



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, September 3, 2019 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 17-23, 2019 AS CONSTITUTION WEEK**

Councilor Olson presented this proclamation to Mary Ellen Denton, Betty Butler, Sylvia Fiscus, and Leslie Spahn.

**1.5. PROCLAMATION**

**PROCLAMATION DECLARING SEPTEMBER 11, 2019 AS FIRST RESPONDERS RED BANDANNA DAY**

Councilor Ball presented this proclamation to Lisa Melby and Doug Overall.

Mayor Marsh presented to Councilor Jeremy Jersvig a plaque on behalf of Loveland City Council thanking him for his service on Council.

**1.6. PRESENTATIONS**

**ASSOCIATED VETERANS PRESENTATION**

Tom Parker presented to Sara Wigggett, Loveland Police Department, an award of appreciation in support of annual veterans day events. Mr. Parker also presented Mayor Marsh and Chief Ticer an award of appreciation for their support.

**PROCEDURAL INFORMATION**

**2. PUBLIC COMMENT**

City Manager Steve Adams requested of Council to move item 6.4 forward, to be presented as 6.1.

Councilor Olson moved to do so.

UNANIMIOUSLY CARRIED 9-0

Mayor Marsh opened public comment.

Oliva Lowe, Loveland resident, spoke regarding her visits to 3 new small businesses in Loveland and issues relating to code enforcement and signage.

Bruce Croissant, Loveland resident, spoke regarding the condition of sidewalk in the older parts of town and noted that perhaps the city determined they needed a higher tax rate.

Mayor Marsh closed public comment.

**3. CONSENT AGENDA**

**3.1. CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the July 2, 2019 Regular Meeting and the August 13, 2019 Special Meeting and Study Session.

***A Motion to Approve the City Council Minutes for the July 2, 2019 Regular Meeting and the August 13, 2019 Special Meeting and Study Session***

CARRIED.

**3.2. CITY CLERK  
MEMBER APPOINTMENT TO PLANNING COMMISSION**

This is an item appointing members to Planning Commission to fill the vacancy. Interviews were held on Tuesday August 20, 2019. The interview panel consisted of Councilor Jeremy Jersvig, Planning Commission Chair Pat McFall and Staff Liaison Bob Paulsen. It is recommended that Council appoint Jerico "Rico" Devlin to fill a partial term expiring on December 31, 2019.

***A Motion To Appoint Jerico "Rico" Devlin To The Planning Commission With A Term Effective Until December 31, 2019***

CARRIED.

**3.3 CITY CLERK  
CALL FOR A SPECIAL MEETING TO BE HELD ON SEPTEMBER 10, 2019, AT  
6:00 PM FOR THE CITY ATTORNEY'S QUARTERLY PERFORMANCE REVIEW  
WITH A POSSIBLE EXECUTIVE SESSION**

This item provides a motion calling for a Special Meeting on September 10, 2019. If approved, the City Clerk shall call for a Special Meeting on September 10, 2019 at 6:00 PM for items to be noticed at least twenty-four hours in advance. The item currently anticipated is the City Attorney's Review.

*A Motion To Direct The City Clerk To Call For A Special Meeting To Be Held On September 10 2019 At 6:00 PM For The Purpose of Conducting the City Attorney's Review With Possible Executive Session*

CARRIED.

**3.4. WATER & POWER  
PUBLIC COMMENT**

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

The purpose of this action is to align water rights required for residential development with current residential water demands, and to define the water rights required for Cottage/Micro Homes.

*A Motion To Adopt, On Second Reading, Ordinance No. 6324 Revising The Residential Water Rights Requirements Of The Loveland Municipal Code For New Development Within The City Of Loveland*

CARRIED.

**3.5. DEVELOPMENT SERVICES  
PUBLIC COMMENT**

**ORDINANCE APPROVING A SECOND AMENDMENT TO THE ZONING DOCUMENT PERTAINING TO LOT 1, BLOCK 2, MINERAL FIRST SUBDIVISION**

This application for a Zoning Document Amendment focuses on one non-residential lot (i.e. 691 Split Rock Drive – subject property), just shy of an acre in size within the Mineral Addition Planned Unit Development (PUD). The proposal is to amend the zoning document (akin to a rezoning), allowing a restaurant with drive-thru use on the subject property. This amendment is required because a restaurant with drive-thru use is not listed as a permitted use within the PUD. Uses permitted within the PUD include a mixture of less intensive commercial and office uses. The PUD controls the intensity by establishing maximum building coverage and floor area ratios on the non-residential lots to keep such uses within a neighborhood context.

City Council heard the first reading of this item at the August 20, 2019 meeting where it passed on the consent agenda with a 9-0 vote.

*A Motion To Adopt, On Second Reading, Ordinance No. 6330 Approving A Second Amendment To The Zoning Document Pertaining To Lot 1, Block 2, Mineral First Subdivision*

CARRIED.

**3.6. WATER & POWER  
PUBLIC COMMENT**

**ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR AN INTERFUND LOAN FROM THE POWER ENTERPRISE FUND TO THE MUNICIPAL FIBER ENTERPRISE FUND FOR MUNICIPAL**

**FIBER SERVICES; AND AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR THE MUNICIPAL FIBER ENTERPRISE FUND AND THE POWER ENTERPRISE FUND; AND AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR MUNICIPAL FIBER SERVICES**

This item is to 1) formally establish a loan between the Power Enterprise Fund and the Municipal Fiber Enterprise Fund to set up the reimbursement of the Power Enterprise Fund for \$2.5 million of up-front Municipal Fiber expenses that it incurred; and 2) establish budgeted funds in the Municipal Fiber Enterprise Fund to align with 2019 expenses that have been incurred in the Power Enterprise Fund, but need to be transferred to the Municipal Fiber Enterprise Fund.

On August 20, 2019 Council approved unanimously, by a vote of 9-0, the consent agenda that included First Reading of Ordinances 6331, 6332 and 6333.

*A Motion To Adopt, On Second Reading, Ordinance No. 6331 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For An Interfund Loan From The Power Enterprise Fund To The Municipal Fiber Enterprise Fund For Municipal Fiber Services*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No. 6332 Enacting A Supplemental Budget And De-Appropriation To The 2019 City Of Loveland Budget For The Power Enterprise Fund*

CARRIED.

*A Motion To Adopt, On Second Reading, Ordinance No. 6333 Ordinance Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Municipal Fiber Services*

CARRIED.

**3.7. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR A REVISED FINANCIAL PLAN RELATED TO THE ACQUISITION OF THE PROPERTY AT 205 EAST 6TH STREET AND THE PARKING LOT AT 6TH STREET AND RAILROAD AVENUE; AND AN ORDINANCE OF THE LOVELAND URBAN RENEWAL AUTHORITY ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 LOVELAND URBAN RENEWAL AUTHORITY BUDGET FOR THE FIRST YEAR LOAN REPAYMENT TO THE GENERAL GOVERNMENT CAPITAL EXPANSION FEE (CEF) FUND**

The purpose of the item is to restructure the financial arrangement between the Loveland Urban Renewal Authority (LURA) Finley Block Urban Renewal Plan Area and the City of Loveland to ensure proper flow of funds between entities and to appropriate funding to make the first payment to the General Government CEF Fund in 2019.

The first reading of this item was heard at the August 20, 2019 Council meeting where it passed on the regular agenda with a 9-0 vote.

*A Motion To Adopt On Second Reading, Ordinance No. 6335 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For A Revised Financial Plan Related To The Acquisition Of The Property At 205 East 6th Street And The Parking Lot At 6th Street And Railroad Avenue*

CARRIED.

*A Motion To Adopt On Second Reading , Ordinance No. 6334 Of The Loveland Urban Renewal Authority Enacting A Supplemental Budget And Appropriation To The 2019 Loveland Urban Renewal Authority Budget For The First Year Loan Repayment To The General Government Capital Expansion Fee (CEF) Fund*

CARRIED.

**3.8. FINANCE**

**PUBLIC COMMENT**

**ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND SPECIAL IMPROVEMENT DISTRICT NO. 1 BUDGET FOR THE APPROPRIATION OF FUNDS TO MAKE A PREPAYMENT ON SPECIAL IMPROVEMENT DISTRICT NO. 1 REFUNDING BOND SERIES 2015**

The purpose of this request is to use higher than expected revenue received since the initiation of the debt to pay the debt off earlier and reduce interest payments. The objective is to use the excess revenue received in the Special Improvement District No. 1 since 2015. There is a positive impact on the Special Improvement District No. 1 Budget, by avoiding \$43,000 in interest payments.

City Council heard the first reading of this item on August 20, 2019 where it passed with a 9-0 vote on the consent agenda.

*A Motion to Adopt On Second Reading, Ordinance No. 6336 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Special Improvement District No. 1 Budget For The Appropriation Of Funds To Make A Prepayment On Special Improvement District No. 1 Refunding Bond Series 2015*

CARRIED.

**3.9. CITY CLERK**

**PUBLIC COMMENT**

**ORDINANCE AMENDING SECTION 8.08.030 OF THE LOVELAND MUNICIPAL CODE TO INCREASE THE NUMBER OF DAYS TASTINGS ARE PERMITTED**

In June 2018 Governor John Hickenlooper signed SB 18-243 which modified laws governing some liquor licensing matters. One area that was addressed in the legislation was the expansion and amendment of certain tasting laws and limitations. The Loveland Municipal Code currently allows tastings to be held until 7 p.m. and for 144 days per year on no more than four of the six days from a Monday to the following Saturday.

Senate Bill 18-243 provided for tastings to be conducted until 9 p.m. and for 156 days per year. Additionally, the legislation permits for a licensee to securely store open and unconsumed alcohol

beverage containers for future tastings as long as they are not stored in the sales area. The city currently administrates ten tasting permits.

The City Clerk's office has been contacted by several retailers requesting the expansion of the time and date for tastings which the retailers believe will benefit their sales.

*A Motion To Approve, On First Reading, Ordinance No. 6337 Amending Section 8.08.030 Of The Loveland Municipal Code To Increase The Number Of Days Tastings Are Permitted*

CARRIED.

**3.10. CITY CLERK**

**PUBLIC COMMENT**

**ORDINANCE AMENDING SECTION 3.20.050(B) OF THE LOVELAND MUNICIPAL CODE TO PERMIT THE CITY CLERK TO INCLUDE PERTINENT OCCUPATIONAL TAX INFORMATION UPON A LIQUOR LICENSE**

The purpose of this ordinance is to create a more efficient process for liquor license and occupational tax compliance issuance for staff and the customer. The objective is for the City Clerk's office to create one document that provides both the liquor license and occupational tax information for the liquor licenses.

*A Motion to Adopt, On First Reading, Ordinance No. 6338 Amending Section 3.20.050(B) Of The Loveland Municipal Code To Permit The City Clerk To Include Pertinent Occupational Tax Information Upon A Liquor License*

CARRIED.

**3.11. WATER & POWER**

**PUBLIC COMMENT**

**ORDINANCE ENACTING A DE-APPROPRIATION FROM THE MUNICIPAL FIBER FUND OF THE 2019 CITY OF LOVELAND BUDGET AND A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE GENERAL FUND OF THE 2019 CITY OF LOVELAND BUDGET FOR UTILITY BILLING PERSONNEL TO SUPPORT BROADBAND**

The Business Plan for Pulse included hiring Customer Service Representatives (CSRs) to assist customers over the phone and in-person with their utility broadband service. The 2019 budget appropriation for these positions exists in the Municipal Fiber fund. It has been determined that customer support for all utilities, including Pulse, will be supported by the Utility Billing group. This Ordinance de-appropriates budgeted funds from the Municipal Fiber fund and appropriates those funds to Utility Billing within the General Fund for the hiring of three (3) CSRs to support the Utilities.

*A Motion to Adopt, On First Reading, Ordinance No. 6339 Enacting A De-Appropriation From The Municipal Fiber Fund Of The 2019 City Of Loveland Budget And A Supplemental Budget And Appropriation To The General Fund Of The 2019 City Of Loveland Budget For Utility Billing Personnel To Support Broadband*

CARRIED.

**3.12. COMMUNITY PARTNERSHIP OFFICE  
RESOLUTION AMENDING RESOLUTION #R-57-2018 GRANTING LOVELAND  
HOUSING AUTHORITY'S FEE WAIVER REQUEST FOR THE GREEN HOUSE  
HOMES AT MIRASOL**

On June 5, 2018, the Loveland Housing Authority requested and City Council approved a waiver of fees for 30 units of skilled nursing located on the Mirasol campus on S. Saint Louis Avenue. The Resolution indicated that 50% of the 30 beds would be Medicaid eligible. This percentage should have been 40% to match the Resolution and percentage of Medicaid eligible beds when the Loveland Housing Authority built the original 60 units in 2013.

*A Motion To Adopt Resolution #R-87-2019 Amending Resolution #R-57-2018 Granting Loveland Housing Authority's Fee Waiver Request For The Green House Homes At Mirasol*

CARRIED.

**3.13. ECONOMIC DEVELOPMENT  
RESOLUTION AMENDING RESOLUTION #R-26-2015 ESTABLISHING AND  
APPOINTING MEMBERS OF THE LOVELAND DOWNTOWN DEVELOPMENT  
AUTHORITY BOARD**

This item would expand the Downtown Development Authority (DDA) Board from seven seats to nine. The attached resolution would provide for additional opportunity for members of the downtown community to serve on the DDA Board.

The DDA Board approved the measure to allow for greater participation from the downtown community at their June 10, 2019 meeting.

*A Motion To Adopt Resolution #R-88-2019 Amending Resolution #R-26-2015 Establishing And Appointment Members Of The Loveland Downtown Development Authority Board*

CARRIED.

**3.14. PUBLIC WORKS  
RESOLUTION TO AWARD A CONTRACT TO BRYAN CONSTRUCTION, INC. FOR PHASE  
1 CONSTRUCTION OF THE NORTHERN COLORADO LAW ENFORCEMENT TRAINING  
CENTER**

The purpose of this item is to award a Guaranteed Maximum Price (GMP) for Phase I of the Northern Colorado Regional Training Center to Federal Contracting, Inc. DBA Bryan Construction, Inc. The contract encompasses all construction efforts. The contract is proposed for the amount not to exceed \$6,859,796.54.

The Police Citizens Advisory Board unanimously support a local Training Facility for Loveland Police Officers.

Phase I construction will include the following:

1. Track for driver training
2. Skills Pad

3. Site work for entire project
4. Utilities
5. Parking Lot and access roads
6. Entrance road

*A Motion To Adopt Resolution #R-89-2019 Resolution To Award A Contract To Bryan Construction, Inc. For Phase 1 Construction Of The Northern Colorado Law Enforcement Training Center*

CARRIED.

**3.15. PARKS AND RECREATION  
RESOLUTION TO AWARD A CONTRACT TO MUSCO SPORTS LIGHTING**

Centennial Park ball fields have been home for Loveland's youth baseball, as well as high school baseball and softball for many years. In 2017 the smaller 1-3 fields received new field lights as part of our ongoing depreciation replacement program. This year, the larger 4-5 fields are due for replacement based on our depreciation program. This project is considered a high priority as the current light fixtures used do not have a replacement. As lights stop functioning, fields will have to be closed after sunset for player safety.

*A Motion To Adopt Resolution #R-91-2019 To Award A Contract To Musco Sports Lighting*

CARRIED.

**3.16. FISCAL ADVISOR  
INVESTMENT REPORT**

At the end of the first seven months of 2019, the market value (including accrued interest) of the City's investment portfolio is estimated to be \$231,234,063. This is about \$2.1 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 \$356,134 ahead of the seven month projection. 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 July remained at 1.90%. For the month, accounting staff posted \$350,725 to various fund accounts. The year to July month-end total is \$2,292,279. U.S. short-term (under five years) Treasury interest rates were inverted (short term rates higher than longer term rates) in July. At the time this summary was written, the rate on the 10 year U.S. Treasury Note was 1.56%, the rate on the 2-Year Note was 1.49%, and the rate on the 3-month Treasury was 1.92%.

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. At the Committee meeting in July, the interest rate for federal funds was reduced by 0.25% (25 basis points). Markets reacted negatively as most investors were hoping for a larger rate cut. This was the first reduction in rates since the Great Recession ended eleven years ago. Economists and financial advisers are split as to whether another rate cut will be made at the next Committee meeting.

*Information Only*

CARRIED.



**3.17. FINANCE  
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 July 31, 2019. Citywide Revenue of \$199.1 million is 42.1% of total annual budget. Sales Tax collections July YTD are 3.8% above July 2018 YTD, and 57.5% of the total annual budget. Building Material Use Tax collections for July are 25.8% below July 2018 YTD, and 54.0% of the total annual budget. Sales and Use Tax collections combined are 57.3% of total annual budget. Citywide total expenditures of \$157.7 million are 53.4% of the total annual budget.

*Information Only*

CARRIED.

**4. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

**5. MOTION TO ADOPT THE CONSENT AGENDA**

**A Motion To Adopt The Consent Agenda, Items 3.1 to 3.17, with no exceptions.**

UNANIMOUSLY CARRIED 9-0

**6. REGULAR AGENDA  
PROCEDURAL INFORMATION**

**6.1. CULTURAL SERVICES  
RESOLUTION SUPPORTING THE CERTIFICATION OF THE LOVELAND CREATIVE  
DISTRICT IN LOVELAND, COLORADO**

This presentation is a follow-up to the May 28, 2019 City Council Study Session regarding the collaboration between the Cultural Services Department and the Loveland Downtown Partnership in creating a downtown Loveland Creative District.

Established in 2012 through the Colorado Creative Industries (CCI), the State of Colorado now has 23 certified Creative Districts, highlighting creative entrepreneurs, businesses, cultural facilities and special events. Recognizing the potential community benefits attained through CCI's Creative District designation, the Cultural Services Department and the Loveland Downtown Partnership formed an exploratory collaboration to gauge public support for this endeavor using the CCI application process, called DIY: Call Yourself Creative.

In February and April 2019, seven public stakeholder meetings were held to gauge community interest and support of a creative district. Due to the overwhelmingly favorable public feedback, a working group of 21 individuals has been meeting consistently since April 1 to create the structure, vision and goals for this downtown creative district.

The results of the Working Group meetings will be presented by Suzanne Janssen (Public Art Manager, Project Lead) and Sean Hawkins (Executive Director of the Loveland Downtown Partnership). This status update will provide information on the proposed governance structure,

boundaries, vision and goals for the downtown Loveland Creative District. Additional information regarding the application for CCI's Creative District certification will be shared.

The intention is to seek state certification through Colorado Creative Industries this fall. The application deadline for Colorado Creative District certification is October 1, 2019.

Sean Hawkins and Suzanne Janson presented this item to Council to review the creative district process. Staff noted the benefits and the tourist destination that a creative district would support.

Since being presented at the Council Study Session in May, staff has reached about 1,200 people and a working group had been established. Determination of boundaries took almost four (4) months, and staff reviewed the goals and benefits of becoming a creative district.

Council requested clarification of boundaries, and why the group decided to not include Garfield Elementary. Staff clarified that because of the course the Creative District would take Garfield Elementary did not meet the density requirements but noted that Bill Reed was included because of the historic homes.

Mr. Hawkins discussed that they were not sure of the long-term funding source, such as memberships, and have chosen to focus on accomplishments and meeting the district application deadlines and then creating a financial plan after the designation is granted. Mr. Hawkins also mentioned that there are options for donations and buy-ins, as well as sponsorships and grants.

Council inquired about marketing and if there would be a coordinated marketing effort. Ms. Jenson noted that staff does see that they need a centralized resource, which they note as Goal #4, but that would fall under the Loveland Downtown Partnership.

Mayor Marsh opened public comment, to which there was none.

*A Motion To Adopt Resolution #R-90-2019 Supporting The Certification Of The Loveland Creative District In Loveland, Colorado*

UNANIMOUSLY CARRIED 9-0

#### 6.4. FINANCE

**ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF LOVELAND, COLORADO, SKILLED NURSING FACILITY REVENUE BOND (LOVELAND ELDER GREEN HOUSES PROJECT), SERIES 2019, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000 TO FINANCE AND REFINANCE SKILLED NURSING FACILITIES AT THE MIRASOL SENIOR COMMUNITY; AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A FINANCING AGREEMENT, A BOND AND OTHER DOCUMENTS IN CONNECTION THEREWITH; MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO THE PROJECT**

This item was moved from 6.4 to 6.2 per request of the City Manager and vote of Council.

The Housing Authority of the City of Loveland (the "Authority") serves to provide and support affordable housing in the community. In 2013, the Authority developed a skilled nursing facility to integrate with its senior living community known as Mirasol. The proposed bond financing would add three additional buildings to and add 30 beds to serve qualified clients.

Councilor Overcash recused himself per business relationship with this project.

Alan Krcmarik, Chief Financial Officer presented this item, and reviewed briefly the history of Mirasol and current operations. Jeff Finesse, Executive Director of The Housing Authority, continued the presentation by going over the Phase I of Mirasol Greenhouse, which opened in 2014 as a skilled nursing facility.

Councilor Fogle recused himself as the item was more closely related to Mirasol than he expected.

Mr. Finesse presented Phase II, which would build three more homes, all approved for Medicaid.

Bank of Colorado gave a strong construction loan for new homes and the ability to take it down to \$6 million. The City would be issuing as a conduit issuer. Dee Wiser, with Butler Snow, explained that this is a specialized tax tool where the City can transfer an ability to issue tax exempt status to a 501(c)3, but the non-profit would still be responsible for all financial items.

Council inquired if the city would be liable for any items, and Mr. Wiser clarified that the city would not be taking on any risks, that all items would be on the bank and the 501(c)3.

Mayor Marsh opened public comment, to which there was none.

*A Motion To Approve, On First Reading, Ordinance No.6340 Authorizing The Issuance Of The City Of Loveland, Colorado, Skilled Nursing Facility Revenue Bond (Loveland Elder Green Houses Project), Series 2019, In A Principal Amount Not To Exceed \$18,000,000 To Finance And Refinance Skilled Nursing Facilities At The Mirasol Senior Community; And Authorizing The Execution And Delivery By The City Of A Financing Agreement, A Bond And Other Documents In Connection Therewith; Making Determinations As To The Sufficiency Of Revenues And As To Other Matters Related To The Project*

CARRIED UNANIMOUSLY 9-0

## 6.2. FINANCE

### **RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING THE CONSOLIDATED SERVICE PLAN FOR KINSTON METROPOLITAN DISTRICT NOS. 1 - 10**

The Proponents of the proposed districts are Centerra Properties West, LLC, McWhinney Real Estate Services, Inc., and ZIMCPW, LLC. As of the date of submission of this Service Plan, the Proponents are the owners of the real property located within the Initial Districts' Boundaries and Future Inclusion Area. The "Developer" will be Centerra East Development, Inc., which will be subdividing, marketing, developing and investing in the property located within the District. The districts will be providing public improvements including water, wastewater, streets, and other services needed to support the residential development. The new development will be known as Kinston in the City of Loveland.

The Districts, as contemplated, will include approximately 630 acres of property. Construction of the public improvements and residential units will occur of the next 25 years. Maps of the district boundaries are included as exhibits to the service plan.

Land in the proposed districts is situated in previously created metropolitan districts, notably, Centerra Metropolitan District No 2, 3, and 4. The Centerra Districts have adopted resolutions acknowledging the proposed organization of the Kinston Districts. The proposed public

improvements, facilities, and services will not duplicate any public improvements facilities, and services provided by or to be provide by the Centerra districts.

Alan Krcmarik, Chief Financial Officer introduced representatives from McWhinney and briefly overviewed the history of this area, as well as key components of the metro districts.

David Crowder, representing the Kinston Metro District, presented the guiding principles to Council and Alan Pogue noted the districts from Kinston that will be overlapping Centerra 3, with over 640 acres in the area, with a wide variety of homes from townhomes to residential and senior living.

Council inquired how portions of the project would overlay with portions of Centerra. Mr. Pogue showed several maps of the districts with Centerra Metro District 2 & 4 overlapping a corner of the Kinston Metro District.

Representatives addressed the concerns Council has spoken of before, namely the debt instrument that debt must be repaid within 45 years of the date issued, which Council has made clear that when districts are issued debt that the districts must issue all debt for that district within ten years of the first issuance of debt to that district.

Council asked for clarification on affordable housing which Mr. Crowder addressed that, as a company, McWhinney is trying to address with some projects with the Loveland Housing Authority. They continue to look for other opportunities to address affordable housing in Loveland.

A location for a proposed school location with a partnership with the school district was noted.

Based on the presentation, Council provided a series of questions including:

- Is there a single board of directors? Which was answered that there will be 10 boards.
- If the representatives were employees of McWhinney? Which was answered they are, but they are not employed by a metro district.
- Will this metro district be the same as Eagle Brook Meadows with no pools or rec center? Representatives answered that Kinston most likely would have amenities with local streets, parks and a trail system.
- How will homeowners know what their debt is and the maturity date of the debt? Which was answered that the disclosure answers the majority of these questions. Debt is public information and is disclosed during a district's audit.

Mayor Marsh opened public comment.

Gary Lindquist spoke regarding Metro District and homeowner benefits.

Olivia Lowe spoke regarding research on Metro Districts and the McWhinney's, who have a Metro District in Broomfield, and asked why Loveland is not following this plan. Ms. Lowe stated Councilors should take their arguments out of the room and deal with the individuals personally.

William King, John Dixon, Joe Turman, Laura Alier ceded their three minutes of speaking to Andrea Samson, who asked the Mayor and Council to put an extension of time on this matter and requested a town hall meeting.

Bill Jensen asked about a wastewater study.

Marta Turman inquired about existing wells in this area.

Bruce Croissant asked if this area is large enough for a sports park? Where will these people go to buy groceries? How will this development integrate into the city of Loveland once developed?

Mayor Marsh closed public comment.

*Move to extend the meeting by ten minutes.*

CARRIED UNANIMIOUSLY 9-0

*A Motion To Adopt Resolution #R-92-2019 Of The Loveland City Council Approving The Consolidated Service Plan For Kinston Metropolitan District Nos. 1 - 10*

CARRIED 8-1  
NO VOTES: Marsh

*Motion To Move Item 6.4 To The September 10, 2019 Special Meeting.*

CARRIED UNANIMIOUSLY 9-0

#### 6.4. FINANCE

##### **RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING THE CONSOLIDATED SERVICE PLAN FOR WEST BOYD METROPOLITAN DISTRICT NOS. 1, 2 AND 3**

The proponents of the District are PFLVD, LLC (as the owner of the property underlying District Nos.1 and 2) and VDW Properties, LLC (as the owner of the property underlying District No. 3). The consolidated service plan for West Boyd Metropolitan District Nos. 1, 2, and 3, constitutes a consolidated Service Plan for three special districts proposed for organization to serve the needs of a new development known as West Boyd. The Districts' boundaries will contain approximately sixty-seven acres for primarily residential development. Construction of public improvements is anticipated to occur over the next five years (2020-2024) with build-out anticipated to occur in 2024. The Service Plan presents the need for the metropolitan district and enumerates the types of services that it may provide, including sanitation and storm drainage, water, streets, traffic and safety controls, parks and recreation, transportation, television relay and translator, mosquito and pest control, security, covenant enforcement, legal powers, limited ability to amend the plan, the ability to contract for public improvements with other entities, and other implied powers to exercise the powers expressly authorized by the Service Plan. Use of condemnation power, additional subdivision of the land within the District, and the formation of a special assessment district would require separate City Council approval.

This item was carried to a later meeting.

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

There were no items removed from the Consent Agenda.

#### 7. NO-ACTION ITEMS

##### 7.1. CITY CLERK

##### **SALES TAX REBATE PROGRAM UPDATE AND PRESENTATION**

The purpose of this item is to provide City Council with an update of the Food Sales Tax Rebate (FSTR) program. Staff will provide data related to the program and Glorie Magrum, Executive Director for House of Neighborly Services, will be present to provide information relative to the community and individual impacts of the program.

This item was carried to another meeting.

**7.2. DEVELOPMENT SERVICES  
402 CORRIDOR DRAFT PLAN PRESENTATION**

Staff will provide an overview of the 402 Corridor Plan and answer any questions from members of City Council.

This item was carried to another meeting.

**8. REPORTS**

**8.1. BUSINESS AND REPORTS FROM CITY COUNCIL**

There were no reports.

**8.2. CITY MANAGER REPORT**

There were no reports.

**8.3. CITY ATTORNEY REPORT**

There were no reports.

**9. ADJOURN**

Mayor Marsh adjourned the September 3, 2019 City Council meeting at 10:40 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 blue ink, appearing to read "Jacki Marsh", is written over a horizontal line.

Jacki Marsh, Mayor