

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND GID BOARD OF DIRECTORS
TUESDAY, FEBRUARY 16, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL, Councilors Present: Gutierrez, Johnson, Ball, Krenning, Fogle, Clark, McKean and Overcash. Councilor Shaffer was absent. Councilor McKean arrived at 6:42 p.m.

Introduction of Miss Loveland Valentine 2016: Alice Mueller

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 Pro-Tem Fogle moved to approve Consent Agenda Items 1-15. The motion, seconded by Councilor Johnson, 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 January 12, 2016 Study Session and The January 19, 2016 Regular Meeting was approved.
This is an administrative action to approve the City Council meeting minutes for the January 12, 2016 Study Session the January 19, 2016 Regular Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CULTURAL SERVICES BOARD, HUMAN SERVICES COMMISSION, LIBRARY BOARD, PARKS AND RECREATION COMMISSION AND VISUAL ARTS COMMISSION
 1. **Adopt a motion to reappoint Juanita Cisneros to the Cultural Services Board a term effective until December 31, 2019 was approved.**

2. **Adopt a motion to appoint Suzanne Janssen to the Cultural Services Board a term effective until December 31, 2019 was approved.**
3. **Adopt a motion to appoint Krystal Rowland to the Human Services for a partial term effective until June 30, 2017 was approved.**
4. **Adopt a motion to appoint Carolyn Benson to the Human Services for a partial term effective until June 30, 2018 was approved.**
5. **Adopt a motion to appoint Maren Soreide as an alternate member on the Human Services Commission for a term effective until June 30, 2016 was approved.**
6. **Adopt a motion to reappoint Sandy Darby to the Library Board for a term effective until December 31, 2020 was approved.**
7. **Adopt a motion to appoint Sue Mullins as an alternate member on the Library Board for a term effective until December 31, 2016 was approved.**
8. **Adopt a motion to reappoint Gene Alvine to the Parks and Recreation Commission for a term effective until December 31, 2018 was approved.**
9. **Adopt a motion to reappoint Deborah Manderscheid to the Parks and Recreation Commission for a term effective until December 31, 2018 was approved.**
10. **Adopt a motion to reappoint Leighton Millar to the Parks and Recreation Commission for a term effective until December 31, 2018 was approved.**
11. **Adopt a motion to appoint Constance Faber to the Parks and Recreation Commission for a partial term effective until December 31, 2016 was approved.**
12. **Adopt a motion to reappoint Greg Hoff to the Visual Arts Commission for a term effective until December 31, 2018 was approved.**
13. **Adopt a motion to reappoint Judy O'Gorman to the Visual Arts Commission for a term effective until December 31, 2018 was approved.**
14. **Adopt a motion to reappoint Margaret Rosborough to the Visual Arts Commission for a term effective until December 31, 2018 was approved.**
15. **Adopt a motion to appoint Jade Windell as an alternate member on the Visual Arts Commission for a term effective until December 31, 2016 was approved.**

These are administrative actions appointing members to the Cultural Services Board, Human Services Commission, Library Board, Parks and Recreation Commission and Visual Arts Commission.

3. DEVELOPMENT SERVICES (presenter: Troy Bliss)

VACATION OF EASEMENTS FOR PETCO AT ORCHARDS SHOPPING CENTER

1. A Motion To Adopt On Second Reading, Ordinance #5993 Vacating An Easement Located Within Lots 4 And 5, Replat Of Tract "G" Of Orchards Addition, City Of Loveland, County Of Larimer, State Of Colorado was approved.

2. A Motion To Adopt On Second Reading, Ordinance #5994 Vacating A Portion Of A Reciprocal Private Access, Utility And Drainage Easement Located Within Lot 2, Block 1 Of The Orchards Thirteenth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado was approved.

This is a legislative action to adopt two associated ordinances, on second reading, vacating easements within the Orchards Addition and Orchards Thirteenth Subdivision – located east of N. Garfield Avenue and north of E. 29th Street. This item is associated with plans to locate a Petco retail store in the Orchards Shopping Center. A small private access, drainage, and utility easement is of no consequence to the City because it is private and includes no public utilities. A larger, triangular shaped easement, however, contains public utilities. In order to vacate this triangular-shaped easement, a new easement will be dedicated and utilities rerouted. On January 19, 2016, City Council unanimously approved these vacations on first reading.

ADJOURNED AS CITY COUNCIL AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) at 6:15 p.m.

4. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PROPERTY INCLUSION WITHIN THE GID

A Motion To Adopt On Second Reading, Ordinance #5995 Granting A Petition For Inclusion Of The West Fifty Feet Of SW Block 34, Everetts Subdivision, City Of Loveland, County Of Larimer Within The Loveland General Improvement District No. 1 In Loveland, Colorado was approved.

This is a legislative action to consider adoption of an ordinance, on second reading, to include the property legally described as the west 50 feet of the southwest portion of Block 34, Everetts Subdivision, City of Loveland, County of Larimer, State of Colorado in the General Improvement District (GID). This property includes an existing two-story building and a single family home. The owner (Charles Salwei) wishes to renovate the two story building generally located at the northeast corner of N. Jefferson Avenue and E. 3rd Street (348 N. Jefferson Avenue) for additional apartment units and office use. On January 19, 2016, City Council unanimously approved this request for inclusion into the GID on first reading.

ADJOURNED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENED AS CITY COUNCIL at 6:15 p.m.

5. **PARKS AND RECREATION** (presenter: Marilyn Hilgenberg)
GREAT OUTDOORS COLORADO GRANT

Motion to Adopt On Second Reading, Ordinance #5996 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for the Ward Trust Property Open Lands Acquisition was approved.

This is an administrative action. The City applied for and was awarded a Great Outdoors Colorado ("GOCO") grant for the Ward Trust Property Open Lands Acquisition, which includes the acquisition of a 73-acre parcel and associated George Rist Ditch water rights. This is an administrative action to approve the grant agreement and authorize the City Manager to sign the agreement on behalf of the City. In addition, the ordinance appropriates funding for the acquisition of the Ward Trust Open Lands Acquisition. On January 19, 2016, City Council unanimously approved this ordinance on first reading.

6. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
PUBLIC COMMENT

DESIGN OF FIRE TRAINING GROUNDS

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Design Of The Fire Training Grounds was approved.

This is an administrative action to conduct a public hearing and consider approval on first reading of \$321,442 supplemental appropriation to carryover funding appropriated in 2015 from Fire Capital Expansion Fees and meet actual project costs based on the Request for Proposal process for the design of the Fire Training Grounds.

7. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
PUBLIC COMMENT

ROSSUM DRIVE PROPERTY SALE

A Motion To Approve On First 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 was approved.

This is an administrative action on first reading regarding the sale of City property on Rossum Drive for \$145,000. 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 2015, a separate developer attempted to purchase the property along with an adjoining property to build a senior living facility. That proposed purchase agreement required that the developer rezone the two properties and the Loveland Planning Commission rejected the rezoning request in October, 2015. This new \$145,000 cash offer is from a neighbor who lives east of the property, and is \$10,000 more than the previous purchase offer.

8. **FINANCE** (presenter: Alan Krcmarik)

PUBLIC COMMENT

SID BOND APPROPRIATIONS

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Special Improvement District No. 1 Budget For Bond Appropriations was approved.

This is an administrative action. The City of Loveland recently completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. The proposed Ordinance appropriates the final payments on the old bond (Series 2007) and the revenue generated from the new refunding bond.

9. **PUBLIC WORKS** (presenter: Jeff Bailey)

NORTH TAFT AVENUE BRIDGE IGA

A Motion to Adopt Resolution #R-14-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, For Design And Construction Of The Taft Avenue Bridge Replacement And Widening Project In Loveland, Colorado was approved.

This is an administrative action for City Council approval of an IGA with CDOT, to authorize the use of Federal grant funds to replace the structurally deficient bridge on Taft Avenue over the Big Barnes Ditch. The grant award is \$736,000.00 to be used specifically for bridge replacement and roadway tie-in construction with CDOT serving as administrator. While the local matching fund requirement for the bridge replacement project is \$184,000, the project as proposed also incorporates a road widening component extending north from the bridge to just south of 11th Street. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work.

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.

Stacy Lynne, Larimer County Resident, expressed concern regarding Loveland Police Detective Koopman. Ms. Lynne indicated she and eleven other members of the public, had a series of videos they would like Council to review. Ms. Lynne acknowledging the children in the audience and advised that the video may not be suitable for children.

Mayor Pro-Tem Fogle moved to direct the videos that Ms. Lynne provided be viewed by the City Attorney for appropriateness prior to being shown at a meeting. The motion was seconded by Councilor Ball. Mayor Gutierrez asked for public comment.

Rick Nelson, Arvada resident, expressed concern with not allowing the video to be seen tonight. John Medders, Loveland Resident, expressed concern with being censored. John Craig, indicated he drove 3 hours to get here tonight, and is disappointed this evidence may not be

allowed.

Roll was called and the motion failed with two councilors voting in favor and Councilors Johnson, Overcash, Krenning, Gutierrez and Clark voting against. Mayor Gutierrez excused the Boy Scouts before Ms. Lynne resumed her discussion. The following individuals introduced themselves and requested certain videos be played.

Holly Kennedy, Loveland resident, video 1; John Wynes, Larimer County resident, video 2; Donna Meddors, Loveland resident, video 3; Lisa Romanek, Loveland resident, video 4; Jim Myers, Larimer County resident, video 5; John Meddors, Loveland resident, video 6; Michael Vote, Loveland resident; video 7; Jeremy Myers, Larimer County resident, video 8; Mark Stahl, Jefferson County resident, video 9; Bill Maleny, Larimer County resident, video 10; Stan Romanek, Lincoln County resident, video 11.

Richard Nelson, Arvada resident, expressed concern with Detective Koopman's handling of the Myers v. Koopman case

Greg Liverette, Lincoln County resident, expressed concern with the City allowing Chief Hecker to retire, instead of terminating his employment.

Council asked City Attorney, Tami Yellico to provide a litigation update on two cases: Myers v. Koopman and Fisher v. Koopman at the next meeting.

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

**10. CITY MANAGER (presenter: Bill Cahill)
LARIMER COUNTY SOLID WASTESHED POLICY GROUP**

Appointment of a Council Member to Larimer County Solid Watershed Planning Coalition Policy Group

This is an administrative item. Mayor Gutierrez appointed Ward 2 Councilor Leah Johnson to the Larimer County Solid Wasteshed Planning Coalition Policy Group. Councilor Johnson was the only nomination by Council.

**11. CITY ATTORNEY (presenter: Tami Yellico)
PUBLIC HEARING**

LEE FARM METRO DISTRICT 1-4 SERVICE PLAN

City Attorney, Tami Yellico introduced the item to Council. Applicant representatives, Alan Pogue, Peggy Doswell, Brock Chapman and City of Loveland Chief Fiscal Advisor, Alan Krcmarik were present to answer questions. This resolution is an administrative action to approve the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 – 4 (the "Districts"). The Districts are generally located west of Wilson Avenue between West 35th Street and West 43rd Street in the City of Loveland. They consist of approximately 247 acres for primarily residential development. The Districts will provide for the design, acquisition, installation, construction, financing, operations, and maintenance of streets, traffic and safety signals, sewer, water, and parks and recreation facilities within the

boundaries of the Districts. A mill levy cap of 65 mills is proposed for the Districts, subject to certain adjustment provisions. Mayor Gutierrez opened the public hearing at 9:45 p.m. Irene Fortune, 4830 Avon, inquired into the process for the Metro District to collect unpaid taxes. Mayor Gutierrez closed the public hearing. **Mayor Pro-Tem Fogle moved to Adopt Resolution #R-15-2016 Approving the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 – 4. The motion seconded by Councilor Clark carried with all councilors present voting in favor thereof.**

**12. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)
EXCLUSIVE NEGOTIATION AGREEMENT**

This is an administrative action. Economic Development Manager, Mike Scholl introduced this item to Council. Jim Cox member of the contract negotiating team and Loveland Downtown Partnership, recommended approval of the contract. At the January 19, 2016 regular meeting, the City Council directed City staff to bring the Exclusive Negotiation Agreement with Brinkman Capital, LLC to Council for consideration. The Exclusive Negotiation Agreement is a contract with the developer as the City's exclusive development partner. If approved, City staff along with the downtown stakeholder groups will begin negotiation on a development agreement for the South Catalyst project. Both parties anticipate completing the draft terms of agreement prior to the August 2, 2016 deadline. Public comment: Jackie Marsh, Rabbask Designs, asked Council to not allow Larimer County to put the County Probations program in the South Catalyst project, downtown. **Mayor Pro-Tem Fogle moved to Adopt Resolution #R-16-2016 Of The Loveland City Council Approving The Execution Of An Exclusive Negotiation Agreement With Brinkman Capital, LLC For The South Catalyst Project. The motion, seconded by Councilor Clark, carried with all councilors present 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.

- Ball** Attended the Downtown "Fire and Ice" Event.
- Clark** US 34 Coalition are looking at performing a Pell Study. Up for discussion are: CDOT approval; portion of cost borne by CDOT and individual Municipalities.
- McKean** Would like to see some options for improving West Hwy 34 in town. i.e. enterprise zones, etc...; Expressed concern with handling of citizen escalated emails.
- Johnson** Affordable Housing Commission is looking at the City of Loveland Affordable Housing Policy and would request a joint meeting with City Council.
- Fogle** Working on a Lobbyist communication regarding "Truth in Advertising" for Broadband providers. Will send to Council draft.
- Krenning** Asked for an update on the Franchise Agreement with Comcast. Comcast has obtained a local office as "requested" by City Council. The Franchise agreement will be coming back, since this request has been met; Asked for an update regarding the Building Department charrette with local builders.
- Overcash** Kudos to Golf Manager, Steve Southard, for great customer service.

Gutierrez Encouraged Council and the public to visit the "Artspace" project. Attended the luncheon with Valentine "stampers" and expressed appreciation for all of their time and hard work. King Soopers (lunch), USPS and the Chamber of Commerce; Happy 20th anniversary to the "Modern" Rialto Theatre.

CITY MANAGER REPORT

Cahill Reminded Council of a few meeting dates:
1) **February 23, 2016, 6:30 p.m.**, Special meeting will be devoted to the South Catalyst project with a possible Executive Session.
2) **February 29, 2016, 6:00 p.m.**, Regular meeting (original) March 1, 2016.
3) **CANCELLED: March 8, 2016.**

CITY ATTORNEY REPORT

None

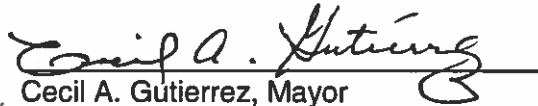
ADJOURN

Mayor Gutierrez, after hearing no further business before Council, adjourned the February 16, 2016 Regular meeting at 10:20 p.m.

Respectfully submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor



