

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**LOVELAND GENERAL IMPROVEMENT DISTRICT #1 BOARD OF DIRECTORS**  
**LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 15, 2014**  
**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**

Councilor Taylor read the **PROCLAMATION DECLARING APRIL 13-19, 2014 AS NATIONAL LIBRARY WEEK** and it was received by Liz Lucke, Dawn Miller and Dr. Robert Eatman.

Councilor Krenning read the **PROCLAMATION DECLARING APRIL 19, 2014 AS THE DAY OF THE ANNUAL SPRING WATERWAY CLEAN-UP EVENT ALONG THE BIG THOMPSON RIVER** and it was received by Dave Klockeman. The event will be held at Rossum Drive, south of Highway 34, at Centennial Park beginning at 9 a.m. Go to the City website to register for the event or just show up.

The Mayor read the **PRESENTATION OF 2013 FINANCE AWARD: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR)** and it was received by Brent Worthington, who recognized the Finance Department and Accounting Division.

*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. Members of the public 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 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 Krenning asked to remove Item #11 from the Consent Agenda to the end of the Regular Agenda. Councilor Shaffer moved to approve the Consent Agenda with the exception of Item #11. Councilor Farley seconded the motion which carried with all councilors present voting in

favor thereof.

1. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENT TO CITIZENS' FINANCE ADVISORY COMMISSION**  
**A Motion to Appoint Andrew Haines to the Citizens' Finance Advisory Commission for a Term Effective Until December 31, 2015 was approved.**  
This is administrative action recommending the appointment of a member to the Citizens' Finance Advisory Commission for a partial term effective until December 31, 2015.
  
2. **FINANCE** (presenter: John Hartman)  
**2014 BUDGET ROLLOVER FOR PROJECTS APPROVED BUT NOT COMPLETED**  
**A Motion to Approve and Order Published on Second Reading Ordinance #5858 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2013 was approved.**  
This is an administrative action. This second reading ordinance reappropriates funding approved in 2013 for capital, one-time projects and equipment not completed or received prior to the end of the fiscal year. The net expenditures (total expense less transfers) included in the ordinance is \$44,379,810. The projects or programs in the ordinance were funded in 2013. Funding is available since the appropriations that did not occur became fund balance at the end of 2013. The appropriation of these projects, do not have an impact on the 2014 Budget since the assumption in developing the 2014 Budget was that these funds would be spent by the end of 2013. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.
  
3. **FINANCE** (presenter: John Hartman)  
**SUPPLEMENTAL APPROPRIATION FOR NEW PROJECTS**  
**A Motion to Approve and Order Published on Second Reading Ordinance #5859 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Projects or Programs not Anticipated at the Time of Adoption for the 2014 Budget was approved.**  
This is an administrative action. Since the adoption of the 2014 Budget, several issues have emerged that require increased appropriations. This second reading ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is \$1,024,090 primarily funded by available fund balance. Nearly all of the appropriation is funded by fund balance, reducing the flexibility to fund other future projects. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.
  
4. **FINANCE** (presenter: John Hartman)  
**2014 BUDGET ROLLOVER FOR THE AIRPORT**  
**A Motion to Approve and Order Published on Second Reading Ordinance #5860 Enacting a Supplemental Budget and Appropriation to the 2014 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but Not Completed in 2013 was approved.**  
This is an administrative action. This second reading ordinance appropriates the remaining balance for capital and one-time projects previously approved in 2013. The total appropriation is \$372,470. The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributions from the two cities. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

**CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID).**

5. **FINANCE** (presenter: John Hartman)  
**2014 BUDGET ROLLOVER FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)**

**A Motion to Approve and Order Published on Second Reading Ordinance #5861 Adopting a Supplemental Budget and Appropriation for the 2014 Loveland General Improvement District #1 Budget to Reappropriate Funds for Parking Lot Improvements Approved in 2013 but Not Completed in 2013 was approved.**

This is an administrative action. Funds approved in 2013 for parking lot improvements in the amount of \$77,500 are appropriated to complete the projects. Fund balance has resulted from the project not being completed and is reappropriated to fund this project. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

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

6. **FINANCE** (presenter: John Hartman)  
**2014 BUDGET ROLLOVER FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)**

**A Motion to Approve and Order Published on Second Reading Ordinance #5862 Enacting a Supplemental Budget and Appropriation to the 2014 Loveland Urban Renewal Authority Budget to Reappropriate the Façade Grant Program and Reimbursement to a Developer for Public Improvements and Funding for Parking Lot Improvements, Approved in 2013 but Not Completed was approved.**

This is an administrative action. Reserves in the amount of \$1,085,740 are reappropriated for the Façade Grant Program, reimbursement to a developer for public improvements and parking lot improvements. Fund balance created as a result of the projects not yet completed. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

**THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY ADJOURNED AND RECONVENED AS CITY COUNCIL.**

7. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)  
**SUPPLEMENTAL APPROPRIATION FOR DOWNTOWN LAND PURCHASES**

**A Motion to Approve and Order Published on Second Reading Ordinance #5863 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Earnest Money and Costs Associated with Downtown Land Purchases was approved.**

This is an administrative action. This second reading ordinance appropriates \$250,000 in funding for earnest money and costs associated with land purchases in the Downtown area. Environmental studies will be conducted as part of the standard due diligence per the contracts and will begin once the properties are under contract. The ordinance is funded with Council Reserve and undesignated balance of the General Fund, reducing the flexibility to fund future projects. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

8. **FINANCE** (presenter: John Hartman)  
**SUPPLEMENTAL APPROPRIATION FOR LFRA ROLLOVER AND NEW PROJECTS**  
**A Motion to Adopt Resolution #R-27-2014 Approving a Supplemental Budget to the 2014 Loveland Fire Rescue Authority Budget for Additional Funding from the City of Loveland from Remaining Funds for Projects Approved but Not Completed in 2013 and New Projects was approved.**  
This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2014 Budget to reappropriate operational expenses not spent in 2013 and add new projects. The Council approval of the budget is required for the Authority's budget to be in effect. Implementation of the resolution requires an additional contribution from the City of \$387,490 to be appropriated from reserves, reducing the flexibility for other projects.
9. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**PEAKVIEW GDP AMENDMENT**  
**A Public Hearing was held and 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 "Peakview Commercial Park Addition PUD (#P-95) – Amendment #1," and Approving an Amendment to the General Development Plan for the Peakview Commercial Park Addition PUD was approved.**  
This is a quasi-judicial action to adopt an ordinance on first reading amending the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) to allow the use "vehicle minor repairs, servicing and maintenance" within Lot 4 of the PUD.
10. **CITY ATTORNEY** (presenter: Judy Schmidt)  
**NON-SUBSTANTIAL MODIFICATIONS TO CENTERRA URA**  
**A Motion to Adopt Resolution #R-28-2014 of the Loveland City Council Approving Non-Substantial Modifications to the US 34/Crossroads Corridor Urban Renewal Plan was approved.**  
This is an administrative action. It is a Resolution to approve three non-substantial modifications to the Centerra Urban Renewal Plan. It does this by adding to the Centerra URA Plan area the following parcels: (1) a 13.422-acre parcel owned by the Thompson R2-J School District to be used as a site for a future elementary school; (2) a 23.437-acre parcel consisting of the north half of the I-25/Crossroads Boulevard Interchange together with the adjacent Crossroads Boulevard right-of-way; and (3) a 14.316-acre parcel consisting of a portion of the Boyd Lake Avenue right-of-way. Since the parcels to be added to the boundaries of the Centerra Urban Renewal Plan area consist of publically-owned land and right-of-way, the Centerra URA Plan area will not receive any additional tax increment revenues from these added properties. In addition, while Centerra URA revenues will be available for the construction of improvements on these properties, all of these improvements are currently contemplated and expected under the MFA to be paid for with MFA revenues.
11. **CITY CLERK** (presenter: Terry Andrews)  
**BOARD & COMMISSION CHANGES IN HANDBOOK**  
This item was moved to the end of the Regular Agenda.

**END OF CONSENT AGENDA**

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

**PUBLIC COMMENT** *Anyone who wishes to speak to an item NOT on the Agenda may address*

the Council at this time.

## PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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

#### 12. CITY CLERK (presenter: Terry Andrews)

##### **APPROVAL OF CITY COUNCIL MEETING MINUTES**

1. This is an administrative action to approve the City Council meeting minutes for the March 25, 2014 Study Session. Councilors Fogle and Farley were absent.

**Councilor Shaffer moved to Approve the Council Meeting Minutes for the March 25, 2014 Study Session. Councilor McKean seconded the motion which carried with all councilors voting in favor thereof. Councilors Fogle and Farley abstained.**

2. This is an administrative action to approve the City Council meeting minutes for the April 1, 2014 Regular Meeting. Councilor McKean was absent.

**Councilor Shaffer moved to Approve the Council Meeting Minutes for the April 1, 2014 Regular Meeting. Councilor Trenary seconded the motion which carried with all councilors voting in favor thereof. Councilor McKean abstained.**

#### 13. DEVELOPMENT SERVICES (presenter: Alison Hade)

##### **PEDCOR AFFORDABLE HOUSING DESIGNATION MODIFICATION AND FEE WAIVER**

1. Community Partnership Manager, Alison Hade introduced this item to Council. This is an administrative action. The resolution will modify an affordable housing designation for the Wintergreen Second Subdivision for 80 of 224 affordable housing units and designate as "affordable" the remaining 144 units in the Ashley Estates Apartment Homes. Mayor Gutierrez opened the Public Hearing at 7:46 p.m. the following individuals spoke in support of the resolutions: Affordable Housing Commission member, Dianne Rice; Dave McDaniel, from Disabled Resource Services; and Kelly Evans, Director of Neighbor to Neighbor. Mayor Gutierrez closed the public hearing at 7:55 p.m.

**Councilor Shaffer moved to Approve Resolution #R-30-2014 Modifying a 2010 Affordable Housing Designation for 80 Rental Units, and Approving a New Affordable Housing Designation and Associated Reduction in Development Fees for an Additional 144 Rental Units, to the Constructed on Outlot C, Wintergreen Second Subdivision, City of Loveland, Colorado Within the Project Known as Ashley Estates Apartment Homes. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof.**

2. This is an administrative action. The resolution will waive capital expansion fees of \$1,333,890 and building permit fees of \$178,970 as provided in Section 16.38.080 of the Loveland Municipal Code. None of the waived fees would require back filling from another funding source. The resolution would also delay the payment of water rights as provided for in Section 19.04.021.A.2 of the Loveland Municipal Code. The applicant is Pedcor Investments from Carmel, Indiana. City staff and the Affordable Housing Commission are recommending that City Council adopt the two resolutions to allow Pedcor Investments to develop an affordable housing project that would provide 224



affordable housing units. Council approval would allow Pedcor Investments to utilize the fee schedule in place in 2010 for 80 of the affordable housing units, and the 2014 fee schedule for the remaining 144 units. The total fee waiver would be \$1,512,860; City Code allows a waiver of 70% of fees for an affordable housing project. This request is for 65.8% waiver of capital expansion fees and building permit fees only. No waived fees would require back filling from another funding source. Granting of the fee waiver would have a negative effect on future fund balances for capital expansion and building permit fees.

**Councilor Shaffer moved to Approve Resolution #R-31-2014 Granting an Exemption from Certain Capital Expansion Fees and Other Development Fees, and Delaying the Payment of Water Rights Applicable to Residential Development, for a Qualified Affordable Housing Development Known as Ashley Estates Apartment Homes. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof.**

**14. CITY ATTORNEY (presenter: Judy Schmidt)**

**DISCUSSION REGARDING ELECTION DATE FOR THE BALLOT INITIATIVE**

**Council Consideration of Election Date for the Citizen Initiative Ballot Measure**

Acting City Attorney, Judy Schmidt introduced this item to Council. City Council may want to give the City Attorney additional direction as to how Council would like to proceed with respect to the pending lawsuit and other matters related to the pending Protect Our Loveland ballot initiative. Depending on the nature of the discussion and Council direction, an executive session may be advisable. The City Attorney's Office had received settlement proposals from Sarner and also from POL.

**Councilor Krenning moved to make the Sarner Settlement Agreement a public record. Councilor Shaffer seconded the motion which carried with all councilors present voting in favor thereof.** Larry Sarner did not object to the public release of the Settlement agreement, which would be considered privileged otherwise.

**Councilor McKean moved to Reconsider the Motion Approving the Election Date on July 29, 2014 which was considered at the Special Meeting on April 8, 2014. Councilor Clark seconded the motion which carried with six councilors voting in favor and Councilors Gutierrez, Farley and Trenary voting against.**

Mayor Gutierrez opened public comment at 10:35 p.m. Student legal representatives for Protect Our Loveland, (POL) Nick Lopez and Lauren Hammond discussed POL' position with regard to their concerns regarding the Settlement agreement as well as what POL was willing to do if Council would allow the election to remain as scheduled on July 29, 2014. Protester of the petition and plaintiff in *Sarner v. City of Loveland*, Larry Sarner spoke to Council. City of Loveland outside legal counsel, Kim Schutt answered questions for City Council. Mayor Gutierrez closed the public hearing at 10:54 p.m.

**The original motion from April 8, 2014 was considered "Councilor Shaffer moved to Reconsider the Motion Approving "A Special Election be held on July 29, 2014 for the Protect Our Loveland ballot initiative," from the Special Meeting on April 8, 2014. Councilor Farley seconded the motion." The motion failed with four Councilors voting in favor and Councilors Taylor, Krenning, McKean, Fogle, and Clark voting against.**

**Councilor Fogle moved to refer the Citizen Initiative Petition to a Special Election on June 24, 2014 and to Approve the Settlement Agreement with Sarner.**

Councilor Clark seconded the motion which carried with five councilors voting in favor and Councilors Farley, Shaffer, Trenary and Gutierrez voting against.

11. **CITY CLERK** (presenter: Terry Andrews)  
**BOARD & COMMISSION CHANGES IN HANDBOOK**  
This item was postponed until the next regular meeting.

**BUSINESS FROM CITY 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.*

**CITY MANAGER REPORT** None.

None.

**CITY ATTORNEY REPORT** None.

None.

**ADJOURNMENT**

Having no further business to come before Council, the April 15, 2014, Regular Meeting was adjourned on April 16, 2014, at 12:06 a.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk



  
Cecil A. Gutierrez, Mayor

