

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF THE VETERANS' DAY NATIONAL RECOGNITION LETTER TO THE CITY OF LOVELAND FROM THE ASSOCIATED VETERANS

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

1. **CITY CLERK** (presenter: Terry Andrews)
 - APPROVAL OF MEETING MINUTES**
 1. **A Motion to Approve the City Council Meeting Minutes for the September 16, 2014 Regular Meeting**

This is an administrative action to approve the City Council meeting minutes for the September 16, 2014 Regular Meeting.
 2. **A Motion to Approve the City Council Study Session Minutes for the September 23, 2014 Study Session**

This is an administrative action to approve the City Council Study Session minutes for the September 23, 2014 Study Session.
 3. **A Motion to Approve the City Council Special Meeting Minutes for the October 13, 2014 Special Meeting**

This is an administrative action to approve the City Council Special Meeting minutes for the October 13, 2014 Special Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE DISABILITIES ADVISORY BOARD
A Motion to Appoint Taylor Summer to the Disabilities Advisory Commission for a Term Effective Until June 30, 2017
A Motion to Appoint Scott Hager to the Construction Advisory Board for a Term Effective Until June 30, 2017
This is an administrative action recommending the appointment of a member to the Disabilities Advisory Commission.
3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
MILLENNIUM NORTHWEST FOURTH SUBDIVISION UTILITY EASEMENT VACATION
A Motion to Approve and Order Published on Second Reading an Ordinance Vacating a Portion of a Utility Easement within Tract B and Outlot E of the Millennium Northwest Fourth Subdivision, City of Loveland, County of Larimer, State of Colorado
This is a legislative action to consider adoption of an ordinance on second reading vacating a portion of a utility easement within the recently approved Millennium Northwest Fourth Subdivision (the "Fourth Plat") also known as The Lakes. The easement, which was created by separate document in 2006, was replaced with a new utility easement with the recordation of the Fourth Plat. The vacation of a portion of the older easement that does not align with the new easement and the overlapping portion is now requested in advance of the approval of the Millennium Northwest Fifth Subdivision (the "Fifth Plat"). The Fifth Plat will establish single family residential lots where the unused easement is currently located. The applicant is McWhinney Enterprises. This ordinance was approved unanimously on first reading by Council at the October 7, 2014 regular meeting.
4. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
MOUNTAIN PACIFIC GDP REZONING TO ALLOW MIXED USE
A Motion to Approve and Order Published on Second Reading an Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Related to Zoning Regulations for Certain Property Located in the Mountain Pacific Addition, City of Loveland, Larimer County, Colorado
This is a quasi-judicial action to consider an ordinance, on second reading, rezoning portions of the Mountain Pacific Addition as "Mountain Pacific Business Park PUD", and approving the General Development Plan for development of the property. The property was originally developed under Larimer County jurisdiction for enclosed storage. The property is located at the southeast corner of North Garfield Avenue (Highway 287) and East 71st Street, consisting of approximately 20.09 acres. The proposal would allow additional development for such uses as retail, office, banks, personal service, institutional, educational, assembly/light industrial uses, and enclosed storage. This ordinance was approved unanimously on first reading by Council at the October 7, 2014 regular meeting.
5. **PUBLIC WORKS** (presenter: Ken Cooper)
SUPPLEMENTAL APPROPRIATION FOR DESIGN SERVICES FOR MOC REMODEL
A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Design Services for the Remodel of the Maintenance Operations Center Building
This is an administrative action to fund design for a remodel to the Maintenance

Operations Center (MOC) that will occur after Public Works employees relocate to the expanded Service Center Campus. The estimated design and engineering cost for the project is \$60,000. This ordinance was approved unanimously on first reading by Council at the October 7, 2014 regular meeting.

**6. HUMAN RESOURCES (presenter: Julia Holland)
MERIT INCREASE FOR THE CITY MANAGER AND THE ACTING CITY ATTORNEY**

1. A Motion to Approve Resolution #R-74-2014 of the Loveland City Council Regarding the Compensation of the Acting City Attorney

2. A Motion to Approve Resolution #R-75-2014 of the Loveland City Council Regarding the Compensation of the City Manager

These are administrative actions regarding compensation of the Acting City Attorney and the City Manager. On September 18, 2014, City Council conducted its annual evaluation process via Executive Session for the Acting City Attorney and City Manager who are directly appointed by City Council and proposed a compensation merit increase of 3.5% for each position. Compensation changes for the City's appointed positions are approved through a resolution by City Council.

**7. CITY MANAGER (presenter: Bill Cahill)
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION FOR REGIONAL TAX INCREMENT FINANCING STUDY

A Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for the City of Loveland's Share of a Regional Tax Increment Financing Study

This is an administrative action. The ordinance appropriates funding for the City's share of the costs (\$30,000) of a regional study on the use of tax increment financing with the County in the future. The study will be managed by Larimer County, with funding contributions from the county and all the cities. The ordinance is funded with unassigned fund balance within the General Fund reducing the flexibility to fund other projects. If the ordinance is approved there will be \$10,443,670 remaining fund balance.

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

8. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
PUBLIC HEARING
VALUE PLASTICS, INC. INCENTIVE AGREEMENT AND SUPPLEMENTAL APPROPRIATION
1. **A Motion to Adopt Resolution #R-76-2014 Approving Amendment Number One to Value Plastics, Inc. Incentive Agreement**
 2. **A Motion to Approve and Order Published on First Reading an Ordinance on Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for an Incentive Agreement with Nordson Corporation/Value Plastics**
- These are administrative actions. The amendment and appropriation for \$255,330 from the Economic Incentive Fund would be used to cover the additional cost of water and sewer line infrastructure and additional water and sewer tap fees. The original agreement was approved by Council on October 1, 2013. The cost increase was shared by Nordson Corp/Value Plastics whose cost to construct increased by \$3.2 million since the approval of the incentive agreement. The amended incentive package will add \$255,330 to the incentive, bringing the total amended incentive package for Value Plastics to \$849,066.

9. **FIRE & RESCUE AUTHORITY** (presenter: Randy Mirowski)
PUBLIC HEARING
LINCOLN HOTEL APARTMENTS APPEAL
Appeal Regarding Fire Code Violations at Lincoln Hotel Apartments
- This is a quasi-judicial hearing on two outstanding fire code violations (basement storage of combustible materials and lack of code-compliant exits) at the Lincoln Hotel Apartments, 365 North Lincoln Avenue, found during a fire inspection conducted on October 9, 2013. On November 19, 2013, the Fire Marshal issued an Order to Correct the violations. The property owner appealed the Fire Marshal's Order, first, to the Fire Chief and then to the Fire Rescue Advisory Commission ("FRAC"). Both the Fire Chief and the FRAC upheld the Order. The matter is now before Council on appeal as provided in the Loveland Municipal Code ("LMC").

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

CITY ATTORNEY REPORT

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