

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**LOVELAND URBAN RENEWAL AUTHORITY**  
**TUESDAY, MAY 19, 2015**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**CALL TO ORDER:** Mayor Gutierrez called the meeting to order.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Taylor, Fogle, and Krenning. Shaffer arrived at 6:34.

**Mayor Gutierrez read the proclamation declaring may 17-23, 2015 as National Public Works Week. Leah Browder, Public Works Director, received the proclamation.**

**Councilor Taylor read the PROCLAMATION DECLARING MAY, 2015 as Motorcycle Safety Awareness Month. Kristy McNeill and Brandy Jaramillo received the proclamation.**

*Mayor Gutierrez read the following: "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 remove anything from the Consent Agenda. Citizen, Mark Regario, asked for item #6 to be moved to the Regular Agenda. Councilor Krenning asked for item #5 to be moved to the Regular Agenda.**

**Councilor Shaffer moved to approve the consent agenda with the exception of items #5 and #6. The motion seconded by Councilor Farley, 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, April 28, 2015 Study Session was approved.**

This is an administrative action to approve the City Council meeting minutes for the April 28, 2015 Study Session.

**2. A Motion to Approve the City Council Meeting Minutes for the, May 5, 2015 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the May 5, 2015 Regular Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENT TO CULTURAL SERVICES BOARD**  
**A Motion to Appoint Juanita Cisneros to the Cultural Services Board for a Partial Term Effective until December 31, 2015 was approved.**  
This is an administrative item recommending the appointment of a member to the Cultural Services Advisory Board.

3. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENTS TO THE YOUTH ADVISORY COMMISSION**  
**A Motion to Appoint the Recommended Members to the Youth Advisory Commission was approved.**  
This is an administrative item recommending appointments of members for the Youth Advisory Commission as follows:  
**Reappointments:**
- Payton Buhler, Billie Anna Runions, Elijah Solt, Jack Crowley, Lorenzo Scalise, Oliver Byles, Caitlin Parets, Hattie Volk
- Appointments:**
- Michael Selbert, Stirling Pettit, Mark McKenna, Nicholas Jacoby
- Alternate Appointments:**
- Brandon Lindsey, Ava McQuade, Megan Valliere, Zoe Keeler

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

4. **FINANCE** (presenter: Marc Kahn)  
**SUPPLEMENTAL APPROPRIATION FOR 2015 LURA BUDGET**  
**A Motion to Approve and Order Published On Second Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 Loveland Urban Renewal Authority Budget For Projects Or Programs Not Anticipated At The Time Of Adoption For The 2015 Budget was approved.**  
This is an administrative action. In 2013, City Council approved an interfund loan of \$1,500,000 from the Recreation CEF Fund, Library CEF Fund, and the General Government CEF Fund to the Loveland Urban Renewal Authority to help fund a mixed-use building in the downtown area (the Gallery Flats project). The principal payments were included in the 2015 Budget, but the interest payments were not. The ordinance authorizes repayment into the identified CEF funds to increase the appropriation to include the interest payment on the loan. This is repayment to the City from the URA. The total amount of the appropriation is \$45,960 funded by available fund balance. This ordinance was unanimously approved on first reading by Council at the May 5, 2015 regular meeting.

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

5. **CULTURAL SERVICES** (presenter: Susan Ison)  
**SUPPLEMENTAL APPROPRIATION FOR VARIOUS CULTURAL SERVICES EVENTS**  
This item was moved to the Regular Agenda.
6. **FIRE AUTHORITY** (presenter: Mark Miller)  
**SALE OF PROPERTY ON ROSSUM DRIVE**  
This item was moved to the Regular Agenda.

7. **DEVELOPMENT SERVICES** (presenter: Brian Burson)  
**PUBLIC HEARING**  
**EASEMENT VACATION IN ANDERSON FARMS 5<sup>TH</sup> SUBDIVISION**  
**A Motion to Approve and Order Published on First Reading An Ordinance Vacating A Portion Of A Shared Access Easement Located Within Lots 1 And 2, Block 1, Anderson Farms 5th Subdivision, City Of Loveland, County Of Larimer, State Of Colorado was approved.**

This is a legislative action to consider adoption of an ordinance, on first reading, to vacate a shared access easement across two lots in Anderson Farm 5<sup>th</sup> Subdivision. In conjunction with pending development by Drywall Supply, the two lots will be merged into a single lot, and the shared access easement will no longer be needed. The Planning Commission recommended approval of the vacation as part of their Consent Agenda on April 27, 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.*

Larry Sarner, Ward II resident, spoke regarding the rejection of his petition.

**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**

5. **CULTURAL SERVICES** (presenter: Susan Ison)  
**SUPPLEMENTAL APPROPRIATION FOR VARIOUS CULTURAL SERVICES EVENTS**  
Cultural Services Director, Susan Ison, introduced this item to Council. This is an administrative action. Donations were received for the following programs presented by the Cultural Services Department: \$20,000 from Kaiser Permanente for the 2015 Foote Lagoon Concert Series; \$2,200 from the Erion Foundation to support four performances by string quartets in the main art gallery; \$1,000 from the Erion Foundation to support the Museum/Thompson School District ArtSteps residency program for students. These programs would not be possible without the support of the donors. This ordinance was unanimously approved on first reading by Council at the May 5, 2015 regular meeting. **Councilor Shaffer moved to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City Of Loveland Budget For Foote Lagoon Concerts, Strings in the Gallery Program, And Artsteps. The motion, seconded by Councilor Farley, carried with all councilors in favor thereof.**
6. **FIRE AUTHORITY** (presenter: Mark Miller)  
**SALE OF PROPERTY ON ROSSUM DRIVE**  
Fire Chief, Mark Miller, introduced this item. This is an administrative action and public hearing on first reading regarding the sale of City property on Rossum Drive for \$135,000.

The City of Loveland owns 1.83 acres on Rossum Drive located near 1220 Rossum Drive along West Highway 34. The property was purchased in 2002 for \$230,000 with fire capital expansion fees for a future station location. In Fire's judgment, the property is not the appropriate location for a new station. The buyer, Shannon Jaeger, is proposing to combine this property with an adjoining property to build a senior living facility. The proposed facility is intended to serve seniors that can live independently with limited health care services. \$135,000 on the sale of the land would be deposited to the Fire Capital Expansion Fee Fund that originally purchased the property on November 13, 2002. This ordinance was unanimously approved on first reading by Council at the May 5, 2015 regular meeting. Mayor Gutierrez asked for public comment. Eric Holsapple, 898 Eagle Ridge Court, addressed the financial assessment performed on the property; Mark Degregario, adjacent property owner, spoke in opposition; Fred Newcomb, adjacent property owner, spoke in opposition; Lori Coulter, adjacent property owner, spoke in opposition. **Councilor Shaffer moved to Approve and Order Published on Second Reading An Ordinance Authorizing the Sale of Real Property Located within the City of Loveland on Rossum Drive Pursuant to Section 4-7 of the City of Loveland Municipal Charter. The motion was seconded by Councilor Farley, which carried with seven councilors in favor and Councilors Krenning and Taylor voting against.**

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

**TURNEY BRIGGS ADDITION VACATION**

City Planner, Troy Bliss introduced this item to Council. This is a legislative action to consider adoption of an ordinance on second reading, vacating a portion of public right-of-way (alley) within the Turney-Briggs Addition and Turney-Briggs First Subdivision – located at the northeast corner of N. Lincoln Avenue and E. Eisenhower Boulevard. The right-of-way to be vacated includes a "T" shaped portion of alley that exists on properties proposed for redevelopment of a Sprouts grocery store. The alley does include existing utilities that would need to be rerouted with new easements established which are being addressed through separate development applications. On May 5, 2015 City Council approved the first reading of the ordinance by a vote of eight to one.

**Councilor Shaffer moved to Approve and Order Published On Second Reading an Ordinance Vacating A Portion Of A Public Right-Of-Way Located In Block 4 Of The Turney-Briggs Addition To The City Of Loveland, Larimer County, Colorado. The motion was seconded by Councilor Clark, which carried with eight councilors in favor and Councilor McKean voting against.**

9. **FINANCE** (presenter: Brent Worthington)

**PUBLIC HEARING**

**REDUCTION OF SALES TAX ON FOOD FOR HOME CONSUMPTION**

Director of Finance Brent Worthington introduced this item to Council. This is a legislative action. At the April 7, 2015 City Council meeting, City Council voted not to approve an Ordinance on Second Reading that would have reduced sales tax on food for home consumption over a three year period, with the tax being reduced to 2% effective November 1, 2015, to 1% effective November 1, 2016, and such sales tax on the sale of food for home consumption is eliminated effective November 1, 2017. The total effect of the elimination of sales tax on food for home consumption is an approximate \$6.5 million per year at full reduction. At that meeting, City Council moved to bring this ordinance back on first reading and directed Staff to research and prepare an analysis demonstrating the impacts of such sales tax reduction on General Fund programs and services. Staff has completed the process, and the ordinance before Council as requested for consideration on first reading. Staff presented the proposed recommendations from Staff that would likely be considered in some form of reduction or elimination.

**Councilor Shaffer moved to Approve and Order Published on First Reading An Ordinance Amending 3.16.020 (A) of the Loveland Municipal Code to Reduce Sales Tax on Food for Home Consumption.** Mayor Gutierrez asked for public comment. Victoria Gardner, representing “Martin Luther King Committee, 2731 Lynn Ct, spoke in opposition; Patrick McFall, Planning Commission read a letter from PC chair, John Crescibene objecting to the way the PC meeting was conducted; Mr. McFall indicated communication is essential in these matters; Ann Harroun, 3321 Apple Ave, spoke in opposition; Olivia Lowe 620 W. 2<sup>nd</sup> Ave, spoke in opposition; Bruce Croissant, 1629 Jackson Ave, spoke in opposition; Jeff Swanty, 5942 Pronto Way, spoke in opposition; Dick Millot , Loveland resident, spoke in opposition and requested Council refer the matter to the voters; Scott Pringle, 4956 South Circle, spoke in opposition; Bill Dewitt, 3005 Glenlivi, spoke in opposition; Gary Lindquest, 833 W. 10<sup>th</sup>, spoke in support; Deb Stuffman, 4349 S. Chestnut, spoke in opposition; Dave Kavanaugh, 1543 Rookerie Dr., spoke in support; David Hallett, 2489 Hamstead, spoke in opposition; Buddy Meyers, 2429 Cameo Ct. spoke in support; Dr. George Stevens, 121 Brass Ct. asked Council to consider all of their residents; Tom Buchanan, 910 W. 8<sup>th</sup> St spoke in support; Julie Pringle, 4956 South Circle, spoke in opposition; Jackie Marsh, suggested council have an outside agency consider the proposed reductions; Larry Sarner, Ward 2, spoke in support; Desiree Eremondi, Cultural Services Board, spoke in opposition of the ordinance. Discussion ensued. **Councilor Krenning moved to amend the original ordinance in the following way: change “November 1, 2015” to “January 1, 2016”, “November 1, 2016” to “January 1, 2017”, and “November 1, 2017” to “January 1, 2018”. The motion to amend the ordinance, seconded by Councilor Fogle, carried with all Councilors present voting in favor thereof.** Discussion ensued. **Councilor Farley moved to further amend the ordinance in the following way: “reduction beginning January 1, 2016 to 2.5%; January 1, 2017 to 2%; January 1, 2018 to 1.5%; January 1, 2019 to 1%; January 1, 2020 to .5%; and January 1, 2021 to 0%.** The motion amending the ordinance, seconded by Councilor Trenary failed with three councilors voting in favor and Councilors Clark, Gutierrez, Taylor, Krenning, McKean and Fogle voting in opposition. Discussion ensued. **Councilor Krenning called the question, seconded by Councilor Fogle. The motion failed with three councilors voting in favor and Councilors Gutierrez, Taylor, Farley, Shaffer, Trenary McKean voting against.** Roll was called on the original motion as amended. The motion failed with four councilors voting in favor and Councilors Trenary, Gutierrez, Taylor, Farley and Shaffer voting against.

10. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENTS TO THE NORTHERN COLORADO REGIONAL AIRPORT COMMISSION**

City Manager, Bill Cahill introduced this item to Council. This is an administrative item. This resolution will appoint two citizen members: Curt Burgener for a four year term, and Jerry Stooksbury as the recommended Joint Citizen Member for a four year term to the Northern Colorado Regional Airport Commission. The resolution will also appoint two City of Loveland Members “who shall be Council members or City Staff” to the Northern Colorado Regional Airport Commission. Council will need to insert the names of these two members, prior to adoption of the resolution.

**Councilor Farley moved to nominate Mayor Gutierrez to the Northern Colorado Regional Airport Commission. The motion was seconded by Councilor Shaffer, carried with all councilors in favor thereof.**

**Councilor Fogle moved to nominate Councilor McKean to the Northern Colorado Regional Airport Commission. The motion was seconded by Councilor Krenning, which carried with seven councilors voting in favor, Councilor Trenary abstaining,**

and Councilors Farley and Shaffer voting against.  
Councilor Shaffer moved to Adopt Resolution #R-30-2015 and Appoint Mayor Gutierrez and Councilor McKean as Members to Northern Colorado Regional Airport Commission. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.

**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.*

McKean: Testified at a hearing in Fort Collins. Spoke to Mr. Newcomb and would like to have Council consider setting a policy that neighbors would be notified before the City sells adjacent property.

Shaffer: Just received notification that the river corridor is close to spilling over and encouraged residents to be careful.

**CITY MANAGER REPORT**

Cahill Announced the Joint Elected Officials meeting May 28, 2015.

**CITY ATTORNEY REPORT**

Yellico Gave Council an update on the Klen-Weston vs City of Loveland. The Judge indicated that he would make his findings on the motion for preliminary injunction fairly soon.

**ADJOURNMENT**

Having no further business to come before Council, the May 19, 2015, Regular Meeting was adjourned at 12:35 a.m. May 20, 2015.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

