

**MINUTES  
LOVELAND CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 16, 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:** Fogle, Gutierrez, Farley, McKean, Trenary, and Krenning. Councilors Taylor, Shaffer and Clark were absent.

**Councilor Trenary read the proclamation declaring the week of September 15 through September 21, 2014 as National Drive Electric week and Michael Koenig of "Drive Electric Northern Colorado" received the proclamation.**

*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.*

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 Fogle moved to approve the consent agenda items 1-5 including Item "AA". Councilor Farley seconded the motion, which carried with all councilors present voting in favor thereof.**

**CONSENT AGENDA**

1. **CITY CLERK** (presenter: Terry Andrews)  
**APPROVAL OF MEETING MINUTES**
1. **A Motion to Approve the City Council Meeting Minutes for the August 19, 2014 Regular Meeting was approved.**  
This is an administrative action to approve the City Council meeting minutes for the August 19, 2014 Regular Meeting.
2. **A Motion to Approve the City Council Study Session Minutes for the August 26, 2014 Study Session was approved.**  
This is an administrative action to approve the City Council Study Session minutes for the August 26, 2014 Study Session.

2. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)  
**SUPPLEMENTAL APPROPRIATION FOR REGIONAL TOURISM AUTHORITY APPLICATION**

**A Motion to Approve and Order Published on Second Reading Ordinance #5884 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Consulting Services to Develop the Regional Tourism Authority Application to the State of Colorado Economic Development Commission was approved.**

This is an administrative action. The ordinance provides \$175,000 in funding for consultants to develop the application for the Regional Tourism Authority to the State Economic Development Commission. \$125,000 of the funding is from the Economic Incentive Fund and \$50,000 is from the Lodging Tax Fund. The ordinance is funded by fund balance reducing the flexibility to fund other projects. The current funding in the Economic Development Incentive Fund is \$1,110,120 and the balance in Lodging Tax Reserves is \$756,730. City Council unanimously approved the first reading of the appropriation ordinance at the September 2, 2014 regular meeting.

3. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)  
**SUPPLEMENTAL APPROPRIATION FOR PARTNERSHIP OF OTHER AGENCY TOURISM**

**A Public Hearing was held and 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 a Marketing Partnership and Support and Education of Other Agency Tourism Programs was approved.**

This is an administrative action. The ordinance funds a \$10,000 marketing partnership with Thunder Mountain Harley Davidson, \$10,000 support for the Estes Park Convention and Visitors Bureau (CVB) to match a federal grant and a \$5000 Familiarization Tour with the Colorado Tourism Office (CTO). The ordinance is funded by available fund balance reducing the flexibility to fund other projects. The current balance of the Lodging Tax Reserves is \$797,780.

4. **PUBLIC WORKS and PARKS & RECREATION** (presenters: Jeff Bailey, Janet Meisel-Burns)

**SUPPLEMENTAL APPROPRIATION FOR MADISON BRIDGE REPLACEMENT**

**A Public Hearing was held and 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 Madison Avenue Bridge Replacement and Trail Underpass Project was approved.**

This is an administrative action. The ordinance approves funding for the replacement of the bridge on Madison Avenue at the Chubbuck ditch and construction of an underpass for the recreational trail to eliminate an at-grade crossing on Madison Avenue. The ordinance is primarily funded by a Federal Grant at 80% of the project cost in the amount of \$848,000. The majority of the 20% local match is currently appropriated within the Transportation Fund and the Trails Capital Expansion Fund (CEF). A match amount of \$50,000 is required for the Trail underpass and is available in the Trail CEF undesignated fund balance. The total supplement amount is \$898,000.

5. **INFORMATION TECHNOLOGY** (presenter: Bill Westbrook)  
**VOIP CONTRACT AWARD**

**A Motion to Award the Voice Over Internet Protocol (VoIP) Project for Replacement All Existing Rolm/Siemens Equipment, to SofTech Maintenance Company in Fort Collins, Colorado, in the Amount of \$716,808.57 and Authorize the City Manager to Execute the Contract was approved.**

This is an administrative action to award the Voice Over Internet Protocol (VoIP) project for replacement all existing Rolm/Siemens equipment, to SofTech Maintenance Company. The total appropriation is \$750,000.

**AA. FINANCE (presenter: John Hartman)  
ESTABLISHING A PUBLIC HEARING DATE FOR THE 2015 RECOMMENDED BUDGET**

**A Motion to Approve Resolution #R-64-2014 Establishing a Date, Time, and Place for a Public Hearing on the 2015 Recommended Budget for the City of Loveland, Colorado was approved.**

This is an administrative action. The resolution sets the date for the public hearing for October 7, 2014.

**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.*

Ethel Minerger from the Visitor Center wished to thank Council for the Lodging Tax Signs. There was an Open House in May and will be another on November 22 from 10 am to 2 pm at the Visitor's Center. The Mayor thanked all the volunteers.

**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**

**6. DEVELOPMENT SERVICES (presenter: Troy Bliss)  
REZONING IN THE TURNEY-BRIGGS ADDITION**

City Planner, Troy Bliss introduced this item to Council. This is a quasi-judicial action to adopt an ordinance on first reading to rezone the Turney-Briggs Addition, or more particularly the northeast intersection of North Lincoln Avenue (Highway 287) and East Eisenhower Boulevard (Highway 34). The applicant's request is to rezone 5 residential properties on the west side of North Jefferson Avenue from residential (R3e – Established High Density Residential) to commercial (B – Developing Business). The Turney-Briggs Addition includes both residential and commercial properties. The properties fronting North Lincoln Avenue and those fronting East Eisenhower Boulevard are currently zoned B – Developing Business. The properties currently zoned Established High Density Residential are located northeast of the commercially zoned property and have access from local streets. Mayor Gutierrez opened the public hearing at 7:49 pm. Pam Krugman submitted a petition with 821 signatures supporting this type of zoning and supporting a specialty grocery store. Irene Louise Tews spoke in opposition. Brian Wood, Loveland resident on Jefferson, spoke in opposition. Melissa Thomas 1508 N. Jefferson spoke in opposition. Mayor Gutierrez closed the public hearing at 8:06pm. **Councilor Fogle moved 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 Certain Property Located in the Turney-Briggs Addition, City of Loveland, Larimer County, Colorado. The motion, seconded by Councilor Krenning, carried with five councilors voting in favor and Councilor McKean voting against.

7. **ECONOMIC DEVELOPMENT** (presenters: Marcie Erion, Karin Bogren, Hach and Dave Gustavson, Cushman Wakefield)

**BUSINESS ASSISTANCE REQUEST FROM HACH COMPANY**

Business Development Specialist, Marcie Erion introduced this item to Council. Karin Bogren and Dave Gustavson were present also. This is an information only item. This request on behalf of Hach Company consists of building permit fee/use tax waivers and a business personal property tax rebate associated with construction of a new 86,000 sq. ft. building on their existing campus. **Direction to Staff was to bring Council an incentive request for consideration.**

8. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)  
**INCENTIVE AGREEMENT AND SUPPLEMENTAL APPROPRIATION FOR ORIGINS LOVELAND**

Economic Development Manager, Mike Scholl introduced this item to Council. These are administrative actions appropriating funding for an incentive agreement and approving a resolution authorizing an incentive agreement with Jeff Noffsinger, owner of Origins Pizza, a proposed new pizza and wine bar to be located at 500 N. Lincoln, in the corner unit of Lincoln Place. The incentive agreement provides \$17,000 for the tenant improvements, plus a waiver of materials use tax not to exceed \$3,000. The ordinance is funded with fund balance within the Economic Incentive Fund and reduces the flexibility to fund other projects. The current balance in the Economic Development Incentive Fund is \$1,110,120. Mayor opened the public hearing at 9:47 p.m. and with no further public comment the public hearing was closed at 9:47 p.m.

1. **Councilor Fogle moved to Adopt Resolution #R-62-2014 Approving an Agreement for Economic Incentive and Construction Materials Use Tax Waiver. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

2. **Councilor Fogle moved to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for an Incentive Agreement with Origins Loveland. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

9. **CITY ATTORNEY** (presenter: Judy Schmidt)  
**EAGLE CROSSING SERVICE PLAN**

Acting City Attorney, Judy Schmidt introduced this item to Council. Attorney for the applicant made a presentation to Council. This is a legislative action to approve a Service Plan in accordance with the Colorado Special District Act for four metropolitan districts to be known as Eagle Crossing-Loveland Metropolitan District Nos. 1-4. The Districts are being created to provide all or part of the public infrastructure improvements necessary for the development of a commercial project known as Eagle Crossing, which consists of approximately 50 acres located at the northwest quadrant of the intersection of Fairgrounds Avenue and Crossroads Boulevard. There is no budget impact to the City. **Councilor Fogle moved to adopt Resolution #R-63-2014 of the Loveland City Council approving the Service Plan for Eagle Crossing-Loveland Metropolitan District Nos. 1-4. The motion seconded by Councilor Farley, carried with five councilors voting in favor and Councilor Krenning voting against.**

10. **WATER & POWER** (presenter: Larry Howard)  
**MOTION TO AMEND AGREEMENT WITH HOME SUPPLY**  
This item was removed from the agenda.

**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.*

- Trenary** Attended the Downtown Colorado's Inc. Conference in Ft. Collins last week where the Mayor received the Governor's Award for Infill Development for Gallery Flats.
- Farley** Announced Business Appreciation Breakfast at 7:30 am at the McKee Building at the Ranch.
- Krenning** Asked about the Metro District URAs and CML training. City Attorney offered to loan publications. Suggested this may be a topic for a lunch CML Webinar.
- McKean** Attended the Rocky Mountain National Park Centennial kickoff celebration.
- Fogle** Historic Preservation purchased new property and building; LFRA selected Mark Miller as new Fire Chief. Chief Mirowski's retirement and Antique Car Show.
- Gutierrez** Announced Loveland Community Kitchen and Meals on Friday night. The Equinox Sculpture Dedication will be Saturday, September 27, 2014 at 3 p.m.

**CITY MANAGER REPORT**

**Assistant City Manager**

**Rod Wensing** None.

**CITY ATTORNEY REPORT**

**Judy Schmidt**

**Acting City Attorney** The complaint to the quiet title for the Pulliam Building has been drafted and the attorney is going to talk to identifiable Pulliam heirs and the school district. Discussion will be on going. Norm Rehme asked to be notified anytime the Pulliam Building is mentioned.

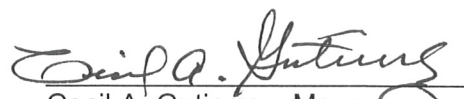
**ADJOURNMENT**

Having no further business to come before Council, the September 16, 2014, Regular Meeting was adjourned at 10:35 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk



  
Cecil A. Gutierrez, Mayor

