

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 7, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Taylor, and Fogle. Councilor Krenning was absent. Shaffer arrived at 7:05 p.m.

Gina DeBell, Senior Center Recreation Coordinator, gave a presentation of the Larimer Retired and Senior Volunteer Program (RSVP) Service Awards for 2015. She introduced the five volunteers that were nominated from the Chilson Center; Billie Bridges, Mary Lou Messenger, Doris Cheesman, Tony Meza, and Betty Herder. Councilor Trenary expressed his thanks to the other fifteen Service Award nominees from Loveland as well.

Stacey Kersley, Historic Preservation Commission Chair, gave a presentation of the Downtown Loveland Historic District, now listed in the National Register of Historic Places and the Colorado State Register of Historic Properties.

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 and Planning Commission Chair, Buddy Meyers asked for item #7 to be removed from the Consent Agenda. **Councilor Clark moved to approve the consent agenda with the exception of item #7. The motion seconded by Councilor Farley, 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 May 26, 2015 Study Session was approved.
 2. A Motion to Approve the City Council Meeting Minutes for the June 2, 2015 Regular meeting was approved.
 3. A Motion to Approve the City Council Meeting Minutes for the June 9, 2015 Study Session and Special Meeting was approved.
 4. A Motion to Approve the City Council Meeting Minutes for June 23, 2015 Study Session and Special Meeting was approved.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION AND THE TRANSPORTATION ADVISORY BOARD
1. A Motion to Appoint Carolyn Grulke to the Citizens' Finance Advisory Commission For A Term Effective Until December 31, 2017 was approved.
 2. A Motion to Reappoint Stacey Kersey and Jon-Mark Patterson and A Motion to appoint Amanda Nash to the Historic Preservation Commission, each for a Term Effective until June 30, 2018 was approved.
 3. A Motion to Appoint Gary Thomas to the Transportation Advisory Board For A Term Effective Until June 30, 2018 was approved.
- These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Transportation Advisory Board and Historic Preservation Commission.
3. **DEVELOPMENT SERVICES** (presenter: Greg George)
SUPPLEMENTAL APPROPRIATION FOR BUILDING DIVISION
A Motion Approving And Order Published On Second Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Additional Building Inspections and Permit Processing was approved.
This is an administrative action. The ordinance would appropriate a total of \$160,000 (\$151,000 in Professional Services and \$9,000 in Overtime-Benefited Employees) into the Building Division budget to meet the workload and demand for services for permitting and building inspections. Permitting and inspection activity, particularly for new single family dwellings, has greatly exceeded projections through May 2015. The Building Division has had to rely on contract employees for plan reviews and building inspections more than anticipated due to resignations and retirements in full-time staff in 2015. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.
4. **WATER AND POWER** (presenter: Jim Lees)
SUPPLEMENTAL APPROPRIATION FOR FEMA SUBSTATION AND SOLAR FACILITY ALTERNATE PROJECTS
A Motion Approving And Order Published On Second Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for Substation and Solar Facility Fema Alternate Projects was approved.
This is an administrative action. Loveland Water and Power is requesting supplemental appropriations for both revenue and expense for the Power Utility budget. We are requesting an expense appropriation of \$9,068,018, with a total of \$5,068,018 appropriated from the Power Utility PIF fund for the solar facility project and \$4,000,000 appropriated from the Power Utility General fund for the substation project. The revenue appropriation total request is \$7,934,516 which is 87.5% of the anticipated \$9,068,018 expense. This is the amount that FEMA and the State of Colorado Office of Emergency Management normally reimburse for the FEMA alternate projects. On June 2, 2015, City Council held a public hearing and approved of the ordinance on first reading unanimously.
5. **PUBLIC WORKS** (presenter: Chris Carlson)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR HWY 287 FLOOD MITIGATION STUDY.
A Motion Approving And Order Published On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Highway 287 Bridge Flood Mitigation Feasibility Study was approved.
This is an administrative action. The ordinance on first reading appropriates funding for engineering costs to complete a Highway 287 Bridge Flood Mitigation Feasibility Study. The project is anticipated to cost up to \$172,150, of which \$125,000 will be reimbursed by

a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$47,150 maximum. The City will contract with a consulting engineering firm to complete the study and will coordinate with the Colorado Department of Transportation throughout the project, which is expected to be completed in approximately 6-9 months after contracting.

6. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
WATERFALL 6TH SUBDIVISION (THE EDGE) VACATION
A Motion Approving and Order Published on First Reading An Ordinance Vacating A Utility Easement Located Within Lot 1, Block 1 Of The Waterfall Sixth Subdivision, City Of Loveland, Larimer County, Colorado was approved.
This is a legislative action to consider adoption of an ordinance on first reading, vacating a 360 square foot utility easement located on E. 15th Street, west of Boyd Lake Avenue. The utility easement in question was established within the former waterpark development. This easement is no longer needed and will hinder redevelopment of the property into a 70-unit apartment complex. The applicant is the Loveland Housing Authority.
7. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC HEARING
AMENDMENT TO DOOR TO DOOR SOLICITATION
This item was moved to the Regular Agenda.
8. **CITY ATTORNEY** (presenter: Vincent Junglas)
PUBLIC HEARING
AMENDMENT TO PANHANDLING
A Motion Approving and Order Published on First Reading An Ordinance Amending Chapter 9.30 of the Loveland Municipal Code Pertaining to Prohibited Solicitations and Panhandling was approved.
This is a legislative action to amend Section 9.30.010 and Section 9.30.020 of the Loveland Municipal Code to address the current case law with regard to panhandling in a public place. The proposed ordinance would repeal all provisions that regulate sitting or standing with a sign without approaching another for an immediate monetary donation because these activities are not considered panhandling and are protected speech. The sections of the code that regulate panhandling in a way that may impact public safety or the normal flow of vehicular and pedestrian traffic remain unchanged.
9. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)
PUBLIC HEARING
LARIMER COUNTY VOTER PRECINCTS CHANGE
A Motion Approving An Ordinance, On First Reading, Amending Section 1.24.040 And 1.24.050 Of The Loveland Municipal Code To Add New Larimer County Voter Precinct in the City's Third and Fourth Wards was approved.
This is a legislative action. On Tuesday, May 12, 2015, the Larimer County Board of Commissioners approved Resolution #5122015R007 to Establish Precincts and Boundary Changes to include no more than 2,000 eligible electors in any voter precinct, due to population increases in some areas (per C.R.S.§1-5-101(3)). This resulted in the addition of two new voter precincts in Loveland, one in Ward Three and one in Ward Four.
10. **LOVELAND POLICE DEPARTMENT** (presenter: Luke Hecker)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR THE COPS GRANT
A Motion Approving And Order Published On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation to the 2015 City of Loveland Budget for

a School Resource Officer was approved.

This is an administrative action. The Police Department has been awarded a Federal Cops grant for a School Resource Officer. The grant is for \$125,000 to partially fund this position over a three year period. The local match requirement is \$143,800 of which The Thompson School District will fund 75% or \$107,850 and the City will fund 25% or \$35,950.

11. WATER & POWER (presenter: Roger Berg)

IGA CONCERNING THE INTERCHANGE LIFT STATION

A Motion to Adopt Resolution #R-33-2015 Approving An Intergovernmental Agreement Concerning Construction Management And Oversight Of The Interchange Lift Station Between The City Of Loveland And Centerra Metropolitan District No. 1 was approved.

This is an administrative action. The proposed Intergovernmental Agreement (IGA) with Centerra Metropolitan District No. 1 (District) relates to construction management, and oversight of the Interchange Lift Station. Since this IGA will obligate the City to an amount higher than \$10,000, the IGA will need to be approved by City Council. The District is responsible for design and construction of the necessary infrastructure to serve the development, which will serve the wastewater needs of Parcel 505 in Centerra (northeast corner of 25 and 34) and adjacent property. In order to ensure adherence to the plans and specifications, the City has requested to manage the construction phase of the project, along with a third party construction management firm (Ditesco) and share the cost of such management based on a 50/50 cost share. The proposed contract with Ditesco will be hourly based on actual hours worked not to exceed \$88,000; therefore, the City's share will not exceed \$44,000.

12. CITY ATTORNEY (presenter: Tree Ablao)

MUTUAL AID IGA FOR LEGAL SERVICES BETWEEN LOVELAND, FORT COLLINS, GREELEY, AND ADDING WINDSOR

A Motion to Adopt Resolution #R-34-2015 Approving An Intergovernmental Agreement Between The City Of Loveland, City Of Fort Collins, City Of Greeley And Town Of Windsor For The Exchange Of Legal Services was approved.

This is an administrative action to approve an agreement between the listed municipalities to allow for each municipality's City Attorney's Offices to request one of the other participating municipalities' assistance in providing legal services if personal conflicts of interests or other situations impair the requesting City Attorney's ability to fully represent the interests of such in particular instances.

13. LOVELAND FIRE RESCUE AUTHORITY (presenter: Pat Mialy)

NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTION

A Motion to Adopt Resolution #R-35-2015 Approving The National Incident Management System (NIMS) As The Standard For Incident Management In The City Of Loveland, Colorado was approved.

This is an administrative action. This resolution is to adopt the National Incident Management System (NIMS) as the incident management template for all aspects of emergency management and incident response, a system that has been a standard part of our incident management practices since the early 2000's. The original signed copy of the resolution created sometime in 2004-2009 cannot be located within city archives or documentation.

14. DEVELOPMENT SERVICES (presenter: Alison Hade)

HABITAT FOR HUMANITY FEE WAIVERS

A Motion to Adopt Resolution #R-36-2015 Amending Resolution #R-8-2015 Pertaining to Fee Waivers for Construction of Nine Residences by Loveland Habitat for Humanity to Remove Specific Address References was approved.

This is an administrative action. On January 20, 2015, City Council adopted a resolution granting Loveland Habitat for Humanity fee waivers for the construction of nine homes.

The total fee estimate for all nine dwellings was \$229,885.72, with a requested fee waiver not to exceed \$210,000. The purpose of this action is to remove references to specific address for which fee waivers are approved to provide Habitat with flexibility to construct affordable housing residences as the housing and construction market permit and as opportunities arise.

15. FINANCE (presenter: Brent Worthington)
MAY 2015 FINANCIAL REPORT

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of May 31, 2015. Citywide Revenue (excluding internal transfers) of \$107,401,038 is 106.6% of year to date (YTD) budget or \$6,612,737 above the budget. Sales Tax collections are 98.2% of the YTD budget or \$302,154 under budget. Certain retail sectors are trailing prior year collections, notably Utilities, Broadcasting, Telecommunications, and Office Supplies (which was affected by the recent closure of a major retailer). This data spans five months, and the trend has been steady. Building Material Use Tax is 105.3% of YTD budget, or \$52,838 over budget. Sales and Use Tax collections combined were 100.5% of YTD budget or \$99,528 over budget. Citywide total expenditures of \$100,206,362 (excluding internal transfers) are 57.3% of the YTD budget or \$74,788,530 under the budget.

16. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MAY 2015

This is an information only item. At the end of May, the City's portfolio had an estimated market value of \$212.0 million, about \$5.1 million more than a month ago. Of this amount, USBank held \$190.6 million (including accrued interest) in trust accounts; other funds are held in local government investment pools, in operating accounts at First National Bank, and a few other miscellaneous accounts. Interest rates trended to all-time record lows in 2012-2013 before rising in the second half of 2014. After a sharp drop in January, interest rates have cycled down and back up through May. Short-term rates are projected to rise later in 2015 and are dependent upon the actions of the Federal Open Market Committee. City investments are in US Treasury Notes, high-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, insured certificates of deposit and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to about \$2 million annually.

END OF CONSENT AGENDA

CITY CLERK READ THE 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.

Stacy Linn, Larimer County resident and investigative journalist, spoke about Detective Koopman.

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

7. **CITY ATTORNEY**
PUBLIC HEARING

AMENDMENT TO DOOR TO DOOR SOLICITATION

City Attorney, Tami Yellico introduced this item to Council. This is a legislative action to amend the City Code to remove the ban on all uninvited commercial door to door solicitations. Door to door solicitations at private residences and businesses with a posted "No solicitation" or "No trespassing" sign remains prohibited.

Mayor Gutierrez opened public the public hearing at 7:03 p.m. Buddy Meyers, 2429 Cameo Ct., spoke in opposition to removing the ban; Roger Weidleman, 4814 N. Franklin, spoke in opposition to removing the ban.

Councilors discussed the need for a study session on what the ordinance should include. Four Councilors requested a future study session to discuss permitting, taxation, and other topics related to solicitation in the City of Loveland.

Councilor Clark moved to Approve and Order Published on First Reading An Ordinance Amending Chapter 5.12 Regarding Door to Door Solicitations. The motion, seconded by Councilor Farley, carried with six councilors in favor and Councilors McKean and Gutierrez voting against.

17. **ECONOMIC DEVELOPMENT**
PUBLIC HEARING

DDA PLAN OF DEVELOPMENT AND DISCUSSION OF DDA MILL LEVY

Economic Development Director, Betsey Hale, introduced this item to Council. This is an administrative action. The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. On June 8, 2015 the Planning Commission unanimously approved a motion recommending the City Council consider the DDA Plan at a study session held June 23, 2015 and on July 7, 2015 hold a public hearing and consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan.

Mayor Gutierrez asked for public comment at 7:40 p.m. Hearing none, Mayor Gutierrez closed public comment at 7:40 p.m.

Councilor Shaffer moved to Adopt Resolution #R-37-2015 Approving The Plan Of Development For The Loveland Downtown Development Authority. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.

Discussion and Preliminary Determination Of DDA Mill Levy Percentage For 2016.

This is an information only item. The City Council will annually approve the recommended mill levy and DDA budget. This budget may include revenue generated by the mill levy for the purposes of DDA operations. This mill levy can range from 1 to 5 mills. The DDA is recommending the City Council consider 1 mill as the percentage for 2016. This will be included in the election language. Discussion ensued. **The consensus of the Council was 1 mill levy in the first year, but up to 5 mills will be included in the language for the ballot.**

18. **ECONOMIC DEVELOPMENT**
PUBLIC HEARING

DOWNTOWN URBAN RENEWAL PLAN

Economic Development Director, Betsey Hale, introduced this item to Council. This is an administrative action. Termination of the URA Plan will substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan. The resolution directs the referral of the proposal to terminate the URA Plan to the City Planning Commission for review and recommendations as to its

conformity with the general plan for the development of the City as a whole. The Planning Commission shall submit its written recommendations, if any, with respect to the proposed termination of the URA Plan to the Council within thirty days after receipt of the proposed termination for review. The resolution also directs City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that Council may conduct a hearing on the termination of the URA Plan and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions. Mayor Gutierrez asked for public comment at 8:00 p.m. Hearing none, Mayor Gutierrez closed public comment at 8:00 p.m. **Councilor Shaffer moved to Adopt Resolution #R-38-2015 Of The Loveland City Council Concerning A Possible Modification To The Downtown Urban Renewal Plan For The City Of Loveland. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.**

19. DEVELOPMENT SERVICES

CITY-SCHOOL DISTRICT REVIEW PROCEDURES

Development Services Director, Greg George, introduced this item to Council. This is an administrative action. Adoption of the motion will direct the City Manager to work with the Thompson School District on a draft Intergovernmental Agreement setting forth procedures for Planning Commission review of new school sites under the provisions of State Statutes and a commitment from the School District to utilize building permit review and inspection services provided by the City's Building Division. Discussion ensued. It was determined that a motion was not needed by Council. Instead the councilors recommended that the City Management Staff and School District work together to decide if an IGA is needed for the planning and construction of new schools.

20. MUNICIPAL COURT

APPOINTMENT OF DEPUTY JUDGE

Municipal Judge, Geri Joneson, introduced this item to Council. This is an Administrative Action to appoint Mr. Scalise based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with Council's direction.

Councilor Shaffer moved to Adopt Resolution #R-39-2015 Appointing Marco Joseph Scalise As Deputy Municipal Judge. The motion was seconded by Councilor Clark and carried with all councilors voting in favor thereof.

BUSINESS FROM CITY COUNCIL

- Farley: Attended the presentation of the check to ArtSpace for \$867,000; Announced Loveland Loves BBQ event is this weekend.
- McKean: Expressed appreciation for the 4th of July fireworks display; Requested that the Investment Report be on the regular agenda in August and have Mr. Krcmarik's address the effect of Greece's situation on our investments.
- Fogle: Attended the Loveland Fire Rescue Administration breakfast; Announced there would new signage for the Historic District.
- Shaffer: Informed Council that the MPO meeting is this Thursday in Severance; Discussed the new NFRPO newsletter, On the Move, has information on what is going on in the region. The new Bustang begins its route on July 13th.
- Clark: Attended the annual Colorado Capitol Conference in Washington D.C.
- Taylor: Indicated ArtSpace is becoming the gem of the City; Thanked the

City for the wonderful 4th of July event.

Trenary: Expressed appreciation of ArtSpace and the business incubator. Thanked the Boy Scout Troop #168 for their assistance at the 4th of July flag raising at the Lone Tree School; Welcomes more events at the fireworks display; The Police will hold a memorial service on Monday July 13th for Marshall Frank Peak.

Gutierrez: Attended the Loveland Fire Rescue Administration Breakfast, hosted and funded by the IAFF and Rural Band; Attended the 101st Army Dixieland Band on July 4th, and they will be performing July 30th at Foot Lagoon.

CITY MANAGER REPORT

Cahill: Announced that the Transportation Plan will be brought back to Council on July 28th.

CITY ATTORNEY REPORT

Yellico: Announced that she and members of the Planning Division have been invited to attend two of the Oil and Gas Conservation Commission meetings on oil and gas regulations, one of which will be held at CU's Energy and Environment Center. There are two issues needing recommendations regarding local government participation.

ADJOURNMENT


Having no further business to come before Council, the July 7, 2015, Regular Meeting was adjourned at 9:40 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk

Beverly A. Walker, Deputy City Clerk



Cecil A. Gutierrez, Mayor