

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 1, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Fogle, Shaffer and Krenning. Councilor Taylor was absent.

Councilor McKean read the PROCLAMATION DECLARING SEPTEMBER 2015 AS HUNGER ACTION MONTH IN LOVELAND Brittney Stephenson with the Food Bank for Larimer County 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 remove anything from the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.

City Manager, Bill Cahill, asked to remove item #11 regarding the Urban Land Institute report from the regular agenda.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion to Approve the City Council Meeting Minutes for the; August 3, 2015 Special Meeting, August 4, 2015 and August 18, 2015 Regular Meetings and the August 25, 2015 Study Session were approved.
 1. This is an administrative action to approve the City Council meeting minutes for the August 3, 2015 Special Meeting.
 2. This is an administrative action to approve the City Council meeting minutes for the August 4, 2015 Regular Meetings.

3. This is an administrative action to approve the City Council meeting minutes for the August 18, 2015 Regular Meeting.
4. This is an administrative action to approve the City Council meeting minutes for the August 25, 2015 Study Session.

2. **FINANCE** (presenter: Brent Worthington)
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR PHASE I OF THE CEMETERY MAINTENANCE SHOP

A Motion to Approve and Order Published On Second Reading Ordinance #5956 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase I Of The Cemetery Maintenance Shop was approved.

This is an administrative action. The ordinance would appropriate a total of \$118,000 to the 2015 City of Loveland Budget for the design of a replacement Cemetery Maintenance Shop/Office to address safety, ADA and customer service needs at the Loveland Burial Park and Lakeside Cemetery. On August 18, 2015, City Council unanimously approved this ordinance on first reading.

3. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)
LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES

A Motion To Approve And Order Published On Second Reading Ordinance #5957 Excluding Three Residential Properties From The Boundaries Of The Loveland Downtown Development Authority (The "DDA") was approved.

This is a legislative action. Ordinance #5927, approved by City Council on second reading April 7, 2015, established the Loveland Downtown Development Authority (DDA) and established the legal description of the DDA boundaries. The Larimer County Assessor's Office identified three residential parcels that were split by the DDA Boundary. As only one tax area can be assigned to a single parcel, the DDA boundary needs to be expanded to include the entire parcels or take the parcels out of the DDA legal description. The property owners of the affected parcels declined the option to include their property into the DDA boundaries. Approval of this action would exclude the three residential properties from the legal description of the DDA boundaries. On August 18, 2015, City Council unanimously approved this ordinance on first reading.

4. **PUBLIC WORKS** (presenter: Chris Carlson)
PUBLIC HEARING

SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FLOOD RECOVERY

A Motion To Approve And Order Published On First Reading Ordinance #5958 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For A Temporary Flood Administrative Technician Position And For Final Flood Reconstruction Work At The Fire Training Grounds was approved.

This is an administrative action. The ordinance on first reading appropriates funding to continue a temporary flood recovery Administrative Technician position. This position and funding was initially approved upon second reading of an ordinance on March 4, 2014. It provided \$46,780 for a temporary position providing administrative support to the engineering teams working on flood recovery projects. This supplemental appropriation request of \$54,449 includes \$33,941 to allow the Administrative Technician position to continue through the 2015 budget cycle while still remaining within the original \$46,780 appropriation. Since flood recovery work is still ongoing, it is our intention to continue the position until April 6, 2016, which is approximately when the originally appropriated funds will have been spent. The total requested funding of \$54,449 also provides \$20,508 for the Facilities Management Division to cover final Flood reconstruction costs at the Fire Training Grounds. These funds were also included in the original Flood funding approved on March 4, 2014.

5. **PUBLIC WORKS** (presenter: Dave DeBaere)
ENCROACHMENT EASEMENT
A Motion to Adopt Resolution #R-54-2015 Granting a Nonexclusive Existing Building Encroachment Easement was approved.
This is an administrative action. The grant of easement will allow existing building improvements at 201 East 4th Street to remain within City rights-of-way.
6. **WATER & POWER** (presenter: Jim Lees)
PUBLIC HEARING
WATER AND WASTEWATER ENTERPRISE FUNDING
1. **A Motion to Approve on First Reading Resolution #R-55-2015 Concerning Funding for the Water Enterprise to Complete Improvements at the Water Treatment Plant and Construct More Water Storage was approved.**
2. **A Motion to Approve on First Reading Resolution #R-56-2015 Concerning Funding for the Wastewater Enterprise to Complete Improvements at the Wastewater Treatment Plant was approved.**
This is an administrative action to adopt a resolution that provides funding mechanisms for the Water Enterprise through a series of rate increases and an external loan. This funding will be used to complete improvements at the Water Treatment Plant and for construction of more water storage. A second resolution provides funding mechanisms for the Wastewater Enterprise through a series of rate increases and an external loan. This funding will be used for improvements at the Wastewater Treatment Plant. These resolutions carry out the Council's direction from the July 28, 2015 Study Session which was also the recommendation by both the LUC and Staff. Both resolutions maintain the rate tracks that Council gave their approval to that were developed from the previous cost-of-service rate study that was conducted in 2012. These rate tracks still provide sufficient funding to meet the projected needs of both the Water and Wastewater Utilities over the next ten years. On July 15, 2015, the Loveland Utilities Commission recommended approval.
7. **LOVELAND PUBLIC LIBRARY** (presenter: Marcia Lewis)
LIBRARY'S STATEMENT OF POLICY
A Motion to Adopt Resolution #R-57-2015 Approving the Statement of Policy of the Loveland Public Library was approved.
This is an administrative action to adopt a resolution approving the recommended policies approved by the Loveland Public Library Board of Directors. A Loveland Public Library policy update historically occurs approximately once every three years. The last Loveland Public Library policy update was approved by resolution and occurred on June 5, 2012.
8. **PARKS AND RECREATION** (presenter: Brian Hayes)
COUNTY ROAD 30 OPEN LANDS IGA
A Motion to Adopt Resolution #R-58-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland and the City Of Fort Collins To Purchase Property And Water Interests At 4200 E. County Road 30 And Ongoing Cooperation was approved.
This is an administrative item to approve an Intergovernmental Agreement for the acquisition of land and water by the City of Fort Collins and the City of Loveland. The property is located at 4200 E. County Road 30 immediately north and east of the Fort Collins Loveland Airport. On August 12, 2015 the Open Lands Advisory Commission recommended approval.

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

JULY 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 July 31, 2015. Citywide Revenue (excluding internal transfers) of \$158,989,393 is 91.7% of year to date (YTD) budget or \$14,459,974 below the budget.

10. **CITY MANAGER** (presenter: Alan Krcmarik)

INVESTMENT REPORT FOR JULY 2015

This is an information only item. The budget projection for investment earnings for 2015 is \$1,759,080. On the portfolio's 2015 beginning balance this equates to an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the securities held by USBank was steady at 1.11%. For July, earnings of \$149,613 were posted to City funds and the year to date total is \$1,062,039. U.S. short-term Treasury interest rates fell in July; the portfolio had an unrealized gain of \$13,751 compared to an unrealized loss of \$110,896 in June. The end of July portfolio market value is estimated to be \$217.3 million. The total amount of the portfolio is growing, but is still not back to the peak amount reached before the 2013 flood, when the portfolio carried an estimated market value of \$226.3 million.

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.

Jackie Marsh, downtown business owner, spoke in opposition to the Downtown Development Association.

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. **URBAN LAND INSTITUTE** (presenter: Chris Dunn and Christopher Smith, ULI)

ULI FINAL REPORT ON HEALTHY PLACE WORKSHOP – HIGHWAY 287

This item was removed from the agenda.

12. **ECONOMIC DEVELOPMENT**
SOUTH CATALYST PROJECT

Betsey Hale, Economic Development Director, presented this administrative item to Council for a motion to direct staff to proceed with the final development of the Intergovernmental Agreement with Larimer County for their building in Downtown. Staff posed a series of questions to Council regarding the desired outcomes for the South Catalyst project and the County building that will provide direction for the RFP. Councilors would like weekly updates. Mayor Gutierrez opened Public Comment at 8:00 p.m. Michelle Rakey, Loveland resident, spoke in concern for the project. Richard Ball, Loveland resident and candidate for City Council, expressed concern for lack of vision. Patrick McFall, Loveland resident and candidate for City Council, expressed concern for no clear direction. Jackie Marsh, Loveland resident, expressed concern with the probation court being downtown. Moses Street, Loveland resident, expressed concern regarding a large building downtown. Melody Alford, Loveland resident, expressed concern with the lack of preparedness. **Councilor Shaffer moved to direct staff to negotiate an Intergovernmental Agreement with Larimer County for locating the County building in the South Catalyst Project and bring such Intergovernmental Agreement to City Council for final consideration. The motion, seconded by Councilor Farley, carried with seven councilors in favor and Councilor Krenning voting against.**

Direction for Developer Request for Proposals for the South Catalyst Project

Mike Scholl, Economic Development Manager, presented this item to Council. Mayor Gutierrez opened Public Comment at 10:13 p.m. Roger Weidemann, Loveland resident, expressed concern regarding incentives to the developer. Melody Alford, Loveland resident, expressed concern for the vacant properties and safety. Discussion ensued and Council directed staff to bring the draft of the Request for Proposals (RFP) for a development partner for the South Catalyst project in Downtown Loveland to the September 15th Council meeting.

13. CITY ATTORNEY

LITIGATION DISCUSSION AND POSSIBLE EXECUTIVE SESSION

Discussion of and possible staff direction regarding the Stacy Lynne v. Joan Shaffer lawsuit, which includes alleged claims of defamation and First Amendment violations. This agenda item includes a possible Executive Session.

Tami Yellico, City Attorney, presented this administrative item to Council. Councilor Shaffer recused herself. Tammy Tanoi, CIRSA Attorney, was available to answer questions from Council regarding the claims made in this lawsuit and defense provided by Colorado Intergovernmental Risk Sharing Agency (CIRSA), the City's insurance carrier.

BUSINESS FROM CITY COUNCIL

Krenning: Golf Course issue was resolved.

Trenary: Aims Community College, new president, in Loveland Wednesday the 2nd.

Shaffer: North I-25 meeting Wednesday, Mark Radke will attend.

Gutierrez: McWhinney office space opening. Attending Oil and Gas rule hearing.

CITY MANAGER REPORT

Cahill: Mayor Gutierrez, was nominated to represent the City in the DDA Election.

CITY ATTORNEY REPORT

Yellico: Pulliam Quiet Title Action update.

ADJOURNMENT

Having no further business to come before Council, the September 1, 2015, regular meeting was adjourned at 11:27p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor