

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
THE LOVELAND GID#1 BOARD OF DIRECTORS
THE LOVELAND SID#1 BOARD OF DIRECTORS
TUESDAY, OCTOBER 15, 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: Mayor Gutierrez, Councilors Klassen, Shaffer, Fogle, Farley, Clark, Trenary, Taylor, and McKean.

PROCLAMATION – PANCREATIC CANCER AWARENESS MONTH

Councilor Taylor read the proclamation and it was received by Kara Friedrich.

Presentation from Ed Aiken, Steven Rylant and Harold Gosse and 50 Vietnam Veterans presented Council with Certificate of Appreciation in honor of Veteran's Day. This year particular in honoring Vietnam Veterans (50th year).

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.

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. Consensus of Council was to remove Item #17 from the Agenda. Councilor Klassen requested Items #5 and #19 be pulled from the Consent Agenda and moved the Regular Agenda. Councilor Shaffer moved to approve the Consent Agenda with the exceptions of Items #5, #17, and #19. Councilor Trenary seconded the motion which carried with all councilors present voting in favor thereof.

CONSENT AGENDA

1. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
ASPEN KNOLLS VACATION FOR ALL PUBLIC RIGHTS-OF-WAY AND AMENDMENT RELATING TO ZONING
 1. A motion to approve and order published on second reading Ordinance #5804 Vacating All Public Rights-Of-Way Located in the Aspen Knolls First and Second Subdivisions, City of Loveland, Larimer County, Colorado was approved.
A legislative action for adoption of an ordinance on second reading to vacate all public rights-of-way within the Aspen Knolls First and Second Subdivisions.
 2. A motion to approve and order published on second reading Ordinance #5805 Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "P-50 - Aspen Knolls " to the City of Loveland was approved.
A quasi-judicial action for adoption of an ordinance on second reading to rezone the property from P-50 – Aspen Knolls Planned Unit Development (PUD) to DR – Developing Resource. These ordinances were approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

2. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
ARTSPACE SUPPLEMENTAL APPROPRIATION FOR ACQUISITION OF THE FEED & GRAIN PROPERTY
A motion to approve and order published on second reading Ordinance #5807 Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for a Loan to Artspace Inc. for Acquisition of the Feed and Grain Property was approved.
This is an administrative action to approve the ordinance on second reading. The ordinance appropriates, from the City Council Reserve Fund, \$300,000 to be repaid over 30 years at 1.75% interest. Annual payments will be made to the City according to the repayment schedule in the agreement which City Council approved unanimously at the October 1, 2013 regular meeting. The loan would fill the gap in funding and complete the financing package to allow Artspace to close on the acquisition of the property and to close on the tax credits.

3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
ARTSPACE VACATION OF A PORTION OF A PUBLIC RIGHT-OF-WAY
A motion to approve and order published on second reading Ordinance #5808 Vacating a Portion of a Public Right-of-Way Located in the Loveland Addition to the City of Loveland, City of Loveland, Larimer County, Colorado was approved.
Consideration of a legislative action for adoption of an ordinance on second reading to vacate a portion of existing public alley located within Block 21 of the Loveland Addition. The public right-of-way to be vacated is associated with the Artspace project. Upon vacation, the former right-of-way will be retained as a public access and utility easement. The ordinance was adopted unanimously on first reading by Council at the October 1, 2013 regular meeting.

4. **HUMAN RESOURCES** (presenter: Julia Holland)
AMENDING THE CODE TO ALLOW ADOPTION OF THE PAY PLAN BY RESOLUTION
A motion to approve and order published on second reading Ordinance #5806 Amending Section 2.68.020 of the Loveland Municipal Code Regarding the Manner of Adopting the Employee Pay Plan was approved.

This is a legislative action to consider an ordinance, on second reading, amending the Section 2.68.020 Loveland Municipal Code to permit adoption of the employee pay plan from time to time by resolution, as opposed to an ordinance. This ordinance was approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

5. **FINANCE** (presenter: John Hartman)
2014 CITY OF LOVELAND BUDGET
This item was moved from the Consent Agenda to the Regular Agenda.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)

6. **FINANCE** (presenter: John Hartman)
2014 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)
A motion to approve and order published on second reading Ordinance #5812 Adopting the 2014 Budget for the Loveland Special Improvement District #1 was approved.

This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. This action adopts the budget and appropriates funds for the 2014 expenditures of the District. This ordinance was approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

7. **FINANCE** (presenter: John Hartman)
2014 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)
A motion to approve and order published on second reading Ordinance #5813 of the Board of Commissioners of the Loveland Urban Renewal Authority Adopting the 2014 Budget for the Loveland Urban Renewal Authority was approved.

This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes. This action adopts the budget and appropriates funds for the 2014 expenditures of the Authority. This ordinance was approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

8. **FINANCE** (presenter: John Hartman)
2014 BUDGET FOR THE GENERAL IMPROVEMENT DISTRICT #1 (GID)
1. A motion to approve and order published on second reading Ordinance #5814

Adopting the 2014 Budget for the Loveland General Improvement District #1 was approved.

The ordinance adopting the budget is an administrative action.

2. A motion to approve and order published on second reading Ordinance #5815 Setting the 2013 Mill Levy for the Loveland General Improvement District #1 was approved.

The ordinance setting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. These items establish a budget and appropriate funds for District expenses in 2014, and set the mill levy rate for the property tax collections. The ordinances were approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 ADJOURNED AND RECONVENED AS CITY COUNCIL

9. **FINANCE** (presenter: John Hartman)
2014 SCHEDULE OF RATES, CHARGES & FEES AND 2014 AIRPORT BUDGET
A motion to approve and order published on second reading Ordinance #5816 Adopting the 2014 Budget for the Fort Collins-Loveland Municipal Airport was approved.

This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. The ordinance establishes a budget and appropriates funds for Airport expenses in 2014. This ordinance was approved unanimously on first reading by Council at the October 1, 2013 regular meeting.

10. **FINANCE** (presenter: John Hartman)
2014 BUDGET FOR THE LOVELAND FIRE AND RESCUE AUTHORITY
A motion to adopt Resolution #R-85-2013 Approving the Loveland Fire Rescue Authority 2014 Schedule of Rates, Charges, and Fees for Services and 2014 Budget was approved.

This is an administrative action. The resolution provides for Council approval of the Loveland Fire Rescue Authority Budget and fees schedule for 2014. Council approval of the budget is required for the Authority's budget to be in effect.

11. **CITY MANAGER** (presenter: Bill Cahill)
AMENDMENT TO DATE AND LOCATION OF SCHEDULED MEETING FOR HUMAN SERVICES COMMISSION AND APPOINTMENT FOR LIAISON

1. **A motion to approve Resolution #R-86-2013 Amending the Regularly Scheduled Meeting Date and Location for the Loveland Human Services Commission was approved.**

This is an administrative action to change the meeting date and location for the Human Services Commission from the fourth Thursday of each month at 6:00 p.m. in the City Manager's Conference Room, to the first Thursday of each month at 6:00 p.m. in the City Council Chambers.

2. **A motion to Accept the Resignation of Councilor Trenary and Appoint Councilor Farley as the Council Liaison to the Loveland Human Services Commission was approved.**

This item also includes a motion to appoint Councilor Farley as Council Liaison to the Human Services Commission in lieu of Councilor Trenary, who has resigned due to a

conflict with the new meeting date.

12. **CITY CLERK** (presenter: Terry Andrews)
SPECIAL MEETING FOR NOVEMBER 12, 2013 TO SWEAR IN COUNCILORS
A motion Calling for a Special Meeting on November 12, 2013 at 6:30 Prior to the Regularly Scheduled Study Session of City Council was approved.
This is an administrative action setting a Special Meeting to consider the November 5, 2013 Regular Meeting minutes and to swear in newly appointed councilors. This meeting would be immediately followed by the Study Session.
13. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
EMERGENCY ORDINANCE TEMPORARILY WAIVING BUILDING PERMIT FEES RELATED TO THE FLOOD
A public hearing was held and a motion to approve and order published on first and only reading Emergency Ordinance #5817 of the City Council of the City of Loveland Temporarily Waiving Building Permit Fees Owed to the City Under Loveland Municipal Code Title 15 and Use Tax Owed to the City Under Loveland Municipal Code Chapter 3.16 With Respect to Building Permits Issued for the Renovation or Repair of Residential and Nonresidential Structures Located Within Loveland City Limits That Were Damaged by the 2013 Big Thompson Flood was approved.
This is a legislative action considering an emergency ordinance waiving the building permit fees and construction materials use taxes for residential and nonresidential structures which are located within Loveland city limits and were damaged by the flood. Building permit applications must be made and accepted as complete by the City's building division sixty days from the adoption of this ordinance.
14. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
KING OF GLORY ANNEXATION AND REZONING
A public hearing was held and:
1. A motion to approve Resolution #R-87-2013 Concerning the Annexation to the City of Loveland, Colorado, of a Certain Area Designated as "King of Glory Addition" More Particularly Described Herein, and Setting Forth Findings of Fact and Conclusions Based Thereon as Required by the Colorado Constitution and by State Statute was approved.
A public hearing to consider the following actions concerning the annexation of the King of Glory Lutheran Church:
A resolution that finds the property to be in compliance with the Colorado Revised Statutes for annexation;
2. A motion to approve and order published on first reading an Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "King of Glory Addition" to the City of Loveland was approved.
A legislative action to adopt an ordinance on first reading annexing approximately 4.28 acres to be known as the King of Glory Addition;
3. A motion to move to make the findings in Section VII of the Planning Commission staff report dated July 22, 2013, and based on those findings, 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 "King of Glory Addition" to the City of Loveland was approved.
A quasi-judicial action to adopt an ordinance on first reading zoning the King of Glory Addition R1 – Developing Low Density Residential

15. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
ST. JOHN ADDITION VACATION OF PUBLIC RIGHT-OF-WAY
 A public hearing was held and a motion to approve and order published on first reading an Ordinance Vacating a Portion of a Public Right-Of-Way Located in the St. John Addition to the City of Loveland, City of Loveland, Larimer County, Colorado was approved.
 This is a legislative action to adopt of an ordinance on first reading to vacate the public right-of-way for a portion of Truman Avenue located within the St. John Addition and Hill Top Addition. The applicants for the request are the St. John Church and the Thompson School District.
16. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
HOUSE OF NEIGHBORLY SERVICE GRANT & FEE WAIVER AGREEMENT AND SUPPLEMENTAL APPROPRIATION FOR THE COMMUNITY LIFE CENTER
 A public hearing was held and:
 1. A motion to adopt Resolution #R-88-2013 Approving a Grant and Fee Waiver Agreement with the House of Neighborly Service for the Community Life Center was approved.
 The resolution is an administrative action and would authorize the City Manager to sign a Grant and Fee Waiver agreement with the House of Neighborly Services (HNS) for the construction of the "Community Life Center" at 1511 E. 11th Street. The agreement would provide a total package valued at \$780,516.14 that includes reimbursements for public improvements, a matching grant, and fee waivers. The item was considered by Council at the August 13, 2013, Council Study Session.
 2. 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 to Provide Incentives to House of Neighborly Service for the Community Life Center was approved.
 This is an administrative action. Ordinance is on first reading. It would budget and appropriate \$500,000 from Council reserve for the Incentive agreement. (The City would fund \$500,000 from Council reserves and forego \$280,516.14 in waived fees.)
17. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
CODE MODIFICATION FOR WEED CONTROL
 This item was removed from the Agenda.
18. **DEVELOPMENT SERVICES** (presenter: Bethany Clark)
HISTORIC LANDMARK AMENDMENT FOR LOVELAND FEED & GRAIN BUILDING
 A public hearing was held and a motion to approve and order published on first reading an Ordinance Amending Ordinance #4971 Designating as a Historic Landmark the Loveland Feed & Grain Building Located at 130 West 3rd Street in Loveland, Colorado was approved.
 This is a legislative action to adopt an ordinance on first reading amending Ordinance #4971, which in 2005, designated as a Historic Landmark the Loveland Feed & Grain building located at 130 West 3rd Street. The proposed ordinance modifies the legal description of the historic designation to eliminate from that legal description, property west of the Loveland Feed and Grain building, on which Artspace LP proposes to construct a new multifamily affordable housing project.
19. **PUBLIC WORKS** (presenter: Keith Reester)

SUPPLEMENTAL APPROPRIATION TO THE GID #1 FOR DOWNTOWN PARKING IMPROVEMENTS

This item was moved from the Consent Agenda to the Regular Agenda.

**20. WATER & POWER (presenter: Michael McCrary)
NUTRIENT REMOVAL GRANT FROM THE COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT**

A motion to adopt Resolution #R-89-2013 Approving a Contract for a Grant of \$1,080,000 from the Colorado Department of Health and Environment (CDPHE) to the City of Loveland Water and Power Department to Model, Design and Begin Construction of Biological Nutrient Removal Processes at the Wastewater Treatment Facility was approved.

This is an administrative action. This contract is a combination of two grants awarded to the City of Loveland Water and Power Department by the Colorado Department of Health and Welfare from an appropriation proposed by Colorado Governor John Hickenlooper and enacted by the Colorado General Assembly to ease the financial impact of the new nutrient removal regulations on rate payers in affected jurisdictions. One grant is for \$80,000 for modeling and selection of appropriate nutrient removal technology for the Wastewater Treatment Facility. This part of the grant includes matching funds of \$20,000 from the City. These funds are currently available in our operating budget and will not require a supplemental budget request. The second grant is for \$1,000,000 and does not include any matching funds requirement. These funds must be used for design and construction of the selected nutrient removal technology. All funds must be used by May 31, 2016. Current planning shows the entire Nutrient Removal Project totaling over approximately \$6,000,000 and lasting into 2017.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*

Councilors:

Farley: Announced the Loveland Community Foundation Committee for "Destination Downtown" at the Rialto Theater on October 30, 2013 from 4:30 -7 p.m.

Shaffer: Attended Artspace Feed & Grain Open House; Announced the Art Studio Tour; Announced Candidate Forum on Sunday, October 20, 2013 at 6:30 p.m. in the Gertrude Scott Room, at the Loveland Library.

Taylor: Attended Jimmy & Roslyn Carter's work project sponsored by Habitat for Humanity.

Trenary: Acknowledged support for Loveland Habitat for Humanity; Announced the Quarterly Meeting of the Big Thompson Watershed Board of Directors.

Klassen: Attended Colorado State University conference for School of Real Estate.

Fogle: Announced the Mexican Inn reopened; Announced Engaging Loveland entity dissolution, dealing with shortfalls from events, and will appear before the Community Marketing Commission for assistance in hopes of making the business participants from the event "Loveland loves Barbeques, Bands and Brews" whole.

Mayor Gutierrez:

Attended the Art Studio Tour; Pastels on 5th Street between Cleveland & Lincoln; Governor Hickenlooper announced new Website for Statewide Flood Relief (coloradounited.com); Attended Colorado State University Oil & Gas Symposium dealing with air & water quality, October 15 & 16, 2013.

c. City Manager Report

None

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

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 at 7:13 p.m.

**19. PUBLIC WORKS (presenter: Keith Reester)
SUPPLEMENTAL APPROPRIATION TO THE GID #1 FOR DOWNTOWN PARKING IMPROVEMENTS**

Public Works Director, Keith Reester introduced this item to Council. This is an administrative action. The ordinance on first reading appropriates an additional \$20,000 from reserves for the construction of the new parking lot on Railroad Avenue. This action brings the total project budget to \$90,000. The appropriation is from reserves reducing the flexibility to fund other projects. Mayor Gutierrez opened the public hearing at 7:13 p.m. Hearing no comment the public hearing was closed at 7:13 p.m.

Councilor Shaffer moved to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 Loveland General Improvement District #1 for Downtown Parking Improvements. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof.

THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 ADJOURNED AND RECONVENED AS CITY COUNCIL at 7:14 p.m.

**5. FINANCE (presenter: John Hartman)
2014 CITY OF LOVELAND BUDGET**

Budget Officer, John Hartman introduced this item to Council. This is an administrative action to adopt the fee resolutions and ordinances, except for the mill levy ordinance, and to approve the 2014 Budget on second reading. The adoption of the 2013 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2014 Budget. City ordinance requires that the fee resolutions for the utilities be approved on two readings. These items establish the budget for the City of Loveland, Colorado in 2014 and implement fees and rates to meet the revenue

projections in the budget. The Fee Resolutions and the ordinances were approved unanimously on first reading by Council at the October 1, 2013 regular meeting. Councilors discussed designating funds currently identified as Downtown Infrastructure Improvements TBD for business assistance for Flood relief and recovery for businesses throughout the City. Mindy McCloughan discussed the Chamber of Commerce was implementing a program to raise funds and for businesses impacted by the 2013 Flood.

1) **Councilor Klassen moved to approve and order published on second reading Ordinance #5810 Adopting the 2014 Budget for the City of Loveland, Colorado with amended language. Councilor Fogle seconded the motion. Mayor Gutierrez opened the public hearing at 8:25 p.m. Downtown property owner, Barry Floyd spoke in opposition to the amended language “Business Assistance for Flood Relief and Recovery”. With no further public comment the public hearing was closed at 8:27 p.m. Discussion ensued. [Councilor Klassen called the question. Councilor Fogle seconded the motion which carried with five councilors voting in favor and Mayor Gutierrez and Councilors Farley, Shaffer and Trenary voting against.] Roll was called on the original motion which carried with five councilors voting in favor and Mayor Gutierrez and Councilors Shaffer, Farley, and Trenary voting against.**

2) **Councilor Shaffer moved to approve on second reading Resolution #R-79-2013 Adopting the 2014 Schedule of Rates, Charges, and Fees for Services Provided by the Storm Water Enterprise of the City of Loveland, Colorado and Superseding All Prior Resolutions Establishing Such Rates, Charges, and Fees. Councilor Trenary seconded the motion which carried with seven councilors voting in favor and Mayor Gutierrez and Councilor Shaffer voting against.**

3) **Councilor Shaffer moved to approve on second reading Resolution #R-80-2013 Adopting the 2014 Schedule of Rates, Charges, and Fees for Services Provided by the Water and Power Department of the City of Loveland and Superseding All Prior Resolutions Establishing Such Rates, Charges, and Fees. Councilor Trenary seconded the motion which carried with six councilors voting in favor and Mayor Gutierrez and Councilors Shaffer and Trenary voting against.**

4) **Councilor Shaffer moved to approve and order published on second reading Ordinance #5809 Adopting the 2013 Mill Levy for the General Fund of the City of Loveland, Colorado. Councilor Trenary seconded the motion which carried with eight councilors voting in favor and Mayor Gutierrez voting against.**

5) **Councilor Shaffer moved to approve and order published on second reading Ordinance #5811 Making an Appropriation for the Fiscal Year Beginning January 1, 2014 and Ending December 31, 2014 for the City of Loveland, Colorado. Councilor Trenary seconded the motion which carried with seven councilors voting in favor and Mayor Gutierrez and Councilor Shaffer voting against.**

21. **CITY CLERK**

(presenter: Terry Andrews)

APPROVAL OF MINUTES

City Clerk, Terry Andrews introduced this item to Council.

1. This is an administrative action to approve the September 24, 2013 Study Session minutes. Councilor Klassen was absent. **Councilor Shaffer moved to approve the September 24, 2013 Study Session minutes. Councilor Trenary seconded the motion which carried with all councilors present voting in favor thereof. Councilor Klassen abstained.**

2. This is an administrative action to approve the October 1, 2013 Regular minutes. Councilor Taylor was absent. **Councilor Shaffer moved to approve the October 1, 2013 Regular minutes. Councilor Trenary seconded the motion which carried with all councilors present voting in favor thereof. Councilor Taylor abstained.**

22. DEVELOPMENT SERVICES (presenter: Brian Burson)
AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING REGULATIONS FOR BIG THOMPSON FARMS ADDITION

Senior City Planner, Brian Burson introduced this item to Council. Kim Lambreck from Landmark Surveyors and Brad Fancher from Ready Mix were present for the presentation.

1. This is a legislative action to consider a parcel-specific amendment to the Land Use Map in the Section 4.7 of the City of Loveland 2005 Comprehensive Plan for Tracts A and B of the Big Thompson Farms Addition. The proposed amendment would change the recommended land use for these two tracts, consisting of 32.78 acres, from Low-Density Residential (LDR) to Development Reserve (DR). The property is located between North Wilson Avenue and North Namaqua Avenue, and between West First Street and the Big Thompson River corridor. Mayor Gutierrez opened the public hearing at 9:12 p.m. and with no further public comment the public hearing was closed at 9:12 p.m. **Councilor Shaffer moved to approve Resolution #R-90-2013 Approving Amendments to the City of Loveland "2005 Comprehensive Plan" by the Amendment of Section 4.7 Land Use Plan Map. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.**

2. This is a quasi-judicial action to consider rezoning the easterly portion of Tract A of the Big Thompson Farms Addition, consisting of 15.26 acres, from R1, Developing Low-Density Residential District to DR, Developing Resources District. The property is located between North Wilson Avenue and North Namaqua Avenue, and between West First Street and the Big Thompson River corridor. **Councilor Shaffer moved to make the findings in Section VII of the Planning Commission Staff Report dated September 9, 2013, and based on these findings, 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 Certain Property Located in the Big Thompson Farms Addition, City of Loveland, Larimer County, Colorado. Councilor McKean seconded the motion which carried with all councilors present voting in favor thereof.**

23. FINANCE (presenter: John Hartman)
EMERGENCY ORDINANCE FOR SUPPLEMENTAL APPROPRIATION FOR FLOOD RELATED COSTS

Budget Officer, John Hartman introduced this item to Council. This is an administrative action. The Emergency Ordinance appropriates funding of \$4,872,010 for the costs of responding to and recovery from the 2013 Flood. The appropriation is funded by unassigned fund balance which reduces the flexibility to fund other projects or programs. Mayor Gutierrez opened the public hearing at 9:35 p.m. and hearing no comment the public hearing was closed at 9:35 p.m. **Councilor Shaffer moved to approve and order published on first and only reading an Emergency Ordinance #5818 Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Costs Related to the Response and Initial Recovery from the 2013 Flood. Councilor Klassen seconded the motion which carried with all councilors present voting in favor thereof.**

24. WATER & POWER (presenter: Larry Howard)
CONSOLIDATED HOME SUPPLY IRRIGATING & RESERVOIR COMPANY AGREEMENT

Senior Civil Engineer, Larry Howard introduced this item to Council The Home Supply's diversion structure on the Big Thompson River sustained significant damage as a result


of the September 2013 Flood. Initial estimates indicate that it may cost up to \$600,000 to repair the diversion structure. The City is obligated under an 1895 agreement with the Home Supply to pay approximately 11% of the cost to repair the diversion structure, which the City has used since 1895 to divert water (currently delivered through a City-owned pipeline into the City's water treatment plant). Because the Home Supply does not have adequate cash reserves or existing financing to cover the remaining 89% of the cost to repair the diversion structure, the Home Supply is requesting additional financial assistance from the City in an amount not to exceed \$300,000. Gary Gerard from Home Supply spoke. Water & Power Director, Steve Adams participated in the discussion to Council. **Councilor Shaffer moved to direct the City Manager to Negotiate an Agreement with the Consolidated Home Supply Irrigating & Reservoir Company (Home Supply), in Consultation with the City Attorney and on terms favorable to the City, pursuant to which the City will provide financing to the Home Supply and return to City Council with an agreement for approval. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.**

25. **HUMAN RESOURCES** (presenter: Julia Holland)
Executive Session Regarding Performance Evaluations for Appointed Employees
Councilor Shaffer moved that the City Council go into Executive Session, as authorized in CRS Sections 24-6-402(4)(b), (4)(f), and (4)(g) and in Loveland Charter Sections 4-4(c)(3), (c)(5), and (c)(6), for the purpose of considering personnel matters, those being the annual performance evaluation of the City Manager, Municipal Judge, and City Attorney, and concerning these matters, to create, receive, consider and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product document, and to receive legal advice from the City Attorney. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof. The Executive Session began at 10:56 p.m. All Council members were present. Jo Mattoon entered the meeting at 11:09 p.m. Bill Starks arrived at 11:15 p.m. Bill Starks left at 11:45 p.m. John Duval arrived at 11:47 p.m. John Duval left at 12:18 a.m. Bill Cahill arrived at 12:20 a.m. Bill Cahill left at 1:11 a.m. Bill Cahill returned at 1:14 a.m. Bill Cahill left again at 1:15 a.m. Adjourned from Executive Session at 1:18 a.m. and reconvened in the regular meeting at 1:19 a.m.

ADJOURNMENT

Having no further business to come before Council, the October 15, 2013 Regular Meeting was adjourned on October 16, 2013 at 1:19 a.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

