

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 21, 2015
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.

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER, Mayor Gutierrez called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: The following councilors responded: Krenning, Taylor, Clark, Gutierrez, Shaffer, Farley, Fogle, Trenary, and McKean.

Councilor Trenary read the Proclamation Declaring May 2, 2015 As Hach Walk For Water Day. Hach employee, Matt Maxfield received the proclamation.

Councilor Farley read the Proclamation Declaring April 24, 2015 As International Sculpture Day. Margie Rosborough 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 would like to have an item removed from the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. The motion seconded by Councilor Farley, carried with all councilors preset voting in favor thereof.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the March 17, 2015 Regular Meeting was approved.

This is an administrative action to approve the City Council meeting minutes for the March 17, 2015 Regular Meeting.

The password to the public access wireless network (colguest) is accesswifi

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO POLICE CITIZEN ADVISORY BOARD AND SENIOR ADVISORY BOARD
1. A Motion to Reappoint Erin Frisch, Pat Kistler, and John Tindall to Police Citizen Advisory Board, Each for a Term Effective until December 31, 2017, was approved.
 2. A Motion to Appoint Mark Kirkpatrick as an Alternate Member on Police Citizen Advisory Board for a Term Effective until December 31, 2015, was approved.
 3. A Motion to Appoint Kim Ferro to the Senior Advisory Board as the Representative for UCH Aspen Club/Senior Services for a Two-year Term Effective until April 21, 2017, was approved.
 4. A Motion to Appoint Anne Brown to the Senior Advisory Board as the Representative for Loveland Senior Singles for a Two-year Term Effective until April 21, 2017, was approved.
- This is an administrative action recommending the appointment of members to the Police Citizen Advisory Board and the Senior Advisory Board.
3. **WATER & POWER** (presenter: Jim Lees)
SUPPLEMENTAL APPROPRIATION FOR WATER TREATMENT PLANT
- A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget to Correct the Splits of Funding for the Water Treatment Plant Expansion & the Water Transmission Line Replacement to Hwy 34, was approved.
- This is an administrative action. According to engineering consultants and the Water Engineering staff, the Water Treatment Plant Expansion Project should be allocated as follows: 40% in the Water Fund and 60% in the Water SIF Fund. The Water Transmission Line Replacement to Hwy 34 Project should be allocated as follows: 50% in the Water Fund and 50% in the Water SIF Fund. Between funds rolled over from 2013 and supplemental appropriations done in 2014, the percentage split for the budget between the Water Fund and the Water SIF fund is off slightly for these two projects. This ordinance addresses these corrections. The total amount of the appropriations are \$506,200 funded by transfers between the funds. There is no net increase in the total budget for either of the two projects. This ordinance was unanimously approved on first reading by Council at the April 7, 2015 regular meeting.
4. **FINANCE** (presenter: Marc Kahn)
RE-APPROPRIATION FOR AIRPORT PROJECTS NOT COMPLETED IN 2014
- A Motion to Approve and Order Published on Second Reading an Ordinance Enacting Re-Appropriation to the 2015 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but not Completed in 2014, was approved.
- This is an administrative action. The ordinance re-appropriates the remaining balance for capital and one-time projects previously approved in 2014. The total re-appropriation is \$1,678,700. The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributed from the two cities. This ordinance was unanimously approved on first reading by Council at the April 7, 2015 regular meeting.
5. **FINANCE** (presenter: Marc Kahn)
SUPPLEMENTAL APPROPRIATION FOR AIRPORT PROJECTS NOT ANTICIPATED AT THE TIME OF ADOPTION OF THE 2015 BUDGET
- A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 Ft. Collins-Loveland

Municipal Airport for Projects or Programs not Anticipated at the Time of Adoption for the 2015 Budget, was approved.

This is an administrative action. Since the adoption of the 2015 Budget, the Airport Utilities Master Plan has not been completed and the funds need to be rolled over. This ordinance appropriates \$18,902 to complete the project. The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributed from the two cities. This ordinance was approved unanimously on first reading by Council at the April 7, 2015 regular meeting.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

**6. FINANCE (presenter: Marc Kahn)
RE-APPROPRIATION FOR LURA FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2014**

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and the Re-Appropriation to the Loveland Urban Renewal Authority Budget of the Façade Grant Program Approved in 2014 but not Complete, was approved.

This is an administrative action. Reserves in the amount of \$60,190 are reappropriated for the Façade Grant Program. Fund balance created as a result of the projects not being completed fund the ordinance. This ordinance was approved unanimously on first reading by Council at the April 7, 2015 regular meeting.

ADJOURN AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND RECONVENE AS CITY COUNCIL

**7. FINANCE (presenter: Marc Kahn)
RE-APPROPRIATION FOR CITY PROJECTS APPROVED BUT NOT COMPLETED IN 2014**

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but not Completed in 2014, was approved.

This is an administrative action. The ordinance re-appropriates funding approved in 2014 for capital, one-time projects and equipment not completed or received prior to the end of the fiscal year. The net expenditures (total expense less transfers) included in the ordinance is \$62,511,054. The projects or programs in the ordinance were funded in 2014. Funding for these is available since the appropriations that did not occur became fund balance at the end of 2014. The appropriation of these projects, do not have an impact on the 2015 budget since the assumption in developing the 2015 budget was that these funds would be spent by the end of 2014. This ordinance was approved unanimously on first reading by Council at the April 7, 2015 regular meeting.

**8. FINANCE (presenter: Marc Kahn)
SUPPLEMENTAL APPROPRIATION FOR CITY PROJECTS NOT ANTICIPATED AT ADOPTION OF THE 2015 BUDGET**

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Projects or Programs not Anticipated at the Time of Adoption for the 2015 Budget, was approved.

This is an administrative action. Since the adoption of the 2015 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those

issues. The total amount of appropriation is \$719,728 funded primarily by available fund balance. Nearly all of the appropriation is funded by fund balance reducing the flexibility to fund future projects. This ordinance was approved unanimously on first reading by Council at the April 7, 2015 regular meeting.

9. **WATER & POWER** (presenter: Roger Berg)
IGA AND WATER METER VAULT AT BOYD LAKE AVENUE AND HWY 34

A Motion to Approve a Resolution #R-27-2015 Approving an Intergovernmental Agreement Between the City of Loveland, Centerra Metropolitan District No. 1, and Little Thompson Water District Concerning the Relocation of a Water Meter Vault with Associated Connections and a Fire Hydrant from the Intersection of Boyd Lake Avenue and U.S. Highway 34 to Facilitate Intersection Improvements, was approved.

This is an administrative action. This is a proposed IGA with Centerra Metropolitan District No. 1 (Metro District) and Little Thompson Water District related to relocating the meter vault and fire hydrant at Boyd Lake Avenue and U.S. Highway 34. The work is required to accommodate intersection improvements that are scheduled to be completed this summer. The City will enter into and administer the construction contract (estimated at \$250,000), and the Metro District will reimburse the City for all costs except some minor sewer work totaling about \$3,000. The Metro District is obligated to fund this work pursuant to a 2014 Development Agreement. This project is scheduled to be completed in May 2015. The net impact to the City will be an expense of approximately \$3,000, funds have been appropriated and are available in the 2015 Water and Power budget.

10. **FINANCE** (presenter: Brent Worthington)
FINANCIAL REPORT FOR FEBRUARY 2015

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 February 28, 2015.

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.

None

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

11. **CITY MANAGER** (presenter: Bill Cahill)
YOUTH ADVISORY COMMISSION NLC REPORT
Youth Advisory Commission Presentation to Council about the National League Of Cities Conference

This is an information only item. The City Council funded 12 Youth Advisory Commissioners and 2 chaperones attending the National League of Cities conference in Washington, DC from March 7 – March 11, 2015. YAC members, Eli Solt; Payton Buhler, Billie Anna Runions; and Loren Scalise thanked Council for the opportunity to attend NLC in Washington D.C. Council Clark will become the alternate liaison and Councilor Farley will serve as liaison until November.

12. HUMAN RESOURCES (presenter: Julia Holland)

APPOINTMENT OF PRESIDING MUNICIPAL JUDGE

Councilor Shaffer moved that City Council go into executive session for the purposes of hearing from the municipal judge with regard to personnel matters concerning terms of employment and determining positions with regard to matters that may be subject to employment agreement with a municipal judge as authorized by the following sections of the Colorado Revised Statutes and the City of Loveland Charter: Personnel matters to include statements from the municipal judge concerning terms of employment, including potential rate of pay and hours to be worked in the position of Presiding Municipal Judge and authorized by C.R.S § 24-6-402(4)(f) and Charter Section 4-4(c)(5); and Since these personnel matters will be the subject of future negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions and strategy as authorized by C.R.S. § 24-6-402(4)(e) and Charter Section 4-4(c)(1); and as necessary to receive legal advice from the City Attorney's Office as authorized by C.R.S. § 24-6-4025 (4)(b) and Charter Section 4-47(c)(3) at 7:17 p.m. The motion seconded by Councilor Farley carried with all councilors present voting in favor thereof. This is an administrative action to appoint Ms. Joneson based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with direction provided to negotiators.

Council reconvened at 11:14 p.m.

Councilor Shaffer moved to appoint Gerellen Joneson as the Loveland Presiding Municipal Judge and approve the employment agreement and to authorize the Mayor to execute an employment agreement with Ms. Joneson.

13. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)

BRIEFING ON DOWNTOWN SOUTH CATALYST PROJECT WITH POSSIBLE EXECUTIVE SESSION

Councilor Shaffer moved that City Council go into executive session to discuss 1) the City 's acquisition of real property in Downtown Loveland for the South Catalyst Project and related negotiations with the potential developer The Michaels Corporation; and 2) negotiations with Larimer County concerning a potential agreement for the disposal and redevelopment of a portion of said real property, both as authorized by the following sections of the Colorado Open Meetings Law and the city charter; The acquisition or disposal of real property as authorized by C.R.S. § 24-6-402(4)(a) and by City Charter Section 4-4(c)(2) since, in the judgement of Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage; and Since the acquisition, disposal, and development of such ral lproperty is a matter that is subject to negotiations, to develop the City 's negotiation positions and strategies, and to instruct the City 's negotiations conceringin those positions and strategies as authorized by C.R.S. § 24-6-402(4)(e) and Charter Section 4-4(c)(1); and as needed, to receive legal advice from the City attorney's Office as authorized in C.R.S> § 24-6-402(4)(b) and Charter Section 4-4 (c)(3) at 7:20 p.m. The motion seconded by Councilor Farley, carried the all councilors present voting in favor thereof.

This is an information item only. The City of Loveland has been working to acquire property in a two block area in Downtown Loveland for the purposes of facilitating a redevelopment project in partnership with the Michaels Development Company and Larimer County. This session will update the public on the status of the project and discuss ongoing negotiations with the remaining property owners. City Council may call an executive session.

Council reconvened at 11:14 p.m.

Business Manager, Mike Scholl gave Council an update of the project.

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.

Clark Announced a survey that discussed funds for the North I-25 expansion.

Krenning Asked for a follow up regarding the "mini bonds" question he brought up at a past meeting; Would like and update on the Lawsuit regarding Sprouts. Staff will keep Council informed; Expressed concern with Evergreen Development regarding their request for funds from Ft. Collins just north of Loveland.

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

None

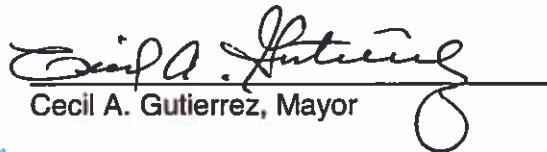
ADJOURN

Hearing no more matters, before this Council, Mayor Gutierrez adjourned the April 7, 2015 at 11:42 a.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

