

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, NOVEMBER 17, 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:** Mayor Gutierrez, Mayor Pro Tem Fogle and Councilors Krenning, Ball, Johnson, Clark, McKean, Overcash and Shaffer were present.

*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.*

**Councilor Clark asked for items 5, 6 and 7 to be moved to the Regular Agenda. Councilor Shaffer moved to approve the consent agenda with the exception of items 5, 6 and 7. The motion seconded by Councilor Clark carried with all councilors present 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 November 10, 2015 Special Meeting and Study Session was approved.**

- 1. This is an administrative action to approve the City Council meeting minutes for the November 10, 2015 Special Meeting and Study Session.**

**2. DEVELOPMENT SERVICES (presenter: Alan Krcmarik)**

**SPECIAL ASSESSMENT REFUNDING BONDS**

**A Motion To Approve On Second Reading Ordinance #5977 Authorizing The Issuance Of Special Assessment Refunding Bonds In The Maximum Aggregate Principal Amount Of \$5,480,000 Of The City Of Loveland, Colorado, For Special Improvement District No. 1; Prescribing The Form Of The Bonds And Providing For The Payment Of The Bonds And The Interest Thereon was approved.**

**This is an administrative action. An amendment was made to the ordinance between first and second reading to allow the City more flexibility in selecting the Registrar and Paying**

Agent to Article VI, Section 6.01 adding the sentence, "The Registrar and Paying Agent may resign or be removed or replaced as provided in the Paying Agent Agreement." Through the adoption of the Ordinance, the City will reduce the interest rate on the remaining Special Improvement District No. 1 bonds. The lower interest rate will mean lower assessment payments from property owners. The savings over the remaining life of the bonds 2029 will be approximately \$700,000. The savings would allow the special assessment being paid by property owners in the Special Improvement District No. 1 to be lowered by about 10 percent for the remaining term of the bonds that mature in 2029. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

3. **MUNICIPAL COURT** (presenter: Geri Joneson)  
**EXPUNGEMENT OF JUVENILE RECORDS**

**A Motion To Approve On Second Reading An Ordinance #5978 Amending the Loveland Municipal Code at Section 1.12.020 to Authorize Expungement of Juvenile Records and Establish Expungement Procedures was approved.**

This is a legislative action. This is a proposed Ordinance that will grant the Municipal Court the authority to expunge arrest and criminal records for Loveland Municipal Court juvenile offenders who successfully complete a diversion program, deferred prosecution or deferred sentence. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

4. **CULTURAL SERVICES** (presenter: Susan Ison)  
**MUSEUM EXHIBIT, FEES AND BENCH**

**A Motion To Approve On Second Reading An Ordinance #5979 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For The Christo & Jeanne-Claude Exhibit, Architectural Fees For A Museum Conceptual Design, A Memorial Bench For The Main Gallery And A Colorado Creative Industries Grant For 2016 Art Exhibits was approved.**

This an administrative action. The following donations were recently received to support activities in the Cultural Services Department:

- \$10,000 from the Erion Foundation for the Christo and Jeanne-Claude Exhibit.
- \$15,000 from the Erion Foundation to secure the services of Olson Kundig Architects, Seattle, Washington, to provide conceptual design support for a future Museum expansion.
- \$10,000 grant from Colorado Creative Industries for art exhibits in 2016.
- \$2,580 from the estate of Stephen Beale for a memorial bench in the gallery.

These activities would not be possible without the support of the donors. On November 3, 2015, City Council unanimously approved this ordinance on first reading.

5. **DEVELOPMENT SERVICES** (presenter: Brian Burson)  
**PUBLIC COMMENT**

**SILVER SHORE DRIVE EASEMENT VACATION**

This items was considered on the Regular Agenda.

6. **FINANCE** (presenter: Brent Worthington)  
**PUBLIC COMMENT**

**2015 BUDGET FINALIZING AND YEAR-END**

This items was considered on the Regular Agenda.

7. **FINANCE** (presenter: Brent Worthington)  
**PUBLIC COMMENT**

**2015 BUDGET TRANSFERS AND ADMINISTRATIVE CORRECTIONS**

This items was considered on the Regular Agenda.

8. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Brent Worthington)  
**SUPPLEMENTAL BUDGET APPROPRIATION FOR BENEFITS**

**A Motion To Adopt Resolution #R-79-2015 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-57 To Appropriate Additional Funding For Expenditures Associated With Benefits Expenditures was approved.**

This is an administrative action to consider approval of a \$77,600 supplemental appropriation by the Loveland Fire Rescue Authority (LFRA), with a City share of \$27,630. The LFRA Board approved the supplemental budget on October 28, 2015 and the Loveland Rural Fire Protection District approved it November 4, leaving only the City Council approval so that the LFRA Board can appropriate it. This is consistent with the procedures required in the intergovernmental agreement for budget appropriations.

9. **HUMAN RESOURCES** (presenter: Karen Rees)  
**2016 PAY PLAN**

**A Motion To Approve Resolution #R-80-2015 Adopting A Pay Plan For City Employees, And Superseding All Prior Ordinances And Resolutions Adopting Such A Pay Plan was approved.**

This is an administrative action for Council to adopt the City's 2016 Pay Plan. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the City utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with the identified labor market, while also providing a financially sustainable plan.

10. **HUMAN RESOURCES** (presenter: Bettie Greenberg)  
**PROPERTY AND LIABILITY INSURANCE COVERAGE RENEWAL**

**A Motion To Award The City's 2016 Property And Liability Insurance Coverage To CIRSA And Authorize The City To Continue The Intergovernmental Agreement With CIRSA And To Establish A Purchase Order In The Amount Of \$850,000 was approved.**

This is an administrative action to authorize the City to continue its Intergovernmental Agreement with CIRSA for 2016 property and liability insurance coverage and establish a purchase order in the amount \$850,000 for premium, claims administration and payment of estimated claims for 2016 as well as remaining open claims or new claims from prior years. The \$850,000 is within the projected and approved 2016 budget.

**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.*

David Campbell, Loveland resident, thanked the City for the completion of Boise Ave. Asked if the police could have some presence to assist in the speed limit violations during the transition. Gary Ditus, asked Council to consider a code amendment to allow his business to be located within a mile of a current pawnshop. Roger Wiedelmann 4814 N. Franklin for Council to take another look at the Victim Services Coordinator position. David Hallett 2489 Hampstead Dr, expressed concern with Council staff interaction regarding political signage.

**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. **DEVELOPMENT SERVICES** (presenter: Brian Burson)

**PUBLIC COMMENT**

**SILVER SHORE DRIVE EASEMENT VACATION**

This is a legislative action to consider adoption of an ordinance, on first reading, to vacate a short segment an unused public street right-of-way that was never constructed as a public street and provides access to only one residential lot. Pursuant to state statutes, ownership of the vacated right-of-way will be returned to the owner of the adjacent property to the south, and will be incorporated into a replat of several lots along the west edge of Silver Lake. The replacement access will be a private access, emergency access and utility easement making the current right-of-way no longer necessary. The Planning Commission recommended approval of the vacation as part of their Consent Agenda on October 26, 2015. Mayor Gutierrez opened the public hearing at 7:50 p.m. Hearing no comment, Mayor Gutierrez closed the public hearing. **Councilor Shaffer moved To Approve On First Reading, An Ordinance Vacating A Portion Of A Public Street Right-Of-Way Within Silver Glen 1<sup>st</sup> Subdivision, City Of Loveland, County Of Larimer, State Of Colorado.** The motion, seconded by Councilors Ball, carried with all councilors present voting in favor thereof.

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

**PUBLIC COMMENT**

**2015 BUDGET FINALIZING AND YEAR-END**

This is an administrative action. The ordinance appropriates funding for year-end issues and finalizing the 2015 budget. There were no public comments. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget.** The motion seconded by Councilor Clark, carried with all councilors voting in favor thereof.

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

**PUBLIC COMMENT**

**2015 BUDGET TRANSFERS AND ADMINISTRATIVE CORRECTIONS**

This is an administrative action. The ordinance appropriates funding for transfer and administrative corrections. There were no public comments. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Transfer And Administrative Corrections.** The motion seconded by Councilor Clark, carried with all councilors voting in favor thereof.

11. **PUBLIC WORKS** (presenters: Jeff Bailey and Suzette Mallette)

**TEMPORARY MILL LEVY INCREASE FOR I-25**

This is an administrative action. Larimer County is proposing to include in their 2016 budget a temporary increase to the Road and Bridge mill levy created by an offsetting decrease in the County's general fund mill levy. The County's proposal includes utilizing

revenue realized from the temporary redistribution to establish a fund to create matching monies for over \$90 million in federal grants being sought by CDOT for improvements to I-25. This concept was presented to representatives from Berthoud; Estes Park; Fort Collins; Loveland; Timnath; Wellington; Windsor and Johnstown at a regional gathering on October 22, 2015. All cities and towns indicated a willingness to present their respective elected bodies with a proposed Resolution of Support for consideration before the County takes action on its 2016 budget in December. There were no public comments. **Councilor Shaffer moved to Adopt Resolution #R-81-2015 Of Support For The Use Of Larimer County Mill Levy Funds For Interstate 25 (I-25) Improvements**

**11A. PUBLIC WORKS/CITY COUNCIL (presenter: Councilor Hugh McKean)  
SUPPORT OF I-25 IMPROVEMENTS**

This is an administrative action supporting the work of the I-25 Coalition seeking improvements to this critical Colorado transportation corridor. The Resolution asks that the legislature consider any and all ways to expedite the improvement and expansion of north I-25 including the following: Support for a TRANS bond II ballot initiative; Support for General Fund dollars going to transportation (maintenance & construction); Support modification to SB 228 for maintenance as long as it's tied to TRANS bond; Support extending SB 228 for 10 years; Support new revenue streams as long as they go to the voters, are tied to TRANS bond and the benefit goes to transportation; Support tax credit legislation for specific highway projects. Irene Fortune, spoke in opposition of the resolution. Chamber Director Mindy McCloughan spoke in support of the resolution. **Councilor Shaffer moved to approve A Resolution Of Support For Improvements To Interstate 25. The motion was seconded by Councilor McKean.**

**Councilor Fogle moved to amend the resolution by placing "Support for a TRANS bond II ballot initiative" as the primary statement of support and the other five statements as sub bullet points. The motion, seconded by Councilor McKean carried with 8 councilors voting in support and Mayor Gutierrez voting against. Councilor Krenning moved to call the question. The motion seconded by Councilor McKean, carried with all councilors voting in favor thereof.**

**Mayor Gutierrez moved to Insert "that must include consideration of the following:" right after "a Trans Bond II ballot initiative;" in the resolution. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

**A roll call vote was taken on the original motion as amended and the motion carried with eight councilors voting in favor and Councilor Shaffer voting against.**

**Mayor Gutierrez directed Staff to provide a good analysis of the TRANS bond II ballot initiative and ongoing status of its movement through the system in the Legislative update by Staff.**

**12. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)  
DOWNTOWN DEVELOPER RFP**

This is an administrative action. On October 6, 2015, the Loveland City Council approved the issuance of a Request for Proposals for the Downtown South Catalyst project. At the meeting, the City Council directed staff to return with a more clearly defined process for selecting a developer and for the negotiation process. Discuss ensued regarding whether the City should revisit the RFP or continue through the current process and consider the two RFPs received. Mayor Gutierrez asked for public comment: Irene Fortune, 4830 Avon Ave., expressed concern with Developers watching Council discuss whether or not to

continue through the RFP process. Bob Massaro, Loveland resident agreed that the City should follow through with the process and consider the two proposals received. Councilor Shaffer moved to direct staff to proceed with the developer selection process for the Downtown South Catalyst Request for Proposals as set forth in the Staff Report. The motion was seconded by Councilor Ball. Councilor Ball moved to call the question. The motion, seconded by Councilor Shaffer, carried with eight councilors present voting in favor and Councilor Clark voting against. Roll was called on the original motion, which carried with eight councilors voting in favor and Councilor Krenning voting against. Councilor Shaffer moved to direct staff to proceed with the proposed developer negotiation process for the South Catalyst Project as set forth in the Staff Report. The motion seconded by Councilor Johnson, carried with seven councilors voting in favor and Councilors Krenning and McKean voting against.

Consensus of Council was to direct Staff to ask the Loveland Downtown Partnership and the Downtown Development Authority to designate representatives to serve on the negotiation committee.

#### **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.*

Krenning Requested an Executive Session on December 1, 2015 to discuss the City's contract with the Stiners regarding potential litigation; Requested that Council place a discussion item on the Council goal setting workshop regarding meeting procedures and processes.

Ball Attended the tour of the Rawhide Plant during its recent regular maintenance shutdown.

Fogle CAB tomorrow night 5:00 for builders to participate in the rebuilding of the Development Center.

Gutierrez Attended the various Veteran's Day events.

#### **CITY MANAGER REPORT**

Cahill There is a new Council orientation from 4:00 – 5:30 p.m. in the City Manager's Conference room along with a three hour Department Director orientation and Department tours. Working to set up the Annual Council workshop in late January

#### **CITY ATTORNEY REPORT**


#### **ADJOURN**

**Mayor Gutierrez adjourned the Regular Meeting of the City Council at 11:02 p.m.**

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk



  
Cecil A. Gutierrez, Mayor