

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, NOVEMBER 18, 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 was called and the following responded: Gutierrez, McKean, Farley, Shaffer, Trenary, Taylor and Krenning. Councilors Clark and Fogle were absent.**

**Councilor Shaffer read the PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH which was received by Kara Friedrich.**

*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 wished to remove items from the Consent Agenda. Councilor Shaffer moved to approve Items #1- 7 on the Consent Agenda. Councilor Farley seconded the motion which carried with all councilors present voting in favor.**

**CONSENT AGENDA**

**1.****CITY CLERK** **(presenter: Jeannie Weaver)**

**APPROVAL OF MEETING MINUTES**

**1.       A Motion to Approve the City Council Meeting Minutes for the October 21, 2014 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the October 21, 2014 Regular Meeting.

**2.       A Motion to Approve the City Council Special Meeting Minutes for the October 28, 2014 Special Meeting was approved.**

This is an administrative action to approve the City Council Special Meeting minutes for the October 28, 2014 Special Meeting.

**2.****BOARDS & COMMISSION APPOINTMENTS** **(presenter: Bill Cahill)**

**APPOINTMENTS TO THE LOVELAND UTILITIES COMMISSION AND PLANNING COMMISSION**

**1.       A Motion to Appoint Anita Marchant to the Loveland Utilities Commission for**

a Partial Term Effective Until June 30, 2015 was approved.

2. **A Motion to Appoint Patrick McFall to the Planning Commission for a Partial Term Effective Until December 31, 2015 was approved.**

These are administrative actions recommending the appointment of members to the Loveland Utilities Commission and the Planning Commission.

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

**A Motion to Approve and Order Published on Second Reading Ordinance #5902 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget was approved.**

This is an administrative action. The ordinance on second reading 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. This ordinance was approved unanimously on first reading by Council at the November 4, 2014 regular meeting.

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

**A Motion to Approve and Order Published on Second Reading Ordinance #5904 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Garfield Elementary School Sidewalk Improvements was approved.**

This is an administrative action. 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 Ordinance appropriates the Grant funds in the amount of \$113,000. The project is funded from federal funds. The ordinance was approved unanimously on first reading by Council at the November 4, 2014 regular meeting.

5. **CITY CLERK** (presenter: Jeannie Weaver)  
**DDA ELECTION PROCEDURES AND CALL FOR SPECIAL ELECTION**

1. **A Motion to Approve and Order Published on Second Reading Ordinance #5903 Authorizing Election Procedures in Connection with Downtown Development Authority Elections Conducted by the City Clerk was approved.**

2. **A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Calling a Special Election of the City of Loveland, Colorado on February 10, 2015 to Submit to the Qualified Electors of a Proposed Loveland Downtown Development Authority ("The DDA") the Question Concerning the Establishment of the DDA was approved.**

3. **A Motion to Approve Resolution #R-82-2014 Calling a Special Election of the City of Loveland, Colorado on February 10, 2015 to Submit to the Qualified Electors of a Proposed Loveland Downtown Development Authority ("The DDA") the Question Concerning the Formation of the DDA was approved.**

This is a combination of legislative and administrative actions, including:

1. An ordinance on second reading amending the term "eligible elector" to mean the same as "qualified elector" for purposes of conducting elections relative to a "DDA". This ordinance was approved unanimously by Council on November 4, 2014;

2. An ordinance on first reading submitting the question of whether a "DDA" should be formed to the qualified electors, as required by Colorado Revised Statute §31-25-804; and

3. A resolution calling a special election for the purposes of submitting the question of whether a “DDA” should be formed to qualified electors, as required by Section 6-3 of the Municipal Charter for the City of Loveland.

**6. DEVELOPMENT SERVICES (presenter: Troy Bliss)**

**VACATION OF PUBLIC RIGHTS-OF-WAYS**

**A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating Public Right-of-Ways (Alley) within the Webster Addition, City of Loveland, Larimer County and within the Water Addition, City of Loveland, Larimer County and Vacating a Public Right-of-Way (Undeveloped Street) within the Water Sixth Subdivision, City of Loveland, Larimer County, Colorado was approved.**

Webster Addition/Water Addition – Alley Vacation (PZ #14-00115)

This is a legislative action to consider adoption of an ordinance on first reading, vacating a non-existent undeveloped 15-foot wide alley that runs from N. Boise Avenue to N. Madison Avenue.

Water Sixth Subdivision – Dolomite Place Vacation (PZ #14-00054)

This is a legislative action to consider adoption of an ordinance on first reading, vacating a non-existent undeveloped street named Dolomite Place that was dedicated for a specific development proposal in 2005.

The two applications are associated with one another due to their proximity and relationship to the undeveloped property known as the Water Sixth Subdivision. This is an undeveloped subdivision of approximately 0.8 acres in size, located on the west side of N. Boise Avenue between E. 4<sup>th</sup> Street and Zinc Street. The intent is to vacate the undeveloped rights-of-way that encumber this subdivision and all the lots within the block. This would allow for future development opportunities on the Water Sixth Subdivision and remove any non-conformities that may exist on individual lots to the west, such as structures being built onto or over the existing alley.

**7. FIRE & RESCUE (presenter: Randy Mirowski)**

**SALE OF OLD FIRE STATION NO. 2**

**A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Authorizing the Sale of Old Fire Station No. 2 Located at 2750 North Taft Avenue Pursuant to Section 4-7 of the City of Loveland Municipal Charter was approved.**

This is an administrative action to approve the sale of the real property and structure(s) of old Fire Station Two located at 2750 North Taft Ave., Loveland, CO 80538, subject to certain terms and conditions. This is a direct cash sale of the property to Thompson Valley Health Services District (TVHSD) from the City of Loveland for a total price of \$450,000. The funds from the sale of the old fire station are expected to return to the General Fund.

**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.*

Philip Bearly; resident of Campion at 4025 Candle Street, spoke on the proposed Berthoud Annexation located near Cty Rd 40, Hwy 60 & S Taft and Cty Rd 14 near the water tower.

**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

Councilor Krenning asked to move Item #10 immediately following Item #8.

8. **HUMAN RESOURCES** (presenter: Julia Holland)  
**HEALTHSTAT EMPLOYEE CLINIC UPDATE**

Human Resources Director, Julia Holland introduced this item to Council. This is an information only item to update Council on the City's Employee Clinic.

10. **HUMAN RESOURCES** (presenter: Julia Holland)  
**APPOINTMENT OF THE CITY ATTORNEY**

This is an administrative action to appoint Ms. Tami Yellico as City Attorney based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with direction provided to negotiators.

**Councilor Shaffer moved to Appoint Tami Yellico as the Loveland City Attorney and Authorize the Mayor to Execute an Employment Agreement with Ms. Yellico on Terms and Conditions Consistent with Council's Direction to its Negotiators. Councilor McKean seconded the motion which carried with all councilors present voting in favor.**

City Manager recused himself because he is a resident of this area. Assistant City Manager, Rod Wensing was present.

9. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**KENDALL BROOK APPEAL HEARING**

**Appeal of the August 11, 2014, Planning Commission Decision Regarding the Kendall Brook Multi-Family Preliminary Development Plan and Preliminary Plat**

Mayor Gutierrez opened the public hearing at 7:38 p.m.

Senior Planner, Troy Bliss introduced this item to Council. This appeal requires a public hearing and quasi-judicial action by the City Council. The appellant, Larry Buckendorf on behalf of Journey Homes, LLC, is appealing the Planning Commission's August 11, 2014 denial of the proposed 120-unit Kendall Brook multi-family project to be located on 7.6 acres on the south side of 50<sup>th</sup> Street between Georgetown Drive and Avon Avenue, west of N. Taft Avenue. As a de novo hearing, new evidence and testimony are allowed. There has been extensive neighborhood objection expressed about this project.

**Councilor Krenning moved to approve an extra 10 minutes for rebuttal. The motion was seconded by Councilor Farley and carried with six councilors voting in favor and Councilor McKean voting against.**

Caroline White, Appellant with team; Larry Buckendorf, Chris Pickett, Gene Coppolla, and Charlie Smith.

Citizens: Donna White on behalf of Pat McFall supported the Planning Commission's decision. Bill Reinant was concerned about parking. Chirs Rigowski was concerned about impact on neighborhood. Sue Schneider was concerned about impact on the neighborhood. Brad Scarf supported the Planning Commission's decision. Chris White supported the Planning Commission's decision. Sue Lilly to submit a petition to represent KB Taft Farms and Harvest Gold homeowners. George Fitzgerald spoke about a good deal is only a good deal if everyone thinks so. Paul Kiser was concerned about the poor rating of Journey Homes.

Sarah Painter was concerned about a personal experience with a concrete repour at her home. Paul Burns was concerned about two issues not yet discussed. Chuck Glasmyer, 4950 Georgetown Drive, supported the Planning Commission's decision. Alice Wilson spoke in support of Planning Commission's decision. Robert White, 2010 Arkansas Street was concerned about impact on schools. Mike Hansen, 1990 Arkansas Street, was concerned about traffic. Irene Fortune, Avon Avenue, supported the Planning Commission's decision. John Hannah, 920 Arkansas Street, supported the Planning Commission's decision. The public hearing was closed at 10:07 p.m. Appellant requested and a 5 minute break was taken. Carolyn White, spoke in rebuttal on behalf of the appellant and supported the development. Discussion ensued. **Councilor Shaffer moved to uphold the August 11, 2014 decision of the Planning Commission and deny approval of the Kendall Brook Multi-Family Preliminary Development Plan and Preliminary Plat. Councilor Krenning seconded the motion which carried unanimously with all councilors present voting in favor. The City Attorney directed staff to return with findings and conclusions for Council's confirmation at 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.*

Krenning: Addressed citizen question of posting meetings. City Manager will direct the posting on the website.

Shaffer: Announced Metropolitan Planning Organization meeting in December was to be held in Loveland at the Police and Courts Building, but is asking to relocate the meeting to the new Public Works Building on December 4, 2014, at 6:30 p.m.

Farley: Announced Youth Fundraiser raised several hundred dollars for trip; Announced next event for Loveland Center of Business Development is selling wares at the Visitor's Center; Announced the final report from the Urban Land Institute is out today on website.

McKean: Will be attending the Governor's Task Force at 12:30 – 4 p.m.

Trenary: Announced the Affordable Housing Commission report; asked for a report from staff.

Gutierrez: Attended SAINT Awards Dinner; Reminded public about the Museum Wine Testing at the Rialto, Thursday, December 20, 2014.

#### **CITY MANAGER REPORT:**

Announced January City Council work session is Saturday, January 24, 2015; asked for a small planning committee-Councilor Shaffer and Councilor McKean volunteered. Introduced Leah Browder, new Public Works Director and Mark Miller, new Fire Chief.

#### **CITY ATTORNEY REPORT**

None.

#### **ADJOURNMENT**

**Having no further business to come before Council, the November 18, 2014, Regular Meeting was adjourned at 11:53 p.m.**

Respectfully Submitted,

*Teresa G. Andrews*  
Teresa G. Andrews, City Clerk



*Cecil A. Gutierrez*  
Cecil A. Gutierrez, Mayor