO UNIFORM ELECTION CODE OF 1992 TO THE EXTENT NECESSARY TO CONDUCT THAT ELECTION AS A COORDINATED ELECTION

The proposed Ordinance is needed to allow the City to conduct a regular election on November 5, 2019 as a coordinated election with the Larimer County Clerk and Recorder to be governed by the Colorado Uniform Election Code.

City Council heard the first reading of this ordinance at the July 16, 2019 Council meeting where it passed on the consent agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6314 Providing That The City Of Loveland's Regular Election To Be Held November 5, 2019 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk And Recorder, Shall Be Governed By The Colorado Uniform Election Code Of 1992 To The Extent Necessary To Conduct That Election As A Coordinated Election

CARRIED.

4.4. DEVELOPMENT SERVICES

PUBLIC COMMENT

ORDINANCE VACATING A TWENTY FOOT ALLEY WITHIN THE WESTMOUNT ACRES ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

The owner of 2004 W. Eisenhower Blvd. intends to redevelop the currently 0.75-vacant property for retail and restaurant uses. There exists a 20 foot public alley at the southern end of the property that is not regularly used. Vacation of this alley would provide additional depth to the property that would better facilitate its redevelopment, and the proposed site plan is contingent upon acquiring the additional 20 feet of property. Adjacent owners have agreed to this vacation, and access easements as well as utility easements would be maintained. The applicant understands that upon vacation of the easement, 10 feet of the alley would revert to the owner of 2004 W. Eisenhower, with the other 10 feet reverting to property owners to the south. This southernmost part of the alley would need to be purchased or otherwise obtained from those southern property owners prior to redevelopment.

The first reading of this ordinance was heard at the July 16, 2019 City Council meeting where it passed on the consent agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6315 Vacating A Twenty Foot Alley Within The Westmount Acres Addition, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED.

4.5. DEVELOPMENT SERVICES

PUBLIC COMMENT

ORDINANCE VACATING CERTAIN RIGHT-OF-WAY WITHIN THE MYERS GROUP PARTNERSHIP #949 THIRD SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

This application proposes to vacate a 2.33-acre portion of unimproved (unpaved) right-of-way at the south end of the Centerra Motorplex. The right-of-way to be vacated is situated south of the paved portions of Test Circle and Byrd Drive, and had been intended to connect the two streets with a curved (half-circle) road segment.

The dedication of additional east-west Precision Drive right-of-way, extending it to Test Drive from its current terminus at Byrd Drive, is being arranged in conjunction with the vacation through the submittal of a concurrent plat application. With the concurrent extension of Precision Drive, the unpaved half-circle right-of-way connecting Test Drive and Byrd Drive, just south of Precision Drive, is unneeded.

The first reading of this ordinance was heard at the July 16, 2019 City Council meeting where it passed on the consent agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6316 Vacating A Right-Of-Way Located in the Myers Group Partnership #949 Third Subdivision, City of Loveland, County Of Larimer, State Of Colorado

CARRIED.

4.6. DEVELOPMENT SERVICES

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR A SURVEY OF HISTORICAL PROPERTIES WITHIN THE CITY OF LOVELAND, COLORADO

This project will allow the City of Loveland to conduct an intensive level survey of 20 to 25 properties related to the sugar beet industry and/or Germans from Russia immigrant population in Loveland, Colorado. Under the agreement as a Certified Local Government (CLG) with the state historical office and as outlined in the Loveland Historic Preservation Plan adopted in 2002, the City of Loveland regularly updates and maintains an inventory of properties eligible for historic designation.

These grant funds will cover an intensive survey which will allow the City of Loveland to enhance its historic inventory as well as maintain its CLG status with the State of Colorado, allowing for its continued ability to apply for state historical fund grants. Loveland has benefited with approximately 2.5 million dollars in grant funding since it became a CLG.

The first reading of this ordinance was heard at the July 16, 2019 City Council meeting where it passed on the consent agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6317 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For A Survey Of Historical Properties Within The City Of Loveland, Colorado

CARRIED.

4.7. PUBLIC WORKS

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR NORTH BOYD LAKE AVENUE PAVEMENT REPAIRS

Appropriation of \$145,285.68 of surety funds being held in escrow account 120-00-000-0000-35200 for Warranty repairs not completed by the Developer. With approval these funds will be transferred to account 211-23-232-1701-49360, EN1901 for the work being contracted with Don Kehn Construction for repairs to Boyd Lake Ave.

City Council heard this item on first reading on July 16, 2019, where it passed with a 9-0 vote on the consent agenda.

Per the Larimer County Urban Area Standards a surety is required to be kept in escrow during the 2-Year Warranty period. When a developer fails to complete warranty repairs the City may use these surety funds to complete the required repairs. This ordinance is for the appropriation of \$145,285.68 of surety funds being held in escrow for warranty repairs not completed by the developer. With approval these funds will be transferred to account 211-23-232-1701-49360, EN1901 for the work being contracted with Don Kehn Construction for repairs to Boyd Lake Ave.

Public Works has competitively bid the necessary repairs and is contracted with the low bidder, as seen in Attachment 1. Additionally this work has been approved by the Bankruptcy Court.

A Motion To Adopt, On Second Reading, Ordinance No. 6318 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For North Boyd Lake Avenue Pavement Repairs

, CARRIED.

4.8. LOVELAND POLICE DEPARTMENT

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR ONE FULL TIME EMPLOYEE POLICE OFFICER TO STAFF THE NEW VISION CHARTER SCHOOL (NVCS) SCHOOL RESOURCE OFFICER (SRO) POSITION

The proposed ordinance will provide funding for one full time employee (FTE) police officer position. Funding one FTE police officer position will allow the department to assign one police officer to the School Resource Officer (SRO) program. The expansion of the SRO program by providing SRO services to New Vision Charter School will positively impact school safety in Loveland. Positive impacts include: (a) the SRO program's efficiency and effectiveness, and (b) school safety. Additionally, funding one FTE police officer position will allow the Department to assign one additional police officer to the SRO program without adversely affecting patrol staffing levels and the delivery of police services to the community.

City Council heard the first reading of this ordinance at the July 16, 2019 City Council meeting where it passed on the regular agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6319 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For One FTE Police Officer To Staff The New Vision Charter School (NVCS) School Resource Officer (SRO) Position

CARRIED.

A Motion To Adopt Resolution #R-79-2019 Approving An Agreement Concerning Operation Of The School Resource Officer Program At New Vision Charter School

CARRIED.

**4.9. LOVELAND POLICE DEPARTMENT
PUBLIC COMMENT**

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR TWO FULL TIME EMPLOYEE POLICE OFFICERS TO STAFF THE NORTHERN COLORADO TRAFFIC SAFETY TASK FORCE (NCTSTF)

The proposed ordinance will provide funding for two full time employee (FTE) police officer positions. Funding the two FTEs will allow the Department to assign one sergeant and one police officer to the Northern Colorado Traffic Safety Task Force (NCTSTF). Assigning a sergeant and police officer to the NCTSTF, which will include personnel from the Larimer County Sheriff's Office and the Windsor Police Department, will focus on reducing impaired driving and positively impact traffic safety in Loveland and Northern Colorado. This will provide a positive impact concerning traffic safety in Loveland and Northern Colorado. Additionally, funding two FTE police officer positions will allow the Department to assign one sergeant and one police officer to the NCTSTF without adversely affecting patrol supervision and staffing levels and the delivery of police services to the community.

The first reading of this ordinance was heard at the July 16, 2019 City Council meeting where it passed on the regular agenda with a 9-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6320 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Two FTE Police Officers To Staff The Northern Colorado Traffic Safety Task Force (NCTSTF)

CARRIED.

**4.10. WATER & POWER
PUBLIC COMMENT**

ORDINANCE AUTHORIZING THE SALE OF RIGHT-OF-WAY TO LARIMER COUNTY FOR THE LARIMER COUNTY ROAD 17 ROAD WIDENING PROJECT PURSUANT TO SECTION 4-7 OF THE CITY OF LOVELAND MUNICIPAL CHARTER

The purpose of this item is to assist Larimer County with widening County Road 17 between U.S. Highway 287 and County Road 16 and to authorize the sale of 7,322 square feet (0.168 acres) of City property to Larimer County for the County Road 17 Widening Project. The City Property to be sold includes the east 20 feet of the water tank parcel located on the west side of County Road 17 (Taft Ave/Berthoud Parkway) and just south of County Road 14 (42nd Street Southwest). The City will receive \$8,150 as compensation, and the County will have adequate right-of-way to make the necessary improvements to County Road 17.

A Motion To Adopt, On First Reading, Ordinance No. 6322 Authorizing The Sale Of Right-Of-Way To Larimer County For The Larimer County Road 17 Road Widening Project Pursuant To Section 4-7 Of The City Of Loveland Municipal Charter

CARRIED.

**4.11 WATER & POWER
PUBLIC COMMENT**

ORDINANCES TO ADOPT THE CITY OF LOVELAND WIRELESS COMMUNICATIONS CODE AS TITLE 14 AND AMENDING PORTIONS OF THE UNIFIED DEVELOPMENT CODE AND SECTION 13.12.200

The purpose of this item is to consolidate provisions of the Loveland Municipal Code from Titles 13 and 18 into a new Title 14 - Wireless Communications Code. This requires amendments to Title 13 and Title 18 (the Unified Development Code), along with adoption of a new Title 14 which adds provisions to address state law and federal regulations, particularly regarding the deployment of small cell wireless facilities in the public right-of-way. Approval of the proposed Title 14 and associated amendments will allow the City to regulate the deployment of wireless communications facilities in the public right-of-way by requiring providers to sign a master license agreement and follow the City's wireless design standards. Existing code provisions regarding pole attachments and wireless communications facilities on private property will remain intact with limited revisions.

The new code provisions will protect the City's interests in the public right-of-way to the greatest extent possible. The consolidated code will provide easier guidance to the City and cellular providers regarding wireless communications facilities.

A Motion To Adopt, On First Reading, Ordinance No. 6325 Adopting The City Of Loveland Wireless Communications Code As Title 14 Of The Loveland Municipal Code

CARRIED.

A Motion To Adopt, On First Reading, Ordinance No. 6326 Amending Portions Of The Unified Development Code Related To The Adoption Of Title 14 – Wireless Communications Code

CARRIED.

A Motion To Adopt, On First Reading, Ordinance No. 6327 Amending Section 13.12.200 Of The Loveland Municipal Code Regarding Pole Attachments

CARRIED.

**4.12. PUBLIC WORKS
PUBLIC COMMENT**

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR THE REDWOOD/US 34 CDOT REIMBURSEMENT FOR EMERGENCY SIGNAL REPAIRS

During a snow storm on March 13, 2019, the traffic signal at US 34 & Redwood sustained significant damage when a 7200 Volt power line swung into the signal pole. The traffic signal is owned by Colorado Department of Transportation (CDOT) and maintained and operated by the City under contract. Due to the extent of damage sustained, CDOT agreed to reimburse the City for the cost of repairs.

A Motion to Adopt, On First Reading, Ordinance No. 6328 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For The Redwood/US 34 CDOT Reimbursement For Emergency Signal Repairs

CARRIED.

**4.14. COMMUNITY PARTNERSHIP OFFICE
RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT
ANNUAL ACTION PLAN FOR 2019-2020**

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 funds during the next grant year. This action is necessary to submit the plan to HUD.

City Council appropriated 2019-2020 CDBG funding on second reading on May 21, 2018 and approved grant recommendations on June 4, 2019. A copy of the Annual Action Plan is attached.

A Motion To Adopt Resolution #R-80-2019 Approving The Community Development Block Grant Annual Action Plan For 2019-2020

CARRIED.

**4.15. DEVELOPMENT SERVICES
RESOLUTION AMENDING CITY OF LOVELAND'S HISTORIC
PRESERVATION COMMISSION MEETING TIME**

The Historic Preservation Commission currently meets the third Monday of each month at 6:00 PM in the Development Center. The commissioners requested an earlier time of 4:30pm which would be more suitable for both staff and commissioners.

A Motion to Adopt Resolution #R-81-2019 Amending City of Loveland's Historic Preservation Commission's Meeting Time

CARRIED.

**4.16. NORTHERN COLORADO REGIONAL AIRPORT
RESOLUTION APPOINTING THE JOINT CITIZEN MEMBER OF THE
NORTHERN COLORADO REGIONAL AIRPORT COMMISSION**

As part of the Intergovernmental Agreement between the two cities, a seven member commission was created. Two members of the commission are a "Citizen Member" appointed by the Loveland City Council and a "Joint Citizen Member" appointed by the cities of Fort Collins and Loveland. This item is to appointment Jerry Stooksbury to the Northern Colorado Regional Airport Commission as the Joint Citizen Member.

A Motion to Adopt Resolution #R-82-2019 Appointing the Joint Citizen Member of the Northern Colorado Regional Airport Commission

CARRIED.

**4.17. PARKS AND RECREATION
RESOLUTION APPROVING CONTRACT WITH DEFALCO CONSTRUCTION**

This resolution approves the award of a contract to DeFalco Construction in the amount of \$702,370.18 for the construction of a new Wilson Avenue northbound turn lane, parking lot, trailhead, 1.6 miles of ADA accessible trail and .94 miles of soft surface trail at the city's Prairie Ridge Natural Area and authorizes the City Manager to execute the contract.

This award request is a result of a competitive public bid process for which there were four responsive and qualified bidders. DeFalco Construction was the lowest bidder.

A Motion to Adopt Resolution #R-83-2019 To Award A Contract To DeFalco Construction Company, A Colorado Corporation, Concerning Construction Of A Turn Lane, Parking Lot, Trailhead, And Trail At Prairie Ridge

CARRIED.

**4.18. HUMAN RESOURCES
RESOLUTION REGARDING THE COMPENSATION OF THE CITY
MANAGER**

At the July 16, 2019, Regular City Council Meeting, Council held their quarterly performance review meeting for the City Manager and directed staff to provide a Resolution to include a merit increase of 2.5%, in addition to a compensation adjustment increase of 2.5%, for a total annual increase of 5% and annual salary of \$206,104.08.

A Motion To Adopt Resolution #R-84-2019 Of The Loveland City Council Regarding The Compensation Of The City Manager

CARRIED.

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

6. MOTION TO ADOPT THE CONSENT AGENDA

A Motion To Adopt The Consent Agenda, Items 4.1 to 4.18, with the exception of Item 4.13.

Moved by Councilor Olson; seconded Councilor Jersvig.

CARRIED 7-0

3. NO-ACTION ITEMS

3.1 PUBLIC WORKS

FOUNDRY PLAZA OPERATIONS

This informational item provided background to Council as it related to the operations and maintenance of the Foundry Plaza. Discussed will be Metro District history, current status, budgets, cost sharing, and operational opportunities.

Michael Hogan introduced Jay Hardy from Brinkman who presented a brief history of the Foundry plaza.

Mr. Hogan noted the responsibilities and maintenance, which has led staff to question if it would be better if one entity to maintain it all. Staff noted that the city looks at operations in regards to maintaining it forever, and the private sector will approach with a year-to-year mindset. No matter who controls the maintenance it needs to be a cohesive effort, with all areas of the district being cohesive.

Brinkman is requesting that the City of Loveland share in the shortfall of the Metro District, with a \$150k from City of Loveland and \$130k from the Downtown development authority.

Brinkman & city staff agreed on scope of work, quality & expectations, and both recommend one entity would be the best option. The Metro District is willing to take the responsibility.

Council discussed the two options – if the city maintains it and it happens to not be up to city standards can they respond to concerns as needed. Council does have the authority to bring this issue back if the maintenance is not up to city standards.

Mr. Hogan recommended bringing back this item with dollar amounts so City Council can make a decision, as well as bringing the service agreement. Council recommended the city be in for 50% of the agreement and cost, and staff will bring the service plan at a later date.

Information Only

**3.2 ECONOMIC DEVELOPMENT
INFORMATION ITEM REGARDING THE REDEVELOPMENT OF 205 E. 6TH
STREET**

The purpose of this item is to update the Loveland Urban Renewal Authority (LURA) Board on the status of 205 E. 6th Street and to seek direction on next steps for managing and marketing the property for redevelopment.

Information Only

Kelly Jones, Economic Development Director and Mike Scholl, Economic Development Manager, presented the information to Council with the changes from the previous information meeting given to Council.

Staff was able to work with Longbow and the earnest money has been returned back to Longbow in exchange for all their due dalliance documents. Appraiser Zachary Smith also attended in order to answer questions from Council.

Ms. Jones introduced Zachary Smith, who gave a brief background of his history as an appraiser and the appraisal of market value of the building. Mr. Smith did go into depth as to the wide variety of instances that can happen with the building and how market value is defined in the report.

Mr. Smith addressed questions regarding the cost to put in a sprinkler system. His opinion would be that the city could get away from putting in a fire suppression system but believes that purchasers will want it so it can be turnkey ready.

Council directed staff to move forward to find a buyer for the building.

Information Only

**7. REGULAR AGENDA
PROCEDURAL INFORMATION**

**7.1. CITY MANAGER
PUBLIC COMMENT
ORDINANCE CONCERNING RECREATIONAL AND MEDICAL MARIJUANA AND
SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LOVELAND AT
THE CITY'S REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2019, A BALLOT**

ISSUE PERMITTING RETAIL AND MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, MANUFACTURING, AND TESTING AND RESEARCH FACILITIES IN THE CITY AND IMPOSING AN EXCISE TAX OF UP TO 15% WHEN UNPROCESSED RETAIL MARIJUANA IS FIRST SOLD OR TRANSFERRED BY A RETAIL MARIJUANA CULTIVATION FACILITY AND BY IMPOSING AN ADDITIONAL SALES TAX OF UP TO 15% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BEGINNING JANUARY 1, 2021

The purpose of the ballot measure is to authorize the cultivation, manufacturing, research and testing, and sale of medical and retail marijuana in Loveland and approve an excise tax on the first sale of unprocessed retail marijuana and an increased sales tax on retail marijuana. The objective is to allow Loveland voters to determine if there is support to authorize and apply a special sales and excise tax on retail marijuana at rates not to exceed 15.0% in Loveland. If the ballot measure is successful, the City of Loveland will authorize medical and retail marijuana in Loveland and to collect tax revenue on retail marijuana in addition to the City's existing 3.0% sales tax rate.

Alan Krcmarik presented this item and briefly went over a history of the Council requested Rule of 4, and compared various communities surrounding the City of Loveland regarding selling and manufacturing of retail and medical marijuana.

Mr. Krcmarik also presented the ballot question language for Council to review. Staff wanted to note that even if the ballot question went to the election this year, Council would have 18 months to create an ordinance with how much tax Council would want to apply, how many dispensaries etc. that Council would want to allow.

Council discussed splitting it into two questions; one for retail and another for sales tax, and if the tax portion would get passed by the voters how Council would choose to tax sales. Staff clarified that if the question passed as is, Council would have the option to tax up to, not exceeding, 15% and would have the option to raise or lower the taxes, not to exceed 15%, without returning to the voters.

Sally Tasker from Butler Snow informed Council that the form of the ballot question is wording and phrasing that is required by the Colorado Constitution. The tax amount is not an expectation of the amount the City would receive in taxes, it is informing the public the maximum amount the City would be allowed to keep without refunding it to the voters or asking the voters if the City can keep the excess.

Mayor Marsh opened Public Comment.

Tom Olzinski questioned if 15% excise tax comes back to city.

A Motion To Amend The Motion To Turn The Ballot Question Into Two Questions

Councilor Jersvig motioned, Fogle seconded

MOTION CARRIED 7-0

Mayor Marsh Opened Public Comment.

Tom Olsinski stated that if taxes are raised the public may go elsewhere.

Mayor Marsh closed Public Comment.

A Motion To Adopt, On First Reading, Ordinance No. 6323 Concerning Recreational And Medical Marijuana And Submitting To The Registered Electors Of The City Of Loveland At The City's Regular Election To Be Held On November 5, 2019, A Ballot Issue Permitting Retail And Medical Marijuana Dispensaries, Cultivation, Manufacturing, And Testing And Research Facilities In The City And Imposing An Excise Tax Of Up To 15% When Unprocessed Retail Marijuana Is First Sold Or Transferred By A Retail Marijuana Cultivation Facility And Imposing An Additional Sales Tax Of Up To 15% On The Sale Of Retail Marijuana And Retail Marijuana Products Beginning January 1, 2021

CARRIED 5-2.

No vote: Overcash, Olson

7.3 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA PARKS AND RECREATION

4.13. ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR THE ACQUISITION OF LAND FOR FUTURE RECREATION FACILITY DEVELOPMENT

Removed from Consent Agenda by Councilor Olson.

The purpose of this item is to secure 18.095 acres of land over a three-year period for the future development of recreation facilities. This appropriation is for purchase of the first 6.095 acres valued at \$223,300 (\$34,771 per acre) plus annexation, surveying and closing costs.

On July 15, 2014, City Council Adopted the Parks and Recreation Master Plan, which identified the need for specialized recreation facilities to keep up with projected community growth. The Parks and Recreation Master Plan guideline for recreation centers is 1 per 60,000 population and 1 per 50,000 for outdoor aquatic facilities. In 2019, with an estimated population of 79,000 and a projected population of almost 95,000 by 2023, the time is now to purchase the land so expanded facilities can be built to meet the needs identified in the Master Plan. With projected residential growth, we will not be able to meet and maintain this service level without the acquisition of additional land for future development. Capital Expansion Fees (CEF) are collected for recreation development to meet community growth. The funding ordinance would appropriate \$300,000 from the Recreation CEF Fund for the acquisition of land suitable for community recreation facilities within the Growth Management Area.

LeAnn Williams, Recreation Manager, presented this item and noted that staff has been working on this deal for over five years and clarified with Council that this is solely to purchase the land.

Mayor Marsh open Public Comment, of which there was none.

A Motion To Adopt, On First Reading, Ordinance No. 6329 Enacting A Supplemental Budget Appropriation To The 2019 City of Loveland Budget For the Acquisition of Land For Future Recreation Facility Development.

CARRIED 6-1
No vote: Olson.

7.2. WATER & POWER

PUBLIC COMMENT

ORDINANCE REVISING THE RESIDENTIAL WATER RIGHTS REQUIREMENTS OF THE LOVELAND MUNICIPAL CODE FOR NEW DEVELOPMENT WITHIN THE CITY OF LOVELAND

This item was pulled from the agenda by the City Manager.

8. NO-ACTION ITEMS

8.1. FINANCE

INVESTMENT REPORT JUNE 2019

Half-way through 2019, the market value (including accrued interest) of the City's investment portfolio is estimated to be \$229,167,687. This is about \$1.5 million more than the prior month. The budget revenue projection for the full year of 2019 was set at \$3,319,680. So far this year, actual interest received is now \$564,003 ahead of projections. Using the portfolio's beginning year balance, the rate needed to reach the annual interest earning target is 1.43%. The annualized interest rate at the end of June remained at 1.91%. For the month, accounting staff posted \$287,745 to various fund accounts. The year to June month-end total is \$1,941,554. U.S. short-term (under five years) Treasury interest rates were inverted (short term rates higher than longer term rates) in June. At the time this summary was written the rate on the 10 year U.S. Treasury Note was 2.079%, the rate on the 2-Year Note was 1.865%, and the rate on the 3-month Treasury was 2.108%.

The Federal Open Market Committee increased the federal funds rate in December, the fourth increase of 2018. Due to softening growth rates in Europe, Japan, and China, The Fed decided not to raise rates in June and indicated that they are looking closely at market conditions. The consensus among economists and financial advisors is a 25 basis point (0.25%) increase at the July meeting.

Alan Krcmarik reviewed presentation noting sales tax, etc. Council inquired about the downtown and if the increase in sales tax was due to retail or restaurants, to which staff will check into.

Information Only

8.2. FINANCE

JUNE 2019 FINANCIAL 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, 2019. Citywide Revenue of \$164.3 million is 34.7% of total annual budget. Sales Tax collections June YTD are 4.1% above June 2018 YTD, and 48.8% of the total annual budget. Building Material Use Tax collections for June are 30.1% below June 2018 YTD, and 32.5% of the total annual budget. Sales and Use Tax collections combined are 48.0% of total annual budget. Citywide total expenditures of \$131.2 million are 44.6% of the total annual budget.

Information Only

9. REPORTS

9.1. BUSINESS AND REPORTS FROM CITY COUNCIL

Councilor Overcash asked who sets the agenda for the regional meeting. Steve Adams stated that is a process of the City Manager's whose cities are involved and Larimer county manager collaborate to create an agenda.

Councilor Olson reported on the behavioral health meeting

Council voted to extend the meeting by 10 minutes.

Councilor Fogle inquired about NLC – FCC just changed rules.

9.2. CITY MANAGER REPORT

There was no City Manager Report.

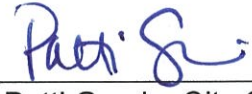
9.3. CITY ATTORNEY REPORT

There was no City Attorney Report.

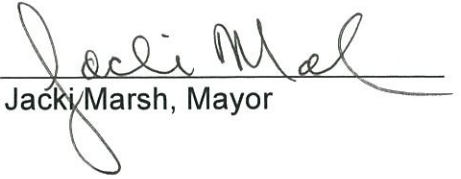
10. ADJOURN

Mayor Marsh adjourned the August 6, 2019 Regular City Council Meeting.

Respectfully Submitted,



Patti Garcia, City Clerk



Jacki Marsh, Mayor