

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 16, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll was called and the following responded: Councilors Farley, Klassen, Shaffer, Fogle, Taylor, Clark, Trenary, and Mayor Gutierrez. Councilor McKean was absent.

PROCLAMATION DECLARING JULY 24, 2013 AS “WOMEN OF VISION DAY”. Councilor Shaffer read the proclamation for the record which was accepted by Ann Clarke, Linda Hughey, and Diana McKinney.

PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR THE 2013 BUDGET. Mayor Gutierrez presented the award to Brent Worthington, John Hartman, and Adam Dorritie.

Mayor Gutierrez made the following procedural announcement:

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Klassen asked that Item #8 be removed from the Consent Agenda. **Councilor Shaffer moved to approve the Consent Agenda with the exception of Item #8. Councilor Farley seconded the motion, which was carried with all councilors voting in favor thereof.**

1. CITY MANAGER

(presenter: Bill Cahill)

BOARDS & COMMISSION APPOINTMENTS

A motion appointing recommended members to the Housing Authority, Historic Preservation Commission and Loveland Utilities Commission

This is an administrative action recommending the appointment of members to the Housing Authority, Historic Preservation Commission and the Loveland Utilities Commission.

- **Motion to reappoint Sherry Anderson and David Eikner to the Housing Authority, each for a full term effective until June 30, 2018.**
- **Motion to reappoint Jim Cox and David Berglund to the Historic Preservation Commission, each for terms effective until June 30, 2016.**
- **Motion to appoint Larry Roos to the Loveland Utilities Commission for a partial term effective until June 30, 2014.**
- **Motion to appoint C. Daniel Greenidge as an Alternate member on the Loveland Utilities Commission for a term effective until June 30, 2014.**

2. **CITY CLERK** (presenter: Terry Andrews)
NOTIFICATION OF PARTICIPATION IN STATEWIDE SPECIAL ELECTION
Ordinance #5789

A motion to approve and order published on second reading an Ordinance Providing That the City of Loveland's Regular Election to be Held on November 5, 2013, Shall be Conducted as a Coordinated Election With the Larimer County Clerk and Recorder and, to the Extent Necessary to so Conduct That Election as a Coordinated Election, the Colorado Uniform Election Code of 1992 Shall Govern

This is a legislative action needed to allow the City's regular election on November 5, 2013, to be so conducted on November 5, 2013, as a coordinated election with the Larimer County Clerk and Recorder. The ordinance was approved unanimously by Council at the July 2, 2013 regular meeting.

3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
MILLENNIUM SOUTHWEST FIFTH SUBDIVISION PUBLIC RIGHT-OF-WAY
VACATION
Ordinance #5790

A motion to approve and order published on second reading an Ordinance Vacating a Public Right-Of-Way for Oberon Drive and a Portion of a Public Right-Of-Way for Janus Drive Located in the Millennium Southwest Fifth Subdivision, City of Loveland, Larimer County, Colorado

This is a legislative action for the adoption of an ordinance on second reading to vacate a public right-of-way for Oberon Drive and a portion of a public right-of-way for Janus Drive, located within the Millennium Southwest Fifth Subdivision. The ordinance was approved unanimously by Council at the July 2, 2013 regular meeting.

4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
GATEWAY PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN
AMENDMENT

A motion to approve and order published on first reading an Ordinance Amending the Gateway Planned Unit Development General Development Plan, City of Loveland

This is a quasi-judicial action to adopt an ordinance on first reading amending the Gateway General Development Plan (GDP). This will allow an increase in maximum density on Gateway Parcel A-1 from 16 units/acre to 22 units/acre and will increase the

overall maximum number of multifamily residential units allowed in the GDP from 500 to 586.

5. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
DAKOTA GLEN PUD - FIRST AMENDMENT (#P-98)
A motion to approve and order published on first reading an Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Dakota Glen PUD - First Amendment (#P-98)", Approving the First Amendment to the Preliminary Development Plan for the Dakota Glen PUD
This is a quasi-judicial action to amend the Dakota Glen PUD Preliminary Development Plan. The amendment would allow the construction of an above ground public utility facility and natural gas pipeline within the PUD boundaries. The property is located north of and adjacent to 14th Street SW and west of South Wilson Avenue. The applicant is Public Service Company of Colorado.

6. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PUBLIC HEARING
AIRPARK NORTH ADDITION AMENDMENT
A motion to approve and order published on first reading an Ordinance Amending Ordinances 3380 and 3381 to Modify a Condition Set Forth Therein Pertaining to the Annexation and Zoning of the Airpark North Addition to the City of Loveland, Larimer County, Colorado
This is a legislative action to adopt an ordinance on first reading modifying a condition on the annexation and zoning of the Airpark North Addition.

7. **DEVELOPMENT SERVICES** (presenter: Bethany Clark)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR CONSULTING SERVICES FOR HIGHWAY 287 BUSINESS DEVELOPMENT CORRIDOR
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Consulting Services to Develop the Highway 287 Business Development Corridor Plan
This is an administrative action to appropriate \$150,000 for consulting services to assist in developing a Highway 287 Business Development Corridor Plan. In January of 2012, City Council held their annual Council Advance to set the priorities for the year. One of the goals the Council set as a priority was to "Develop a Highway 287 Business Development Plan" to guide its development and improve the quality of development along the corridor. This goal was carried through as a priority in the 2013 annual Council Advance. As one of the main corridors into Loveland's downtown, the Highway 287 corridor has great potential for redevelopment and becoming a gateway to Downtown Loveland. The plan will serve as a guide for residents, property owners, developers, City staff, and elected officials in making good land use, design, and development decisions in the corridor. Funding is from reserves, which reduces the flexibility for funding other potential needs.

8. **PUBLIC WORKS** (presenter: Ken Cooper)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR PRELIMINARY PROGRAMMING AND DESIGN OF THE PUBLIC SAFETY TRAINING CAMPUS

This item was removed from the Consent Agenda and was considered on the Regular Agenda.

9. **PUBLIC WORKS** (presenter: Dave Klockeman)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR SIGN AND SIGNAL MAINTENANCE
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget And Appropriation to the 2013 City of Loveland Budget for Sign and Signal Maintenance on State Highways
This is an administrative action to appropriate \$36,720. The ordinance appropriates additional revenue from a contract increase with the Colorado Department of Transportation (CDOT) for sign and signal maintenance on State highways within the City. Outside revenue from CDOT increasing the contract by \$36,720 funds the appropriation.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

a. Citizens' Report

1. Les Bogunovich, partner in Lakeview, asked Council for an update.
2. Kathy Hartman, 945 East 6th Street, informed Council of the submitted initiative petition and invited everyone to an Oil & Gas informational meeting on July 21st.

b. Business from Council

Fogle: Attended Loveland Loves BBQ Bands and Brews with over 25,000 people participating.

Taylor: Congratulated 2013 Corn Roast Parade Marshals: Annie Hall, Elizabeth, and Bill Markheim.

Shaffer: Announced Loveland Housing Authority received \$2 million grant for "The Greenhouse Project"; Attended Metropolitan Planning Organization (MPO) meeting and discussed Impact 64 Transportation Potential Ballot Initiative; On July 29, 2013 at 2:30 pm: A follow-up meeting at the CDOT Office (Highway 402) will be held.

Trenary: Congratulated the Patriarchal Award Winners: Nancy Madden and Jane Sharpe; Expressed Appreciation for the Police Department, Fire Department, and other staff regarding Independence Day events. Announced event for Saturday, July 20, 2013: The 2013 Cherry Pie Festival.

Clark: Announced event for Saturday, August 24, 2013: The 2013 Corn Roast Festival and the Pro Cycling Challenge.

Farley: Announced event for Wednesday, July 17, 2013 at 1pm: Don Pettit, NASA Astronaut, and Techno-stories From Space in the Garden Room, at 969 N. Denver Avenue; Announced Visual Arts Committee reviewed

models of sculptures for the 1-25 & Hwy 34 area, available for public review at the Museum.

Mayor Gutierrez:

Announced event for Thursday evenings at 7 pm. (through August 8, 2013): Foote Lagoon Concert Series; Announced event for Saturday, July 20, 2013: Dedication for 3 additional sculptures at Benson Sculpture Park; Announced Food Service of America (FSA,) which moved to Loveland in 2003, has increased employee numbers from 180 to 295.

c. City Manager Report:

No Study Session next Tuesday, July 23, 2013.

d. City Attorney Report

None.

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

8. PUBLIC WORKS (presenter: Ken Cooper)

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR PRELIMINARY PROGRAMMING AND DESIGN OF THE PUBLIC SAFETY TRAINING CAMPUS

This is an administrative action to appropriate \$310,000. Facilities Operations Manager, Ken Cooper, introduced this item to Council. The ordinance appropriates funding from reserve funds for preliminary program and design of the Police Training Facility. Full design and construction of the facility are programmed in 2016-2019 in three phases in the 2014 Capital Program. The project is funded with reserves in the Police Capital Expansion Fee Fund that reduce the flexibility for use on other projects. Mayor Gutierrez opened up the public hearing at 7:30 pm. Dianna McKinney suggested the new facility be used strictly for agency purposes. With no further public comment, Mayor Gutierrez closed the public hearing at 7:31pm. **Councilor Shaffer moved to approve and order published on first reading "An Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Preliminary Programming and Design of the Public Safety Training Campus."** Councilor Klassen seconded the motion, which carried with all councilors present voting in favor thereof.

10. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF CITY COUNCIL MEETING MINUTES

1. This is an administrative action to approve the June 25, 2013 meeting minutes.

Mayor Gutierrez was absent. **Councilor Shaffer moved to approve the June 25,**

2013 meeting minutes. Councilor Klassen seconded the motion, which carried with all councilors present voting in favor thereof and Mayor Gutierrez abstaining.

2. This is an administrative action to approve the July 2, 2013 meeting minutes. Councilor Clark was absent. Councilor Shaffer moved to approve the July 2, 2013 meeting minutes. Councilor Klassen seconded the motion, which carried with all councilors present voting in favor thereof and Councilor Clark abstaining.

11. **WATER & POWER** (presenter: Steve Adams)
INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE

Ordinance #5791

This is an administrative action. Utility Accounting Manager, Jim Lees, introduced this item to Council. The ordinance implements an interfund loan from the Power Enterprise to the Water Enterprise to fund a portion of the Water Capital Improvement Program to replace aging infrastructure. The loan will provide the resources necessary to begin the replacement of aging infrastructure in the Water Enterprise. The fund balance is available in the Power Enterprise and will not be required for Power Capital improvements until after the annual loan repayments have been made. Budgetary impact is therefore positive for the Water Enterprise, and is not damaging to the Power Enterprise. This ordinance was approved by Council at the July 2, 2013 regular meeting with a vote of 7-1. Councilor Shaffer moved to approve and order published on second reading "An Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for an Interfund Loan from the Power Enterprise to the Water Enterprise for Infrastructure Improvements." Councilor Klassen seconded the motion, which carried with seven councilors voting in favor and Councilor Trenary voting against.

12. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
MADWIRE MEDIA ECONOMIC DEVELOPMENT INCENTIVE REQUEST

This is an information only item. Economic Development Manager, Betsey Hale introduced this item to Council. City Council policy requires any incentive request over \$20,000 come to council at a study session for consideration, discussion, and direction. Madwire Media is requesting Council consider an incentive package of \$47,600 in use tax and fee waivers and \$250,000 cash for the job retention of 150 jobs and the creation of 100 new jobs by 2016. Council approval of this request would decrease the Council Incentive Fund by \$250,000. Kelly Peter, Joe Kellog, and Jerry Kelly from Madwire Media were part of the presentation. Consensus of Council was to direct staff to bring this item for consideration as soon as possible.

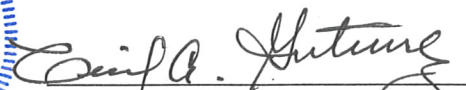
ADJOURNMENT

Having no further business to come before Council, the July 16, 2013 Regular Meeting was adjourned at 9:14 pm.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor