



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, September 17, 2019 CITY COUNCIL CHAMBERS 6:00 PM

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

COUNCIL ABSENT: None

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

Councilor Overcash moved, Councilor Johnson seconded

A Motion To Move Item 8.1 To The Last Item On The Regular Agenda

CARRIED 8-0.

- 1.1. PROCLAMATION
PROCLAMATION DECLARING SEPTEMBER 23-29, 2019 AS DIAPER NEED AWARENESS WEEK

Councilor Wright presented this proclamation to Dr. Rachel Konda-Sundheim.

- 1.5. PROCLAMATION
PROCLAMATION OF CONGRATULATIONS TO THE LOVELAND PULSE TEAM

Councilor Fogle presented this proclamation to the Loveland Pulse Team.

- 1.5. INTRODUCTION
DAN COLDIRON- CHIEF INFORMATION OFFICER

City Manager Steve Adams introduced the Chief Information Office, Dan Coldiron.

PROCEDURAL INFORMATION

2. PUBLIC COMMENT

Bruce Croissant, Loveland Resident, spoke in regarding use of solar power in his own home and vehicle.

Mayor Marsh closed public comment.

3. CONSENT AGENDA

- 3.2. CITY CLERK
APPROVAL OF MINUTES

Approval of the City Council minutes for the August 6, 2019 Regular Meeting.

A Motion To Approve The August 6, 2019 Regular Meeting Minutes

CARRIED.

**3.2. CITY CLERK
MEMBER APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD**

This item is the recommendation to City Council to appoint a member to the Downtown Development Authority Board.

A Motion To Appoint Caitlin Wyrick To The Downtown Development Authority Board For A Term Effective Until June 30, 2020

CARRIED.

**3.3. 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.

This item was presented at the September 3, 2019 City Council meeting where it passed on the consent agenda with a 9-0 vote.

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

CARRIED.

**3.4. 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 licensees.

This item was presented at the September 3, 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. 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.

**3.5. 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 335. 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 335 and appropriates those funds to Utility Billing within the General Fund 100 for the hiring of three (3) CSRs to support the Utilities.

This item was presented at the September 3, 2019 City Council meeting where it passed on first reading on the consent agenda with a 9-0 vote.

A Motion to Adopt, On Second Reading, Ordinance No. 6339 Enacting a De-Appropriation from the Municipal Fiber Fund of the 2019 City of Loveland Budget And A Supplemental Appropriation to the General Fund of the 2019 City of Loveland Budget For Utility Billing Personnel to Support Broadband

CARRIED.

**3.6. DEVELOPMENT SERVICES
PUBLIC COMMENT**

ORDINANCE AMENDING SECTION 18.02.02.03 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN THE SPRENGER ADDITION AND THE MOLINE SUBDIVISION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

The City is initiating the rezoning of seven (7) R1e-Established Low Density Residential zoned lots to B-Developing Business. The proposed B zoning is represents a more appropriate designation given the location adjacent to a major 4-lane arterial and proximity to a major intersection. The B zoning designation is compatible with existing commercial development patterns along the US 34 corridor and with the adjacent Taft Avenue/Eisenhower intersection. The Comprehensive Plan includes elements and policies that recommend commercial nodes to be located at prominent intersections. Commercial activity and reinvestment at prominent intersections and flexibility with

land use codes which will allow for businesses to expand or change is also recommended by the Comprehensive Plan.

The seven lots are city-owned and will be directly affected by the widening of N. Taft Avenue as the widening is planned to expand over 40 feet onto these existing lots. The widening project is estimated to begin in 2022 and has been a city-planned project for over 20 years.

This item has been presented to Planning Commission at two separate meetings, where it was unanimously supported.

A Motion To Adopt, On First Reading, Ordinance No. 6341 Amending Section 18.02.02.03 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In The Sprenger Addition And The Moline Subdivision To The City Of Loveland, Larimer County, Colorado

CARRIED.

3.7. LIBRARY

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR LIBRARY FURNITURE, MATERIALS AND SUPPLIES

One of the Library's strategic goals is to activate library spaces and enhance the customer experience through providing physical spaces where customers can gather, use resources and explore their world in new ways. Replacing worn and damaged furniture with new seating and tables will refresh the library's interior spaces and new seating and table arrangements will allow customers to interact with each other as well as activities provided by the library including games, puzzles, art projects and "pop up" programs to keep the library space active and engaging. Both the teen and adult areas require additional funds to complete the furniture upgrades. Additional funds are required for staff training and development, beyond what is included in the Library's General Fund Budget as well as food for various events and printing costs related to publicity and marketing library programs and events.

The Library budgeted for these items as part of the regular 2019 budget process, allocating Library Donation (LBDONA) funds to cover these costs. LBDONA funds are included as a revenue line in the budget in the amount of \$35,000. This request of \$27,000 is to use existing revenues to fund these expenditures. There is a balance of approximately \$226,000 in the Library Donations fund reserve.

A Motion To Adopt, On First Reading, Ordinance No. 6342 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Library Furniture, Materials And Supplies

CARRIED.

3.8. COMMUNITY PARTNERSHIP OFFICE

PUBLIC COMMENT

ORDINANCE AMENDING THE UNIFORM DEVELOPMENT CODE TO MODIFY AFFORDABLE HOUSING DEED RESTRICTIONS

The proposed Unified Development Code (UDC) changes increase the deed restriction duration for multi-family housing and public facility projects that receive an incentive from twenty years to fifty and twenty-five years respectively. These changes were made to Title 18 in 2017. Also included is a reduction of the deed restriction duration for Community Development Block Grant (CDBG) projects that receive \$20,000 or less to five years.

A Motion To Adopt, On First Reading, Ordinance 6343 To Amend The Uniform Development Code To Modify Affordable Housing Deed Restrictions

CARRIED.

**3.9. PUBLIC WORKS
RESOLUTION APPROVING A THIRD CONTRACT AMENDMENT TO THE SERVICES
AGREEMENT WITH SHORT, ELLIOTT, HENDRICKSON, INC. FOR THE HIGHWAY US34
WIDENING PROJECT**

The widening of US 34 from Denver Avenue to I-25 has been a City Council, City Staff and regional priority for many years. Short, Elliott, Hendrickson, Inc (SEH) is currently under contract to prepare final construction plans for US 34 widening between Denver Avenue and Rocky Mountain Avenue. Amendment 3 adds the scope and fees for additional design work related to subsurface utility engineering and impacts to adjacent property owners (see Attachment 4). The current contract amount is \$679,555.00 with the proposed contract amendment increasing the amount by \$46,908.45 to \$726,463.45. A detailed breakdown of the costs for the amendment is included.

City Council approval is required, as the total contract amount exceeds \$500,000 and the total of all amendments exceeds 20% of original amount, per Municipal Code Section 3.12.060B.

A Motion To Approve Resolution R-94-2019 Approving A Third Contract Amendment To The Services Agreement With Short, Elliott, Hendrickson, Inc. For The Highway US34 Widening Project

CARRIED.

**3.10. PUBLIC WORKS
RESOLUTION APPROVING AWARD OF A CONSTRUCTION CONTRACT TO WALSH
CONSTRUCTION INCORPORATED FOR THE WILSON AVENUE BASIN STORMWATER
OUTFALL EXTENSION**

The purpose of the item is to award the construction contract to Walsh Construction Incorporated in the amount of \$1,202,092 to construct the Wilson Avenue Basin Stormwater Outfall Extension pipe from south of the Big Barnes Ditch north just past 8th Street and also install a pipe west along 8th Street to Milner Court. Sealed bids were publicly opened on August 22, 2019. Out of four responsible bidders, Walsh Construction Incorporated was the lowest bid.

Approve A Motion to Adopt Resolution #R-95-2019 Approving Award Of A Construction Contract TO Walsh Construction Incorporated For the Wilson Avenue Basin Stormwater Outfall Extension

CARRIED.

**3.11. FINANCE
RESOLUTION SETTING THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2020
PROPOSED BUDGET AND CAPITAL PROJECTS PROGRAM FOR THE CITY OF LOVELAND**

The purpose of this item is to set a date, time and place for a public hearing on the 2020 Recommended Budget as required by City Charter.

A Motion To Adopt Resolution #R-96-2019 Resolution Setting The Date And Time For A Public Hearing On The 2020 Proposed Budget And Capital Projects Program For The City Of Loveland

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 3.11

A Motion To Adopt The Consent Agenda, Items 3.1 to 3.11

PASS UNANIMOUSLY 8-0.

6. NEW BUSINESS FROM CITY COUNCIL

Councilor Johnson spoke to the upcoming Loveland Connect event and encouraged others to volunteer.

Mayor Marsh requested adding the no smoking by doors enforcement to the upcoming vaping discussion. City Manager Steve Adams informed Council that there are several dozen businesses getting together monthly to discuss this item.

**7. REGULAR AGENDA
PROCEDURAL INFORMATION**

7.1. FINANCE

PUBLIC COMMENT

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

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 and add 30 beds to serve qualified clients.

City Council heard the first reading of this ordinance on September 3, 2019 where it passed with a 9-0 vote. Federal tax law does require a public hearing to be held on this prior to final adoption.

Chief Financial Officer Alan Krmarik presented this item, to which Council did not have any discussion.

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

Councilor Olson moved, Councilor Johnson seconded.

A Motion To Approve, On Second 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

PASSED 7-0
RECUSED: Fogle.

**7.2. CULTURAL SERVICES
RESOLUTION SUPPORTING THE CITY'S ACQUISITION OF A LODGING AND
ENTERTAINMENT LIQUOR LICENSE**

The purpose of this resolution is to improve customer service for our patrons and increase revenue for the City of Loveland. The Rialto Theater, constructed in 1920, provides cultural arts in a variety of forms to the Loveland community. This entertainment started with silent films and vaudeville acts and has progressed to world-class performances in a myriad of styles and genres. The theater is also home to many of the area's performing arts organizations as well as our own internally produced seasons including Rialto Presents, Rialto Summer Concerts, Phyllis Walbye Independent Film Series, and Trailhead Sessions. With over 300 events presented annually between the theater and the events center, the Rialto continues to be the center of cultural arts in our area.

Since 2018, the Rialto has enjoyed significant increases in attendance and revenue due in part to new programming offerings. With these increases, it is more important than ever to create unique patron experiences to continue these positive trends. As such, the Rialto wishes to manage its liquor license beginning in September 2019. Doing so will allow for improved customer service for our patrons as well as provide a substantial new source of income for the City of Loveland. We project net revenue above \$30,000 in 2020. By comparison, the theater received, on average, \$2,000 annually from our third-party partner (Door 222) based on 15% of gross sales.

Steve Lemmon, Rialto Theater Manager, gave an overview of the programs the Rialto presents as well as the national trend in the industry to utilize a bar to offset costs. Mr. Lemmon discussed the compliance with the liquor license law, the strengths this gives Rialto including customer service and inclusion of storytelling into their events.

Council inquired about the expected seasonal variation of sales, plans to marketing for higher sales, and asked if any revenue was included in the 2020 Budget to which City Manager Adams confirmed it was.

Mayor Marsh opened Public Comment.

Bruce Croissant, Loveland resident, inquired about the Rialto being self-supporting or subsidized by the city.

Mayor Marsh closed Public Comment.

Councilor Olson moved, Councilor Fogle seconded,

*A Motion To Adopt Resolution #R-97-2019 Supporting The City's Acquisition Of A Lodging
And Entertainment Liquor License*

PASSED UNANMOIUSLY 8-0.

**9.1 PARKS AND RECREATION
GOLF ENTERPRISE FUND UPDATE**

This item was moved to the Regular Agenda from the No-Action Items.

The purpose of this item is to, 1) provide an update on the current status of necessary capital improvements and the challenges facing our golf courses now and into the future; 2) provide an update on the conceptual design of a renovation to the clubhouse at The Olde Course at Loveland; and 3) seek a recommendation of, and support for, the proposed rate increase for 2020 as outlined in Option 1 fee increases. Specifically, staff want to present a plan to maintain the excellent community resources that the golf courses represent. This includes ways to set fees while maintaining a market share and balancing player needs and experiences.

Mark Esoda and Andrea Sheldon from Parks and Recreation overviewed the impacts to cost of service and where the increases in cost would be put towards. The Olde Course at Loveland Club House would be renovated after the structural feasibility study showed the building had good bones but needs improvements. Mr. Esoda went on to describe various rates, passes and fees that are available for purchase and the updates staff recommends.

Mayor Marsh opened Public Comment.

Members of the public, the Loveland and Mariana Brute Golf Associations, and pass users of the City golf courses spoke in opposition of this item, and requested Council postpone any decisions on this matter in an effort to discuss further with staff.

Mayor Marsh closed Public Comment.

Council directed staff to seek an option that accommodates the wishes of the golf associations as well as increase revenue for the golf courses.

Information Only

8. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

There were no items pulled from the consent agenda.

9. NO-ACTION ITEMS

This item was moved to the regular agenda.

10. REPORTS

10.1. REPORTS FROM CITY COUNCIL

Councilor Wright spoke to recent events attended.

Councilor Olson spoke about attending the Honor Flight, and gave a report on the Behavioral Health Policy meeting.

Councilor Fogle gave a report on a meeting with Accelerate Colorado.

Councilor Ball encouraged folks to support the movie theater at the Foundry.

10.2. CITY MANAGER REPORT

City Manager Steve Adams referenced the calendar emails his office will be updating Council on in the upcoming weeks.

10.3. CITY ATTORNEY REPORT

There was no report from the City Attorney.

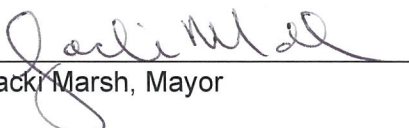
11. ADJOURN

Mayor Marsh adjourned the September 17, 2019 City Council meeting at 10:30 p.m.
Respectfully Submitted,





Patti Garcia, City Clerk



Jacki Marsh, Mayor