

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, NOVEMBER 4, 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:** The following councilors were present: Gutierrez, Clark, Trenary, Taylor, Farley, McKean, and Fogle. Councilor Shaffer arrived at 6:40p.m. Councilor Krenning was absent.

**Mayor Gutierrez read the proclamation declaring November 2014 as American Music Month. Ruth Hale and Gary Knapp 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 Pro Tem Clark moved to approve the Consent Agenda as submitted. The motion, seconded by Councilor McKean, carried with all Councilors present voting in favor.**

**CONSENT AGENDA**

1.     **CITY CLERK** (presenter: Terry Andrews)  
      **APPROVAL OF MEETING MINUTES**
  1.     **A Motion to Approve the City Council Meeting Minutes for the October 7, 2014 Regular Meeting was approved.**  
      This is an administrative action to approve the City Council meeting minutes for the October 7, 2014 Regular Meeting.
  2.     **A Motion to Approve the City Council Special Meeting Minutes for the October 14, 2014 Special Meeting was approved.**  
      This is an administrative action to approve the City Council Special Meeting minutes for the October 14, 2014 Special Meeting.
  
2.     **CITY MANAGER** (presenter: Bill Cahill)  
      **APPOINTMENT OF MEMBER TO THE VISUAL ARTS COMMISSION**

**A Motion to Appoint Abbie Powers to the Visual Arts Commission for a Partial Term Effective until December 31, 2016 was approved.**

This is administrative action recommending the appointment of a member to the Visual Arts Commission.

**3. CITY MANAGER (presenter: Bill Cahill)  
SUPPLEMENTAL APPROPRIATION FOR REGIONAL TAX INCREMENT FINANCING STUDY**

**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 the City of Loveland's Share of a Regional Tax Increment Financing Study was approved.**

This is an administrative action. The ordinance on second reading appropriates funding for the City's share of the costs 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. This ordinance was approved unanimously on first reading by Council at the October 21, 2014 regular meeting.

**4. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)  
VALUE PLASTICS, INC. INCENTIVE AGREEMENT AND SUPPLEMENTAL APPROPRIATION**

**A Motion to Approve and Order Published on Second 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 was approved.**

This is an administrative action. The 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 amended incentive package will cost \$255,330. The funds will be appropriated from the Economic Incentive Fund which has a current balance of \$985,120. The amendment agreement and the first reading of the appropriation ordinance was unanimously approved by City Council at the October 21, 2014 regular meeting.

**5. CITY CLERK (presenter: Terry Andrews)  
DOWNTOWN DEVELOPMENT AUTHORITY ELECTION PROCEDURES**

**A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Authorizing Election Procedures in Connection with Downtown Development Authority Elections Conducted by the City Clerk was approved.**

This is a legislative action. This ordinance will amend the term "eligible elector" to mean the same as "qualified elector" for purposes of conducting elections relative to a Downtown Development Authority ("DDA"). "Qualified electors" for a DDA include residents, landowners, and lessees of property located within the proposed DDA boundaries, and include designated representatives of landowners or lessees which are not natural persons. This ordinance will allow the City Clerk to provide ballots to all qualified electors, when conducting DDA elections.

**6. FINANCE (presenter: Brent Worthington)  
WRAP-UP SUPPLEMENTAL APPROPRIATION FOR 2014 BUDGET**

**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 was approved.**

This is an administrative action. The ordinance appropriates funding for police overtime and equipment costs funded by Federal and State grants and re-budgets items previously approved by Council for accounting and audit purposes in the amount of \$1,248,760. The ordinance is funded by Federal and State revenues not anticipated in the 2014 Budget adoption and by available reserves in the Fleet Fund, which reduces the flexibility to fund other Fleet projects. The items re-budgeted is movement of costs between funds and does not affect the overall budget.

7. **PUBLIC WORKS** (presenter: Dave Klockeman)  
**SAFE ROUTES GRANT PROJECT- GARFIELD ELEMENTARY SCHOOL SIDEWALKS**

1. A Motion to Adopt Resolution #R-77-2014 Approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, Acting by and through, the Colorado Department of Transportation for Garfield Elementary School Sidewalk Improvements was approved.

2. 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 Garfield Elementary School Sidewalk Improvements was approved.

These are administrative actions. The City has received a CDOT grant through the Safe Routes to School (SRTS) Program for the construction of sidewalk improvements in the vicinity of Garfield Elementary School at 8<sup>th</sup> and Colorado. The resolution authorizes the Loveland City Manager to execute the Grant Agreement. The Ordinance appropriates the Grant funds in the amount of \$113,000.

8. **WATER & POWER** (presenter: Garth Silvernale)  
**IGA FOR POWER OPERATIONS MUTUAL AID**

A Motion to Adopt Resolution #R-78-2014 Approving an Intergovernmental Agreement Among the Town of Estes Park, the City of Fort Collins, the City of Longmont, the City of Loveland and Platte River Power Authority for Power Operations Mutual Aid was approved.

This is an administrative action to approve an Intergovernmental Agreement (IGA) for mutual aid in the area of power operations between the Town of Estes Park, the Cities of Longmont, Fort Collins and Loveland and Platte River Power Authority.

9. **PARKS & RECREATION** (presenter: Keven Aggers)  
**FIELD LIGHT CONTRACT AWARD TO MUSCO SPORTS LIGHTING LLC**

A Motion to Award a Contract to Musco Sports Lighting LLC for Barnes Field Light Replacement in the Amount Not to Exceed \$610,000 and Authorize the City Manager to Execute the Contract was approved.

This is an administrative action to approve a contract with Musco Lighting LLC for \$610,000 for the replacement of sports field lighting at Barnes Fields 1-4. Budget dollars were allocated in the 2014 Budget for this project.

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

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 September 30, 2014.

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

This is an information only item. The 2014 budget projection for investment earnings for 2014 is \$2,025,920 which equates to an annual interest rate of 0.94%. For September,

the amount posted to the investment account is \$119,609. For the year-to-date, the amount posted is \$1,435,319. Actual earnings are below the year-to-date budget projection by \$114,884. Based on the monthly statement, the estimated annualized yield in September on the securities held by US Bank was up to 1.02% compared to 0.98% in August. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, and slow reimbursement, the portfolio is about \$12 million lower than September 2013.

## **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.*

Eric Sutherland, Ft. Collins resident, expressed concern regarding the Urban Renewal Authority in the City of Loveland.

Tom Buchanan, 910 8<sup>th</sup> Ave, Announcement of Veteran's day events.

#### **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. ECONOMIC DEVELOPMENT (presenters: Marcie Erion & Karen Bogren) HACH INCENTIVE AND CITY USE TAX WAIVER AGREEMENT**

Business Development Specialist, Marcie Erion and Karen Bogren from Hach Company, introduced this item to Council. This is an administrative action. Hach Co. has requested an incentive package from the City that totals \$1 million for their new 86,000 square foot, \$25 million facility. The package includes a waiver of building permit fees and city use taxes along with a rebate of Business Personal Property Tax. The Loveland Development Fund and Larimer County, are contributing to the package as well. In addition, the Colorado Office of Economic Development and International Trade (OEDIT) may provide some incentives. Consistent with the approved Economic Development Incentive Policy, the item was brought before Council at the September 16, 2014 regular meeting as an informational item. At that time, City Council provided direction to staff to bring the incentive agreement for Hach Co. to Council for formal consideration. This action would result in foregone revenue to the City of Loveland through the waiver of Building Permit Fees and City Use Taxes as well as rebates of Business Personal Property taxes. Mayor Gutierrez asked for public comment. The public comment was closed at 7:09 p.m. **Councilor Shaffer moved to Adopt Resolution #R-79-2014 Approving an Incentive Package including Building Permit Fee and City Use Tax Waiver and Business Personal Property Tax Rebate Agreement with Hach Company. The motion, seconded by Councilor Fogle, carried with all Councilors present voting in favor thereof.**

#### **13. ECONOMIC DEVELOPMENT**

**(presenter: Mike Scholl)**

## **EVERGREEN INCENTIVE**

Economic Development Manager, Mike Scholl, along with staff members, Sean Keller, Tyler Carlson, and Troy Bliss introduced this item to Council. These are administrative actions. The resolution would authorize the City Manager to sign an agreement based on the approved term sheet included in the packet. The 2nd reading of the appropriation will occur only after the agreement has been finalized, signed and shared with Council. Evergreen Development Company, a large regional developer (<http://evgre.com/>) with successful projects in six different states, has asked the City for assistance with the \$9.7 million infill development project at the corner of 34 and 287 (see attached map). Evergreen has the parcels under control and they expect to close contingent on the incentive agreement being approved and the ability to complete design review without major issues. Our design review team has worked proactively with Evergreen over the last three months and the review process has moved forward smoothly. Evergreen is seeking a \$2.2 development grant from the City that would be repaid with interest through the normal collection of sales tax from their anchor tenant, Sprouts. Based on the projections provided by the tenant, the loan would be repaid within six years. They have also requested a waiver of the Construction Materials Use Tax not to exceed \$97,000. To address any potential shortfall, Evergreen has agreed to provide a completion guarantee and guarantee a minimum loan payment to the City until the debt is repaid. The development grant would be from existing capital funds and repaid through the collection of sales tax at three percent interest. The City will also forgo \$97,000 in revenue from the Materials Use Tax. Mayor Gutierrez asked for public comment: Eric Sutherland spoke regarding property tax increment; Kelly Schraeder, from west Loveland, spoke in support, Jonus Buell, owner of Crunchy Grocer spoke of concern with funding; George Schraeder spoke in support. Mayor Gutierrez closed the public comment at 9:15 p.m.

**Councilor Shaffer moved to Approve Resolution #R-80-2014 Authorizing the City Manager to Sign an Economic Incentive Agreement with Evergreen Development Based on the Attached Term Sheet. The motion was seconded by Councilor Farley and carried with seven councilors voting in favor and Councilor McKean voting against.**

**Councilor Shaffer 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 Evergreen Development Company. The motion was seconded by Councilor, Farley which carried with seven councilors voting in favor and Councilor McKean voting against.**

14. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)  
**APPOINTMENT TO THE LOVELAND DOWNTOWN PARTNERSHIP BOARD & MOTION TO DISBAND THE LOVELAND DOWNTOWN TEAM**

Economic Development Director, Betsey Hale, introduced this item to Council. These are both administrative actions. The first action designates a City representative to the Loveland Downtown Partnership Board of Directors (LDP). The representative may be a member of the Loveland City Council or an employee of the City designated by the City Council to represent the City. The second action disbands the Loveland Downtown Team (LDT) which is an ad hoc group focused on downtown revitalization. The Loveland Downtown Partnership will continue these efforts.

**Councilor Fogle moved to Appoint Mayor Pro Tem Clark to the Loveland Downtown Partnership Board. Councilor McKean seconded the motion which carried with seven councilors voting in favor and Councilor Shaffer voting against.**

**Councilor Shaffer moved to Disband the Loveland Downtown Team, an Ad Hoc Working Group Created by the Loveland City Council, in Recognition of the Formation of the Loveland Downtown Partnership to Champion Redevelopment of**

**Downtown Loveland. Councilor Fogle seconded the motion which carried 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.*

Shaffer: Attended the North 1-25 Coalition Meeting; MPO meeting on Thursday proposed Hwy 287 north of County Road 17 Taft-Berthoud. Acting Public Works Director, Dave Klockeman spoke. Consensus of Council was to direct the Mayor to send a letter of support for the project.

Gutierrez: Reminder of No meeting on Tuesday, November 11<sup>th</sup> due to Veteran's Day.

**CITY MANAGER REPORT:** Leah Bowden, New Director of Public Works starts on Monday, November 10, 2014. Expressed appreciation to Dave Klockeman, Acting Public Works Director. Greg Ward and Ned Sparks received awards at the Fire Awards Ceremony.

**CITY ATTORNEY REPORT:** None.

**ADJOURNMENT**

Having no further business to come before Council, the November 4, 2014, Regular Meeting was adjourned at 11:06 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk



  
Cecil A. Gutierrez, Mayor