

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, MAY 6, 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 Roll was taken and the following responded: Gutierrez, Farley, Shaffer, Trenary, Taylor, Fogle, McKean and Krenning. Councilor Clark arrived at 7:20p.m.

Councilor Shaffer read **PROCLAMATION DECLARING May 4-10, 2014 AS MUNICIPAL CLERKS' WEEK** and City Clerk, Terry Andrews received the proclamation on behalf of the Municipal Clerk Services Department.

Councilor McKean read the **PROCLAMATION DECLARING MAY 11-17, 2014 AS POLICE WEEK** and Officer Garret Osilka received the proclamation on behalf of the Police Department.

Councilor Farley read the **PROCLAMATION DECLARING MAY 2014 AS FOSTER AND KINSHIP CARE MONTH** and resident Foster Parent Steve Dozier received the proclamation.

Councilor Fogle read the **PROCLAMATION DECLARING MAY 2014 AS ARCHAEOLOGY & HISTORIC PRESERVATION MONTH** and HPC Chair David Berglund received the proclamation.

Mayor Gutierrez announced the City received the **CERTIFICATE PRESENTATION TO THE CITY OF LOVELAND DESIGNATING THE MILNER-SCHWARZ HOUSE TO THE NATIONAL REGISTRY** on behalf of the city. Mike Perry made an announcement regarding the Milner- Schwarz house.

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 Shaffer asked to remove Item #3 to the Regular Agenda after Item #12. The Mayor indicated that Council would be considering item #15 before item #14 on the Regular Agenda. Councilor Shaffer moved to approve the Consent Agenda with the exception of Item #3. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL MEETING MINUTES
 1. **A Motion to Approve the Council Meeting Minutes for the April 8, 2014 Special Meeting & Study Session was approved.**

This is an administrative action to approve the City Council meeting minutes for the April 8, 2014 Special Meeting & Study Session.
 2. **A Motion to Approve the Council Meeting Minutes for the April 15, 2014 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the April 15, 2014 Regular Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENTS TO THE YOUTH ADVISORY COMMISSION

A Motion to Approve Appointments to the Youth Advisory Commission was approved.

This is an administrative action recommending appointments of members to the Youth Advisory Commission.

Reappointments:

 - **Wesley Walton, Payton Buhler, Billie Anna Runions, Emilee Mendoza, Gibb Charron, Mattea Wabeke, Anna Kirk, Lauren Howard, Alexandra McKenna and Dylan McNally**

Appointments:

 - **Elijah Solt and Jack Crowley**

Alternate Appointments:

 - **Hattie Volk, Oliver Byles, Lorenzo Scalise and Caitlin Parets**

3. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENT TO THE HOUSING AUTHORITY

This item was removed and placed on the Regular Agenda after Item 12.

4. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENTS TO THE PLANNING COMMISSION
 1. **A Motion to Appoint Jeremy Jersvig as a Member of the Planning Commission for a Full Term Effective Until December 31, 2016 was approved.**
 2. **A Motion to Appoint Bob Massaro as an Alternate Member of the Planning Commission for a Term Effective Until December 31, 2014 was approved.**

These are administrative actions to adopt two motions appointing a regular member and an alternate member of the Planning Commission.

5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PEAKVIEW GDP AMENDMENT

A Motion to Approve and Order Published on Second Reading Ordinance #5864 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 consider adopting an ordinance on second reading amending the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP). The amendment would to allow the use “vehicle minor repairs, servicing and maintenance” within the PUD. This ordinance was approved unanimously on first reading by Council at the April 15, 2014 regular meeting.

6. DEVELOPMENT SERVICES (presenter: Noreen Smyth)

LOCH MOUNT UTILITY EASEMENT VACATION

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating a Portion of a Utility Easement within Lot 3, Block 3, Loch Mount Addition of the City of Loveland, Larimer County, Colorado was approved.

This is a legislative action to consider adoption of an ordinance on first reading vacating a portion of a water utility easement. The easement is on a lot currently occupied by a single family dwelling located at 1101 Loch Mount Drive, west of the intersection of Loch Mount Drive and West Eisenhower Boulevard. The applicants are the property owners, Kelly and Anne Kramer.

7. PUBLIC WORKS (presenter: Dave Klockeman)

FIBER OPTIC CONTRACT AWARD

A Motion to Award Project TS1201 Loveland Fiber Optic Interconnect (Federal Aid Project No. AQC M830-065, 19289) to Paonia Inc. of Colorado Springs, Colorado, in the Amount of \$745,861.63 and Authorize the City Manager to Execute the Contract was approved.

This is an administrative action to award Project TS1201 Loveland Fiber Optic Interconnect (Federal Aid Project No. AQC M830-065, 19289) to Paonia Inc. of Colorado Springs, Colorado in the amount of \$745,861.63 and authorize the City Manager to execute the contract. Funding is available in the Adopted 2014 Budget and includes Federal Funds awarded through the North Front Range Metropolitan Planning Organization ("MPO").

8. CITY MANAGER (presenter: Alan Krcmarik)

ASHLEY ESTATES PRIVATE ACTIVITY BOND

A Motion to Approve Resolution #R-32-2014 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2014 to the Housing Authority of the City of Loveland, Colorado; Providing Other Details in Connection Therewith; and Providing an Effective Date was approved.

This is an administrative action. This Resolution will authorize the assignment of all of the City's 2014 private activity bond allocation in the amount of \$3,521,800 to the Housing Authority of the City of Loveland ("HACOL" or the "Authority") for the purpose of issuing bonds for the Ashley Estates Apartment Homes Project (the "Project") to be developed by Pedcor Investments LLC. The Project is an affordable housing project and meets the federal and state requirements for the use of Private Activity Bond financing. Council approved fee waivers for the Project on April 15, 2014, with a unanimous vote. The HACOL will be the issuer of the bonds and will also have bond allocations from Larimer County, the Colorado Housing and Finance Authority ("CHFA") and an allocation from the prior year statewide allocation. The City of Loveland will not incur any costs due to the assignment of the private activity bond 2014 allocation.

**9. POLICE (presenter: Luke Hecker)
JAG GRANT**

A Public Hearing was held and a Motion for Approval of Staff Application for a

Federal Justice Assistance Grant (JAG Grant) was approved.

This is an administrative action. The Federal JAG grant of \$13,980 for the Police Department will fund overtime for Detectives in the Special Investigations Unit at the Northern Colorado Drug Task Force. There is no match.

**10. FINANCE (presenter: Brent Worthington)
MARCH 2014 FINANCIAL REPORT**

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2014.

**11. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MARCH 2014**

This is an information only item. According to the 2014 budget projections, the budget estimate for investment earnings for 2014 is \$2,025,920. The annual target earnings rate (determined by the revenue projection for 2014 divided by the 2013 ending market value of \$215.1 million) is 0.94% for 2014. For March, the amount posted to the investment account is \$100,067. For the year-to-date, the amount posted is \$463,699. Actual earnings are now below the year-to-date budget projection by \$60,945. Based on the monthly statement, the estimated annualized 1.02% yield on the securities held by US Bank is exactly the same as last month's reading. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, the portfolio currently has a significantly lower fund balance than it would otherwise. More funds are liquid (cash and short term) now than a month ago; the City is waiting on reimbursements for flood damage.

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.*

Ed Klen, 6909 Shannon Court, expressed concern regarding the joint venture with Ft. Collins and other law enforcement entities for a possible training facility.

John Chilson, asked Council to spend time educating themselves on the whole issue of hydraulic fracturing.

Linda Sandal, 4170 Garfield Ave. agreed with the previous speaker that residents need to work together.

John Clark, LEAP, advised Council to inform the public of the impacts, should the measure pass.

Kaye Fissinger, cautioned City Council against campaigning for or against a measure on the ballot per the Campaign Practices Act.

Rob Pride, President Loveland Fraternal Order Police, legislative matter. Post Traumatic Stress Disorder bill to be passed by the legislature. Asked for support of this bill. Get in touch if you support the bill after you review. Calling for a Task Force HB13413 will forward bill to City Council.

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 SPECIAL MEETING MINUTES
This is an administrative action to approve the City Council meeting minutes for the April 10, 2014 Special Meeting. Councilors Taylor and Krenning were absent.
Councilor Shaffer moved to Approve the Council Meeting Minutes for the April 10, 2014 Special Meeting. Councilor Trenary seconded the motion which carried with all councilors voting in favor. Councilors Taylor and Krenning abstained.

3. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENT TO THE HOUSING AUTHORITY
This is administrative action recommending the appointment of Gary Waaler to the Housing Authority for a partial term effective until June 30, 2014. Councilor Shaffer indicated this term was only for two months and then the recruitment and interview process would need to be conducted to fill the new term effective until June 30, 2019. Councilor Shaffer asked if the appointment could be modified to a term beginning May 6, 2014 to June 30, 2019, which includes the two months left on the current vacant term and the five year full term beginning July 1, 2014.
Councilor Krenning moved to appoint Gary Waaler to the Housing Authority for term effective until June 30, 2019. Councilor Shaffer seconded the motion which carried with all Councilors voting in favor thereof.

13. **CITY CLERK** (presenter: Terry Andrews)
BOARDS & COMMISSION HANDBOOK CHANGES
City Clerk, Terry Andrews introduced this item to Council. This is an administrative action to adopt a resolution amending the City of Loveland Handbook for Boards and Commissions ("Handbook"). The proposed amendments to the Handbook address the process for selecting and appointing members, and remove references to the Creative Sector Development Advisory Commission, which expired on December 31, 2013, in accordance with City Code Section 2.60.290. This item was removed from the Consent Agenda on April 15, 2014, and due to the lateness of the meeting it was carried forward to this meeting and placed on the Regular Agenda.
Councilor Clark moved to approve Resolutions #R-33-2014 Amending the City of Loveland Handbook for Boards and Commission with the following additional amendment to the handbook: page 9 paragraph 4 "...resignation, (insert: with approval of the interview committee) the Council-appointed alternate shall (strike: automatically) be recommended....." Councilor Krenning seconded the motion, which carried with five voting in favor and Councilors Farley, Gutierrez, Shaffer and Trenary voting against.

15. **CITY ATTORNEY** (presenter: Judy Schmidt)
RELEASE OF PROPOSED SETTLEMENT ANALYSIS - SARNER V CITY OF LOVELAND
Acting City Attorney, Judy Schmidt introduced this item to Council. This is an administrative action. At Council's regular meeting on April 15, 2014, the Acting City Attorney presented to Council members a document titled "Pro/Con Analysis of Proposed Settlement" in connection with the *Sarner v. City of Loveland* lawsuit. More than four Council members have indicated a desire to waive the attorney-client privilege and release this document to the public, so the motion is presented for Council's

consideration.

Councilor Shaffer moved to Waive the Attorney-Client Privilege and Release to the Public the "Pro/Con Analysis of Proposed Settlement" Document Provided by the Acting City Attorney to City Council at its Regular Meeting on April 15, 2014. Councilor Farley seconded the motion which carried unanimously with all councilors present voting in favor thereof.

**14. CITY CLERK (presenter: Terry Andrews)
SPECIAL ELECTION DATE**

City Clerk, Terry Andrews introduced this item to Council. This is an administrative action to consider a resolution calling a Special Election for the purpose of considering an ordinance submitted to the City of Loveland by Citizen Initiative petition. Sharon Muer, 2016 N. Dotsero, spoke regarding the study. Dick Mullet, 2765 McKenzie talked about property values. Kaye Fissinger, 2199 Creekside, Longmont spoke regarding the issue. Mayor Gutierrez closed the public hearing at 9:08 p.m.

Councilor Shaffer moved to Approve Resolution #R-34-2014 of the Loveland City Council Calling a Special Election to be Held on June 24, 2014 for the Purpose of Submitting a Citizen-Initiated Ordinance to a Vote of the City's Registered Electors and Setting the Ballot Title. Councilor Farley seconded the motion which carried unanimously with all councilors present voting in favor.

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.*

Fogle	Announced the Rah Rah Historic Preservation Committee; Thanked the Mayor for attending the Tour de Pants Bicycle Event.
Shaffer	North I-25 Elected Coalition Meeting at the Weld County Community Center on May 7, 2014; Announced Bus Rapid Transit in Ft. Collins on May 10, 2014.
Trenary	Attended the Alliance for Innovation on April 22-25, 2014 in Denver; Announced the Daughters of the American Revolution Namaqua Chapter will be hosting their Annual Celebration of the Washington Elm Tree Fundraiser Event on Saturday, May 3, 2014.
Clark	Offered Visitor's Guide and Magazine "Hemispheres" advertising Loveland.
Farley	Thanked the volunteers at the River Cleanup at Rossum Drive; Announced Governor's Art Show open through June 14th or 15th; Announced Art Show for 2nd place displayed throughout Downtown this Thursday and Friday, May 8th & 9th.
Krenning	Asked about Study Session for Restorative Justice Teen Court request, July 8-29th; Asked about Priority Based Budgeting Study; Asked about the status for the Public Works Director and Fire Chief positions.
Gutierrez	Announced the Visitor's Center Open House last Saturday; Announced the Northern Colorado Bike Tour, Friday, May 9, 2014 at 1 p.m; Sunday, May 11, 2014 is Mother's Day.

CITY MANAGER REPORT

None.


CITY ATTORNEY REPORT


None.

ADJOURNMENT

Having no further business to come before Council, the May 6, 2014, Regular Meeting was adjourned at 9:51 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor



