

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
TUESDAY, MAY 3, 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, Overcash McKean and Krenning. Councilor Shaffer arrived at 7:20 p.m.

The Proclamation Declaring May 1-7 As Drinking Water Week was read by Councilor Krenning and received by Water and Power Customer Relations Manager, Gretchen Stanford.

The Proclamation Declaring May 8 -14, 2016 As Economic Development Week was read by Councilor Ball and received by Economic Development Director Susan Grafton.

The Proclamation Declaring Month May 2016, As Archaeology & Historic Preservation Month was read into the record by Councilor Fogle who also received the proclamation on behalf of the Historic Preservation Commission.

The Proclamation Declaring May 1-7 As Municipal Clerks Week was read by Mayor Gutierrez and received by City Clerk Terry Andrews.

The Proclamation Declaring May 15-21, 2016 As National Public Works Week was read by Councilor McKean and received by Public Works Director, Leah Browder.

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 any items from the consent agenda. Councilor Clark requested that items 3 and 12 be removed for the consent agenda and considered on the regular agenda. Mayor Pro Tem Fogle moved to approve the consent agenda, with the exception of times 3 and 12. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.

(6:30) CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For the April 19, 2016 Regular Meeting were approved.
This is an administrative action item to approve the City Council minutes for the April 19, 2016 regular meeting.
2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENT TO THE PARKS AND RECREATION COMMISSION
A motion to appoint Brett Dowgin as the Thompson School District representative on the City of Loveland Parks and Recreation Commission for a partial term effective until December 31, 2017 was approved.
This is an administrative item appointing a member to the Parks and Recreation Commission.
3. **PUBLIC WORKS** (presenter: Kevin Gingery)
AMENDING FLOOD PLAIN BUILDING CODE
This item will be considered on the Regular Agenda
4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
FAIRGROUNDS 8TH ADDITION ANNEXATION
1. A Motion to Adopt Resolution #R-30-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Fairgrounds Eighth Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The State Constitution And State Statutes was approved.

2. A Motion To Approve On First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Fairgrounds Eighth Addition" To The City Of Loveland was approved.

3. A Motion To Approve On First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Fairgrounds Eighth Addition" To The City Of Loveland was approved.
This is a public hearing to consider the following items on first reading:
 - A legislative action to adopt a resolution and ordinance to annex 4 acres of city owned property to be known as the fairgrounds eighth addition; and
 - A quasi-judicial action to zone the 4 acres to i-developing industrial district.The property is located immediately west of the existing Loveland Fire Training Facility and East of S. Roosevelt Avenue, approximately 1200 feet north of 14th Street SW. The applicant is the City of Loveland.
The city has already purchased the subject property. While the annexation and zoning of the property has negligible impact on the budget, the eventual development of the property, which will be reviewed by the city in succeeding development applications, will have a cost impact to the city and to the Loveland Fire Authority.
5. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
WATERS EDGE ADDITION ANNEXATION
A Motion To Adopt Resolution #R-31-2016 Finding a Certain Petition for Annexation Known as Waters Edge Addition, Filed April 14, 2016, to be in Substantial

Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of Section 31-12-107(1), C.R.S.; and Establishing a Date, Time, and Place for a Hearing to Determine Whether the Proposed Annexation Complies with the Applicable Requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is Eligible for Annexation to the City of Loveland, Colorado was approved.

This is a legislative action to set a public hearing date of June 7, 2016 for the consideration of an annexation of 82.68 acres to be known as the Waters Edge Addition. The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. Included with the annexation proposal is a request to zone the property R1-Developing Low Density Residential. The applicant is Lynda Beierwaltes with Luxor, LLC.

**6. FINANCE (presenter: Brent Worthington)
MARCH 2016 FINANCIAL REPORT**

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2016.

**7. CITY MANAGER (presenter: Alan Krcmarik)
MARCH 2016 INVESTMENT REPORT**

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the March monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.13%. For the first quarter, total earnings of \$381,113 were posted to City fund accounts; the year-to date target was \$533,560. U.S. short-term Treasury interest rates fell slightly again in March; the portfolio's change in unrealized gain for the year-to-date was \$1.84 million. The end of March portfolio market value is estimated to be \$215.7 million. The total amount of the portfolio is lower than the end of 2015 by \$1.5 million. The peak amount for the portfolio was reached before the 2013 flood when it had estimated market value of \$226.3 million.

**8. ECONOMIC DEVELOPMENT (presenter: Cindy Mackin)
SUPPLEMENTAL APPROPRIATION AIRPORT MARKETING**

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Fort Collins-Loveland Municipal Airport Budget For Airport Marketing was approved.

This is an administrative action item. The ordinance provides \$50,000 from the Lodging Tax Fund to support the Fort Collins-Loveland Airport marketing and PR efforts through a comprehensive marketing campaign which would include advertising. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. The current balance of the Lodging Tax reserves is \$781,053.

ADDENDUM ITEM

**12. PUBLIC WORKS (presenter: Jeff Bailey)
CDOT FUNDS FOR BYRD DRIVE**

This item will be considered on the Regular Agenda.

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.

Bob Trout, 441 Marcellina Dr, Loveland, invited the Council and the public to an event at Rivers' Edge Natural Area, for the planting of 1,000 milkweed plants to assist in increasing the population of Monarch Butterflies; Andrea Samson, asked Council to overturn Ordinance 5800, banning the sale of Marijuana within the City of Loveland; Larimer County resident, Stacy Lynne asked Council some questions on the records, regarding Detectives Koopman and Arreola; Loveland resident Holly Kennedy, spoke regarding the Koopman court case decision. Larimer County residents, John Weirs, and Virginia Farber also spoke regarding Detective Koopman.

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

3. PUBLIC WORKS (presenter: Kevin Gingery)

AMENDING FLOOD PLAIN BUILDING CODE

This is an administrative action to simplify two definitions and add seven additional definitions to the Floodplain Building Code chapter. This action has no cost associated with it. There were no public comments. **Mayor Pro Tem Fogle moved To Approve On First Reading, An Ordinance Amending The Loveland Municipal Code At Chapter 15.14.020 Regarding Definitions For The Floodplain Building Code. The motion seconded by Councilor Clark, carried with all councilors present voting in favor thereof.**

12. PUBLIC WORKS (presenter: Jeff Bailey)

CDOT FUNDS FOR BYRD DRIVE

This is an administrative action item. City Council approval is necessary to approve the submitted IGA and to authorize the use of \$1,100,000 in Colorado Department of Transportation (CDOT) funds to construct the missing segment of roadway. Council approval is also required to provide the \$500,000 to the developer for construction of Byrd Drive by the time CDOT needs to remove the Frontage Road. This request will be submitted to City Council at a later date once a development agreement is finalized with the developer. There were no public comments. **Mayor Pro Tem Fogle moved to Approve Resolution #R-35-2016 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 Construction Of Byrd Drive. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

9. YOUTH ADVISORY COMMISSION

NATIONAL LEAGUE OF CITIES CONFERENCE

(presenters: Commissioners Jack Crowley, Stirling Pettit, Ava McQuade, Hattie Volk)

Members of the Youth Advisory Commission personally thanked the City Council for funding their trip to the National League of Cities in Washington, DC in March 2016. The YAC who attended this conference returned with valuable information and ideas that they are excited to share with other commissioners and look forward to discovering ways to

implement these ideas into the Loveland community.

10. **CITY ATTORNEY** (presenter: Tami Yellico)
CENTERRA MFA PARKING STRUCTURE
City Attorney, Tami Yellico presented these administrative action items which would approve the proposed Minor Modification to the Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement (“MFA”) to modify Paragraph 2 of the Seventh Amendment to state that the term “Parcel 206 Parking Improvements” shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District. Centerra representatives, Chad McWhinney, Kim Perry and Alan Pogue were also present to answer questions. Jackie Marsh, asked for clarification on a few things. **Mayor Pro Tem Fogle moved to Approve Resolution #R-33-2016 Of The Loveland City Council Approving The Minor Modification To The Seventh Amendment To The Centerra Master Financing And Intergovernmental Agreement As Amended. The motion seconded by Councilor Shaffer carried with all councilors voting in favor.**

CITY COUNCIL ADJOURNED AND CONVENED AS BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY.

11. **CITY ATTORNEY** (presenter: Tami Yellico)
CENTERRA MFA PARKING STRUCTURE
City Attorney, Tami Yellico presented these administrative action items which would approve the proposed Minor Modification to the Seventh Amendment to the Centerra Master Financing and Intergovernmental Agreement (“MFA”) to modify Paragraph 2 of the Seventh Amendment to state that the term “Parcel 206 Parking Improvements” shall mean and include public surface parking and public parking structure to be constructed and owned by the Service District, to serve the mixed-use development on Parcel 206, within the Commercial District. There were no public comments. **Commissioner Fogle moved to Approve Resolution #R-34-2016 Of The Loveland Urban Renewal Authority Approving The Minor Modification To The Seventh Amendment To The Centerra Master Financing And Intergovernmental Agreement As Amended. The motion seconded by Councilor Shaffer carried with all councilors voting in favor.**

BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY ADJOURNED AND RECONVENED AS CITY COUNCIL.

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 Staff place the Golf Cart on public roads discussion on a meeting in the near future; Staff will bring an ordinance to the next meeting regarding E-cigarettes in Public Buildings on May 17, or June 7, 2016 for consideration by Council.
- McKean** Announced that the Ft Collins-Loveland Municipal Airport changed names to the “Northern Colorado Regional Airport”.
- Overcash** Thanked Karen Rees for all of her assistance with the Evaluation process for Council’s three employees. Councilor Overcash encouraged all employees who received the 360° evaluation to participate; Attended the DDA Branding meeting.
- Fogle** Attended the Conrad Ball award ceremony for retired Police Chief Luke Hecker, recipient of the prestigious award; Will be participating in the “Tour De Pants” Historical event at ARTspace and the Feed-n-Grain Building on Saturday, May 7 from 10 a.m. to 5 p.m.

- Shaffer** Thank you to the Evaluation Subcommittee, especially Councilor Overcash. North I25 "Electeds" meeting Wednesday (May 4, 2016) at 6:30 p.m. and MPO Thursday (May 5, 2016) 7:00 p.m.; Asked if Councilor McKean, liaison to the Open Lands Commission had received the email from an interested citizen regarding the Ehrlich Estate and possible purchase of the property for open lands.
- Ball** Expressed appreciation to Councilor Overcash for his work on the evaluation process; expressed appreciation to Staff for attending the Council meetings; Expressed appreciation to Weld County Court for taking on the Koopman criminal case.
- Gutierrez** Will be attending the Humane Society groundbreaking ceremony; Encouraged Council members to attend the May 11, Community Foundations event at 4:00 p.m. at the Ranch; Thursday (May 4, 2016) The Colorado Experience will be holding a conference in Ft. Collins, but coming to Loveland on Thursday to tour the Artspace. Innovation is the theme this year.

CITY MANAGER REPORT

- Cahill** Discussion regarding a request to support the "Fix Colorado Roads Act position paper". After determining there was not enough time to review the list of improvements prior to the deadline, consensus of Council was for individual councilors to communicate their support as requested.

CITY ATTORNEY REPORT

None

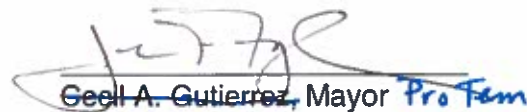
ADJOURN

After hearing no further business to come before Council this evening, Mayor Gutierrez adjourned the May 3, 2016 Regular Meeting at 8:37 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Geel A. Gutierrez, Mayor *Pro Tem*

John H. Fogle

