

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
LOVELAND GID BOARD OF DIRECTORS
LOVELAND SID BOARD OF DIRECTORS
TUESDAY, OCTOBER 20, 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: Councilors Gutierrez, Farley, Trenary, Fogle, Krenning responded. Councilors Clark and Taylor were absent. Councilor Shaffer arrived at 6:46 p.m.

Under Council prerogative, Councilor Shaffer made the following statement after being recognized by the Mayor: "I Joan Shaffer apologize to Stacy Lynne for my comments at the July 21, 2015 City Council meeting. I misspoke that Ms. Lynne slandered Chief Luke Hecker."

Presentation of the Veterans' Day National Recognition Letter to the City of Loveland from the Associated Veterans (Ed Aiken) to Mayor Gutierrez. Mr. Aiken identified some of the events being held on Veterans Day.

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.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the September 22, 2015 Study Session and October 6, 2015 Regular Meeting was approved.

- 1. This is an administrative action to approve the City Council meeting minutes for the September 22, 2015 Study Session.**
- 2. This is an administrative action to approve the City Council meeting minutes for the October 6, 2015 Regular Meeting.**

2. **DEVELOPMENT SERVICES** (presenter: Nikki Garshelis)
YOUTH REPRESENTATIVE FOR HISTORIC PRESERVATION COMMISSION
A Motion To Approve On Second Reading Ordinance #5962 Amending Section 2.60.130 Of The Loveland Municipal Code Pertaining To The Historic Preservation Commission was approved.
This item is a legislative action to consider approval on second reading an ordinance amending Section 2.60.130 of the Loveland Municipal Code. The Historic Preservation Commission unanimously recommends that the City Council amend the code to provide for a designated slot for a high school student representative. On October 6, 2015, City Council unanimously approved this ordinance on first reading.
3. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
GREAT WESTERN 3RD SUBDIVISION REZONING
A Motion To Approve On Second Reading Ordinance #5963 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For A Portion Of Lot 1, Block 1 Of Great Western Third Subdivision, City Of Loveland, Larimer County, Colorado was approved.
This is a quasi-judicial action. This application is to rezone a portion of Lot 1, Block 1, Great Western 3rd Subdivision. The site consists of 5.8 acres and is located along the north side of East 11th Street, between Gorom Avenue and Redwood Drive. This is directly behind JAX/Gold's Gym and west of Home Depot. The lot currently has both Industrial and Business zoning, apparently caused by previous replats that were not accompanied by the appropriate rezoning actions. The rezoning will rectify this situation, assigning I-Developing Industrial zoning to all of Lot 1. The unified zoning designation is the first step in preparing the site for pending development of a mixed-use development of uses allowed in the I zone. The existing zoning and land uses in the area are both industrial and business. The requested zoning action will result in a compatible zoning pattern and allow for appropriate development of the site. The Planning Commission recommended approval of the requested zoning action as part of their Consent Agenda on August 24, 2015. On October 6, 2015, City Council unanimously approved this ordinance on first reading.
4. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
CODE AMENDMENT TO FIRE RESCUE SERVICES
A Motion To Approve On Second Reading Ordinance #5964 Amending The City Code To Reflect That The Fire Rescue Department Services Are Provided By An Independent Governmental Entity Created By Intergovernmental Agreement Between The City And The Loveland Rural Fire Protection District And Adding The Loveland Fire Rescue Authority As An Entity Permitted To Enter Into Cooperative Agreements With The City was approved.
This is a legislative action for the revision of section 2.44.040 and 2.44.050 of the municipal code clarifying that fire rescue services are allowed to be provided by a third party entity and that the Fire Chief duties are no longer directed by the City, instead they are directed by the Loveland Fire Rescue Authority Board (a five member board comprised of two City of Loveland City Council members, the City Manager, and two Loveland Rural Fire Protection District Board members). On October 6, 2015, City Council unanimously approved this ordinance on first reading.
5. **FINANCE** (presenter: Brent Worthington)
PUBLIC HEARING
2016 CITY OF LOVELAND BUDGET
1. A Motion To Approve Resolution #R-66-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The City Of

Loveland, Other Than Services Provided By The Water And Power Department And The Storm Water Enterprise, And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees was approved.

2. A Motion To Approve Resolution #R-67-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Storm Water Enterprise Of The City Of Loveland, Colorado And Superseding All Prior Resolutions Establishing Such Rates, Charges And Fees was approved.

3. A Motion To Approve Resolution #R-68-2015 On Second Reading Adopting The 2016 Schedule Of Rates, Charges, And Fees For Services Provided By The Water And Power Department Of The City Of Loveland And Superseding All Prior Resolutions Establishing Such Rates Charges, And Fees was approved.

4. A Motion To Approve On Second Reading Ordinance #5965 Adopting The 2015 Mill Levy For The General Fund Of The City Of Loveland, Colorado was approved.

5. A Motion To Approve On Second Reading Ordinance #5966 Adopting The 2016 Budget For The City Of Loveland, Colorado was approved.

6. A Motion To Approve On Second Reading Ordinance #5967 Making An Appropriation For The Fiscal Year Beginning January 1, 2016 And Ending December 31, 2016 For The City Of Loveland, Colorado was approved.

7. A Motion To Approve On Second Reading Ordinance #5968 Enacting A Supplemental Budget And Appropriation To The 2016 Budget For Capital And Operational Funding For Transportation Projects was approved.

These are administrative actions to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2016 Budget on Second Reading. The adoption of the 2015 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2016 Budget. On October 6, 2015, City Council unanimously approved the above resolutions and ordinances on first reading.

**6. FINANCE (presenter: Brent Worthington)
2016 SCHEDULE OF RATES, CHARGES & FEES AND 2016 AIRPORT BUDGET**

A Motion To Approve On Second Reading Ordinance #5969 Adopting The 2016 Budget For The Fort Collins-Loveland Municipal Airport was approved.

This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. On October 6, 2015, City Council unanimously approved this ordinance on first reading.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)

**7. FINANCE (presenter: Brent Worthington)
2016 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)**

A Motion To Approve On Second Reading Ordinance #5970 Adopting The 2016 Budget For The Loveland Special Improvement District #1 was approved.

This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. The 2016 requested budget is \$1,060,650. On October 6, 2015, the Board of Directors of the Loveland Special Improvement District #1 unanimously approved this ordinance on first reading.

**BOARD OF DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)
ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE
LOVELAND URBAN RENEWAL AUTHORITY (LURA)**

8. **FINANCE** (presenter: Brent Worthington)
2016 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)
**A Motion To Approve On Second Reading Ordinance #5971 Adopting The 2016
Budget For The Loveland Urban Renewal Authority was approved.**
This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes. The adoption of this budget is necessary for the downtown area due to the timing of the Downtown Development Authority (DDA) election. If the DDA mill levy increase is approved in the November election, LURA will be abolished and the budget will be amended to reverse this appropriation. On October 6, 2015, The Board of Commissioners for the Loveland Urban Renewal Authority unanimously approved this ordinance on first reading.

**THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY
(LURA) ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE
LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)**

9. **FINANCE** (presenter: Brent Worthington)
2016 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)
1. **A Motion To Approve On Second Reading Ordinance #5972 Adopting The 2015
Mill Levy For The Loveland General Improvement District #1 was approved.**
2. **A Motion To Approve On Second Reading Ordinance #5973 Adopting The 2016
Budget For The Loveland General Improvement District #1 was approved.**
The ordinance adopting the budget is an administrative action. The ordinance adopting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. On October 6, 2015, The Board of Directors for the Loveland General Improvement District #1 unanimously approved these ordinances on first reading.

**THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT
#1 (GID) ADJOURNED AND RECONVENED AS CITY COUNCIL**

10. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)
PUBLIC COMMENT
SUSPENDING INCREASES TO CEF'S FOR 2016
**A Motion To Approve On First Reading An Ordinance Suspending Annual Increases
In Capital Expansion Fees, Excepting The Street Capital Expansion Fee, Pursuant
To Loveland Municipal Code Section 16.38.110 For 2016 was approved.**
This is an administrative item. Using master plans prepared by City departments, BBC Research & Consulting and city staff completed a study demonstrating the results of using a "plans-based" approach to set capital expansion fees. Based on Council discussion at the September 22, 2015 study session the proposed Ordinance suspends the annual inflationary increase provided for in the City Code section 16.38.100. The suspension of the annual inflationary increase does not apply to the streets capital expansion fee; this fee is already determined on a plans-based approach. Cost of materials for street construction and repair have been rising. The Colorado Department of Transportation inflation adjustment is 8.66%.

11. ECONOMIC DEVELOPMENT (presenters: Marcie Erion & Chris Conrardy)

PUBLIC COMMENT

EWI COLORADO PROJECT

1. A Motion To Adopt Resolution #R-73-2015 Approving An Agreement Between The City Of Loveland And Edison Welding Institute, Inc. d/b/a EWI was approved.

2. A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase II Pilot Operation For Program And Facility Design Of The EWI Project was approved.

These are administrative actions. At a study session on September 22nd, City Council asked staff to bring back a resolution and ordinance for consideration. The City of Loveland is being asked to invest in the development, construction and initial operation of EWI Colorado which will be located at the Rocky Mountain Center for Innovation and Technology. The total investment requested is \$2MM and would be paid out on the following timeline with all payments made by the end of 2017: \$500K 2015 Economic Development Incentive Fund; \$500K 2016 Economic Development Incentive Fund; \$500K 2016 City Council Special Projects Fund; \$500K 2017 City Council Special Projects Fund. The ordinance is funded with available Economic Development Department Incentive funds and City Council Special Project funds that reduce the flexibility to fund other projects. Currently the balance in the Economic Development Incentive Fund is \$1,055,221. If approved, the new balance would be \$555,221 after the initial \$500K payment. Additional distributions will be paid as performance measures defined in the contract are met.

12. CITY MANAGER (presenter: Rod Wensing)

IGA BETWEEN CITY AND TSD FOR CABLE BROADCAST ACCESS

A Motion To Adopt Resolution #R-74-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland And The Thompson School District Number R2-J For Identification Of Designated Access Provider And Allocation Of Access Funds was approved.

This is an administrative action seeking approval of a motion to approve an intergovernmental agreement (IGA) with Thompson School District to begin the implementation of a 5-year cable broadcast equipment replacement plan for the District, for a total not to exceed \$342,000 over a five year period. The attached IGA has been unanimously approved by the Thompson School District Board of Education on September 16, 2015 and TSD staff will also be in attendance at the meeting to answer any related questions.

13. HUMAN RESOURCES (presenter: Julia Holland)

SPECIAL MEETING MUNICIPAL JUDGE'S SIX MONTH EVALUATION

A Motion Setting A Special Meeting Of City Council On October 27, 2015 In The City Manager's Conference Room To Conduct An Executive Session For The Purposes Of The Presiding Municipal Judge's Six Month Evaluation. Council Waives The Requirement Of Notice Of The Meeting Delivery To Their Homes was approved.

This is an administrative action to set a special meeting and to conduct an executive session for the purposes of the Presiding Municipal Judge's six month evaluation.

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.

Daryle Klassen, 3687 Vista Drive, expressed disappointment regarding the County building move

out of downtown Loveland as well as other city concerns.

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

14. DEVELOPMENT SERVICES

PUBLIC HEARING

LOVELAND FOOTHILLS SOLAR SUBSTATION

Kerri Burchett, Principal Planner and Steve Adams, Water and Power Director presented this quasi-judicial action to rezone 52.6 acres of City property from a residentially zoned PUD to DR –Developing Resource. The property is located between West 22nd Street and West 29th Street, just west of Mehaffey Park. The property is currently zoned Meadowbrook Ridge PUD and is designated for single family and townhome uses. The City's Power Division recently purchased the property and is requesting the rezoning to construct a new substation and solar facility. This project would replace the Idylwilde Hydroelectric Facility that was significantly damaged during the 2013 flood. On September 28, 2015, the Planning Commission recommended approval of the rezoning request by a vote of 5-3. Mayor Gutierrez opened the public hearing at 6:56 p.m. A letter from Frederick J. Burmont, 3584 Parlin St, requested Council postpone consideration of the ordinance; Tony Benjamin, 3072 Hudson Drive, spoke in opposition of the ordinance; Don Hilmes, 3322 Sedgwick Cir, spoke in opposition; Linda Aron 1804 Nucla, expressed concern regarding the visual impact of the substation; Larry Roos, Loveland Utilities Commission member spoke in support of the ordinance; Leighton Bearden, 2181 Vancorum, spoke in support. Mayor Gutierrez closed the public hearing at 8:00 a.m.

Councilor Shaffer moved to Approve On First Reading An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In A Portion Of Tract "C", Vanguard-Famleco Section Addition, City Of Loveland, Larimer County, Colorado. The motion seconded by Councilor Farley, carried with all councilors present voting in favor thereof.

15. HUMAN RESOURCES

EXECUTIVE SESSION

Councilor Shaffer moved that City Council go into executive session to discuss personnel matters related to the Municipal Judge's six month performance evaluation as authorized by the following sections of the Colorado Revised Statutes and the City of Loveland Charter: Personnel matters to include a discussion of the Municipal Judge's six month performance evaluation as authorized by C.R.S. § 24-6-402(4)(f) and Charter Section 4-4 (c)(5). The motion seconded by Councilor Farley carried with six Councilors voting in favor and Councilor McKean voting no, because he would be unable to attend the actual evaluation.

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.

Fogle Downtown Development Authority and the Loveland Downtown Partnership groups will be hosting an open house to 6:00 p.m. Wednesday afternoon at Home State Bank and again at Cactus Grille 7:30 a.m. Thursday.

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

Yellico Updated Council on the Oil and Gas Rulemaking and local impacts. Ms. Yellico will be draft an opinion from the City and run it by council prior to the deadline to submit to the Rulemaking committee.

ADJOURN

Hearing no more business to go before Council, Mayor Gutierrez adjourned the October 20, 2015 regular meeting at 9:26 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor



