

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, MARCH 15, 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, Fogle, Johnson, Ball, Clark, McKean, Overcash, and Krenning. **Absent:** Councilor Shaffer.

**Councilor Ball read the proclamation recognizing March as Developmental Disability Awareness Month in Loveland. Dan Soldner, Taylor Summer, and Julian Wang with the Arc of Larimer County accepted 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. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.*

**Mayor Gutierrez asked if members of the public, staff or Council would like to remove something from the consent agenda. No items were removed. Councilor Fogle moved to approve the consent agenda. 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 City Council Minutes For the February 23, 2016 Special Meeting and the February 29, 2016 Regular meeting was approved.**  
This is an administrative action to approve the City Council minutes for the February 23, 2016 special meeting and the February 29, 2016 regular meeting.
  
2. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION, GOLF**

## **ADVISORY BOARD AND VISUAL ARTS COMMISSION**

1. Adopt a motion to appoint Joseph Lynch to the Citizens' Finance Advisory Commission for a term effective until December 31, 2018 was approved.
2. Adopt a motion to appoint Roger Weidelman to the Citizens' Finance Advisory Commission for a term effective until December 31, 2018 was approved.
3. Adopt a motion to reappoint Julie Nelson to the Golf Advisory Board for a term effective until December 31, 2018 was approved.
4. Adopt a motion to reappoint Jan Wall to the Golf Advisory Board for a term effective until December 31, 2018 was approved.
5. Adopt a motion to appoint Chuck Weirauch to the Golf Advisory Board for a term effective until December 31, 2018 was approved.
6. Adopt a motion to appoint Jade Windell to the Visual Arts Commission for a partial term effective until December 31, 2017 was approved.

This is an administrative item appointing members to the Citizens' Finance Advisory Commission, the Golf Advisory Board and the Visual Arts Commission.

### **3. PUBLIC WORKS (presenter: Chris Carlson)**

#### **FLOOD RECOVERY PROJECTS FINAL DESIGN**

**A Motion To Approve On Second Reading, Ordinance #6000 Enacting a Supplemental Budget and Re-Appropriation (Rollover) to the 2016 City of Loveland Budget for Final Design of the Wilson to Taft Reach Flood Recovery Projects and for Completion of the Highway 287 Bridge Flood Mitigation Feasibility Study was approved.**

This is an administrative action. The ordinance on second reading re-appropriates funding approved in 2015 for engineering/final design of the Wilson to Taft Reach Flood Recovery Projects and for the Highway 287 Flood Mitigation Feasibility Study. Funding for both projects was previously approved in 2015, but work was delayed pending FEMA approval of a scope change request, signature of a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant contract, and selection of an engineering consultant. Because time is of the essence affecting analysis, design, permitting, bidding, construction and deadlines outside City control (FEMA and State deadlines), Public Works needs to move forward quickly to complete each of the two projects on schedule. Therefore, re-appropriation of \$246,000 for the flood recovery project work (Wilson to Taft reach projects) and \$172,150 for the Highway 287 Bridge Flood Mitigation Feasibility Study is requested. On February 29, 2016, City Council unanimously approved this ordinance on first reading.

### **4. HUMAN RESOURCES (presenter: Karen Rees)**

#### **EMPLOYEE BENEFITS FUND APPROPRIATION**

**A Motion To Approve On Second Reading, Ordinance #6001 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For A General Fund Contribution To The Employee Benefits Fund was approved.**

The Employee Benefits Fund ended 2015 negative due to higher claims than expected in the months of November & December. In order to correct the shortfall, an appropriation of \$610,000 is needed. The total \$5,342,782 General Fund contribution to the Employee Benefits Fund will not change, but the timing of the contribution will. On February 29, 2016, City Council unanimously approved this ordinance on first reading.

### **5. POLICE (presenter: Tim Brown and Brent Worthington)**

#### **SUPPLEMENTAL APPROPRIATION FOR VEHICLES**

**A Motion To Approve On Second Reading, Ordinance #6002 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Four Police Vehicles was approved.**

City Council approved the addition of three (3) officers funded by existing appropriations.

Three (3) vehicles are needed to support the additional officers. One (1) vehicle is requested for a School Resource Officer approved in 2016 under acceptance of a COPS grant with Thompson School District R2J. On February 29, 2016, City Council unanimously approved this ordinance on first reading.

**6. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller)  
LFRA BUDGET ROLLOVER**

**A Motion to Adopt Resolution #R-19-2016 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-064 For The Loveland Fire Rescue Authority's 2016 Budget was approved.**

This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2016 Budget to re-appropriate operational expenses not spent in 2015 and add new projects. The Council approval of the budget is required for the Authority's budget to be in effect. Implementation of the resolution requires an additional contribution from the City of \$362,054 to be appropriated from fund balance, available due to 2015 savings in the budgeted contribution to LFRA. At year end the contribution from the City had a balance of \$401,400, leaving \$39,386 of the savings to be retained in the City's General Fund Balance.

**7. CITY CLERK (presenter: Terry Andrews)  
DDA ELECTION PREPARATION**

**A Motion to Adopt Resolution #R-20-2016 Directing The City Clerk To Prepare For The Possibility Of An Election Issue Involving The Downtown Development Authority was approved.**

This is an administrative action. The resolution would authorize the City Clerk and other staff to begin the process of creating the "qualified elector" list, for a possible November TABOR election for the Downtown Development Authority, created in February of 2015.

**8. AIRPORT (presenter: Jason Licon)  
PUBLIC COMMENT**

**AMENDMENT TO NCRA COMMISSION BYLAWS**

**A Motion to Adopt Resolution #R-21-2016 Amending The Bylaws Of The Northern Colorado Regional Airport Commission was approved.**

This is an administrative action to adopt a resolution to the bylaws governing the responsibilities and duties of the Northern Colorado Regional Airport Commission.

**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.*

Jane Quickle, 3016 Silver Leaf Drive, ask Council to consider installing a traffic light at 29<sup>th</sup> and Silver Leaf Dr., because of the danger associated with trying to cross the road. Traffic Engineer, Jeff Bailey, will have Staff look at traffic counts at 29<sup>th</sup> and Silver Leaf Dr and 37<sup>th</sup> And Monroe, which also came up in the discussion.

**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**

**9. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)  
PUBLIC COMMENT**

**SOUTH CATALYST PROJECT FUNDING**

This is an administrative action. Economic Development Manager, Mike Scholl, introduced this item to Council. The ordinance re-appropriates \$1,734,414, which is the balance of the \$6.5 million that was originally approved in 2014 for the acquisition of Downtown property and other activities in support of the South Catalyst redevelopment project. The proposed project, a partnership with the Brinkman Partners, is expected to result in a vertically dense mixed-use project that would include office, residential and retail. The total investment is expected to be \$50 to \$70 million. Since the initial appropriation in 2014, the City has purchased twelve properties and completed extensive pre-development activities. The funding for the appropriation of \$1,734,414 is from Unreserved Fund Balance in the General Fund. The appropriation of this fund balance reduces the flexibility to fund other projects. On February 29, 2016 City Council approved the first reading of the ordinance by a 6 to 3 vote. There were no public comments. Councilor Fogle moved to **Approve On Second Reading, Ordinance #6003 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget To Re-Appropriate Funding Approved In 2014 For The Purchase Of Property And Other Costs Associated With Downtown Land Purchases For The South Catalyst Project.** The motion, seconded by Councilor Johnson, carried with seven councilors voting in favor and Councilors Krenning and McKean voting against.

**10. CITY ATTORNEY (presenter: Tami Yellico)  
PUBLIC COMMENT**

**CONSTRUCTION DEFECTS**

This is a legislative action. City Attorney, Tami Yellico introduced this item to Council. This ordinance addresses the issues of builder and developer liability as it relates to construction defects. On February 29, 2016 City Council approved the first reading of the ordinance by an 8 to 1 vote. Public comments consisted of Mark Koentopp, Chair of the Loveland Berthoud Associated Realtors and Loveland Resident and Realtor, Michelle Jacobs expressing support of the ordinance and appreciation for Council Approval. Councilor Fogle moved to **Approve On Second Reading, Ordinance #6004 Adding a New Chapter 15.58 to the Loveland Municipal Code to Encourage Construction of Condominiums.** The motion, seconded by Councilor Ball, carried with eight councilors voting in favor and Mayor Gutierrez voting against.

## **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.*

**Council Appreciation** Councilors who attended the National League of Cities ("NLC")

Conference in Washington D.C., expressed appreciation to the Citizens for making it possible for them to attend the conference. Consensus of Council was an acknowledgment of the great impression made by the Youth Advisory Commission ("YAC"). Thank you to Event chaperones: Councilor Clark; "YAC" Staff Liaison, Beth Gudmestad and Parent, Teri Volk.

**Johnson**

At the request of at least four councilors, Staff will schedule a Study session item regarding Metro District Policies specifically "Full Disclosure" to property buyers.

**Fogle**

Submitted a resolution regarding "Truth in Advertising" for Communication Technology Companies. This resolution was created at the request of the "NLC" Information Technology Communications Committee. Attended a luncheon, where Nat'l Endowment of the Arts representative Ms. Choo cited the Granary site "Artspace" as an "exceptional project".

**Krenning**

At the request of four councilors, Staff will schedule a Study Session item, regarding some projects associated with the Highway 287 Strategic Plan. Staff will look into golf cart access at the Olde Course (golf course), including access over the Loudon Ditch.

**Overcash**

Expressed concern over the article in the Loveland Reporter Herald, regarding the police department hiring of three additional uniformed police officers. Still will bring the Ordinance with "alternate" funding back to Council in April for consideration. The City Manager and some of Council will be attending the April 4, 2016 Police Citizen Advisory Board meeting to discuss the concerns raised by the Board members, reflected in the article.

**Gutierrez**

Mayor of Denver has embarked on a new program called "Vision 0 Fatalities", to aide in lower the number of major injuries in the community. Platte River 2016 – 2020 Strategic Plan has been release. Council received the plan at the meeting; Update of the I-25 solutions meetings: an interim solution has been discussed (using the median to create two additional lanes one North and one South bound)

**McKean**

Requested Mayor Gutierrez allow a moment of silence in Honor of Veteran and active resident Tom Buchanan, who passed away this last week.

#### **CITY MANAGER REPORT**

**Cahill**

Will be attending the PCAB meeting on April 4, 2016; The "YAC" will be coming to a future council meeting to report on their trip to Washington D.C.; Attended several meetings at the NLC conference with representative from Ft. Collins regarding issues i.e.: FHA & Hwy 34; Railway issues (DOT is re-opening this item for discussion); virtual towers at the Airport, etc...; CDOT representative will be attending Council Study Session to discuss current efforts on Hwy 34 and I-25; Announced the passing of City Employee Mark Levick this last week and asked the Mayor to call for a moment of silence in Mark's honor.

#### **CITY ATTORNEY REPORT**


None

**ADJOURN**

At 7:26 p.m. Mayor Gutierrez called for any other business to go before Council. Hearing none, Mayor Gutierrez requested a moment of silence in honor of Staff member, Mark Levick and resident, Tom Buchanan. Following the tribute, Mayor Gutierrez adjourned the March 15, 2016 Regular meeting of Council at 7:27p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

