

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, MAY 17, 2016**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**6:00 p.m. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Fogle, Krenning, Ball, Johnson, Overcash, and Clark. Councilor Shaffer arrived at 6:04 p.m. and Councilor McKean arrived at 6:15 p.m. Mayor Gutierrez was not present.

The Proclamation declaring May 21, 2016 as Kids To Parks Day was presented by Councilor Krenning and received by Parks and Recreation Director, Elizabeth Anderson.

The Proclamation declaring May 15-21, 2016 as National Police Week was presented by Councilor Clark and received by Officer Tim Yunger.

The Proclamation declaring May as Motorcycle Safety Awareness Month was presented by Councilor Johnson and received by Michelle Brassell, Leather and Lace Club.

*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.*

**Councilor McKean requested that item 9 be removed from the consent agenda and considered on the regular agenda.**

**Councilor Shaffer moved to approve items 1-8 and item 13 on the Consent Agenda with the exception of item 9. 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 City Council Minutes For the April 26, 2016 Study Session and the May 3, 2016 Regular Meeting Minutes was approved.**

This is an administrative action item to approve the City Council minutes for the April 26,

2016 study session and the May 3, 2016 regular meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENTS TO THE PLANNING COMMISSION**
  1. A motion to appoint David Cloutier to the Planning Commission for a partial term effective until December 31, 2016 was approved.
  2. A motion to appoint Jamie Roskie to the Planning Commission for a full term effective until December 31, 2018 was approved.This is an administrative item appointing members to Planning Commission.
  
3. **CITY MANAGER** (presenter: Bill Cahill)  
**APPOINTMENT TO THE YOUTH ADVISORY COMMISSION**

A motion to make the following appointments to the Youth Advisory Commission for the School Year 2016-2017:

Reappointments as YAC Commissioners: Oliver Byles, Jack Crowley, Nick Jacoby, Mark McKenna, Caitlin Parets, Stirling Pettit, Lorenzo Scalise, and Hattie Volk.  
Appointments as YAC Commissioners: Zoe Keeler, Brandon Lindsey, Ava McQuade, and Megan Valliere  
Appointments as YAC Alternates: Travis Pflock, Heather Price, Lincoln Solt, and Lauryn Starke was approved.  
This is an Administrative Item recommending appointments of members for the Youth Advisory Commission.
  
4. **PUBLIC WORKS** (presenter: Kevin Gingery)  
**AMENDING FLOOD PLAIN BUILDING CODE**

A Motion To Approve On Second Reading, Ordinance #6012 Amending The Loveland Municipal Code At Chapter 15.14.020 Regarding Definitions For The Floodplain Building Code was approved.

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. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.
  
5. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)  
**FAIRGROUNDS 8<sup>TH</sup> ADDITION ANNEXATION**
  1. A Motion To Approve On Second Reading, Ordinance #6013 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.
  
  2. A Motion To Approve On Second Reading, Ordinance #6014 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 second reading: A legislative action to adopt an 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 the 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 14<sup>th</sup> Street SW. The applicant is the City of Loveland. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.
  
6. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)

## **AIRPORT MARKETING**

**A Motion To Approve On Second Reading, Ordinance #6015 Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For Airport Marketing was approved.**

This is an administrative action. The ordinance provides \$50,000 from the Lodging Tax Fund to support the Northern Colorado Regional 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. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.

**7. NORTHERN COLORADO REGIONAL AIRPORT (presenter: Jason Licon)**

### **PUBLIC COMMENT**

#### **AIRPORT IGA AMENDMENTS**

**1) A Motion To Approve On First Reading, An Ordinance For The First Amendment To The Amended And Restated Intergovernmental Agreement For The Joint Operation Of The Fort Collins-Loveland Municipal Airport, To Be Henceforth Known As The Northern Colorado Regional Airport And Ratification Of Previous Actions was approved.**

**2) A Motion To Approve On First Reading, An Ordinance Amending Portions Of The Loveland Municipal Code Concerning The Northern Colorado Regional Airport was approved.**

This is an administrative action to adopt two ordinances involving the Northern Colorado Regional Airport Commission. The first ordinance amends the Amended and Restated Intergovernmental Agreement for the joint operation of the Airport for the Northern Colorado Regional Airport Commission to delegate, within specific parameters, the authority for the Airport Commission to enter into longer lease agreements, grant agreements, and make expenditures for Airport needs from appropriated, but unassigned reserves. This ordinance also corrects a procedural defect by ratifying all actions taken pursuant to the Airport IGA dated January 22, 2015. The second ordinance changes certain other provisions of the City Code related to the Airport, particularly the delegation of powers and the change of the airport name.

**8. CITY MANAGER (presenter: Alan Krcmarik)**

### **PUBLIC COMMENT**

#### **INVESTMENT POLICY CORRECTION**

**A Motion To Approve On First Reading, An Ordinance Amending The City Of Loveland Investment Policy was approved.**

This is a legislative action to consider a technical amendment to correct a prior amendment to the City's Investment Policy. In the fall of 2015, the Citizens' Finance Advisory Commission ("CFAC") reviewed the Investment Policy and recommended a few changes to the City Council. Council adopted the changes on second reading on January 5, 2016. The form of the amendments presented to Council did not capture all of the limitations on the investments allows under Section VIII. of the policy. The CFAC intended to limit investments by an expressed dollar amount *and* as a percentage of the total portfolio. As previously adopted the percentage limitations were inadvertently omitted.

**9. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)**

### **HOUSE OF NEIGHBORLY SERVICE REQUEST**

**This item was considered on the Regular Agenda.**

## **ADDENDUM ITEM**

13. **CITY CLERK** (presenter: Terry Andrews)  
**SPECIAL MEETING ON MAY 24, 2016**  
**A Motion To Call For A Special Meeting Immediately Following The Study Session On May 24, 2016. The Purpose Of The Special Meeting Is To Update City Council On The South Catalyst Project. An Executive Session May Be Held was approved.**  
An Executive Session may only be called at a Regular or Special Meeting. Staff would request an opportunity to update Council on the South Catalyst Project, which may require an executive session.

## 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.*

Albert Gill, Manager of World Beverage in Loveland, requested a change to the Loveland Municipal Code, 8.08.030(k) regarding tastings to mirror the Colorado Liquor Code 12-47-301.(10)(c)XI which would change tastings from 52 days to 104 days.

Bruce Croissant, 1629 Jackson Ave, spoke regarding a book titled "Evicted" regarding homelessness and poverty as well as Loveland, Larimer County and School District statistics.

Stacy Lynne, spoke regarding Loveland Police Department matters with the follow residents allotted time: John Medors, Loveland resident, Jeremy Myers, Holly Kennedy, Donna Medors, Virginia Farber, and Bill Mawhinney.

### 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. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)  
**HOUSE OF NEIGHBORLY SERVICE REQUEST**  
This is an administrative action item. House of Neighborly Service (HNS) is requesting that the City of Loveland subordinate the position of its Deeds of Trust to allow the agency to refinance two current loans that were incurred for the purchase and remodeling of the property located at 1511 East 11<sup>th</sup> Street. HNS purchased an office building in 2012, and in 2013, the City of Loveland provided grants and fee waivers for remodeling that were accompanied by restrictions that, if the agency sells the building within 20 years or discontinues providing a social service, the grants and fee waivers must be repaid.  
**Councilor Shaffer moved To Approve Resolution #R-36-2016 Approving Subordination Of Five Deeds Of Trust Held By The City Of Loveland Totaling One Million Ninety Thousand One Hundred Ninety Six Dollars Associated With Property Located At 1511 East 11th Street Owned By House Of Neighborly Service. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

10. **PARKS AND RECREATION** (presenter: Elizabeth Anderson)  
**CDOT RIGHTS OF WAY ON HWY 34**  
This is an Administrative action item. The City of Loveland and the Colorado Department of Transportation (“CDOT”) seek a mutual decision that benefits both the City of Loveland and CDOT regarding the reconstruction of US 34. A Possession and Use Agreement (“Agreement”) will allow CDOT to move forward with the first phase of re-construction for US 34, in the Big Thompson Canyon. Construction package one includes the rock blasting to construct the new roadway alignment at the horseshoe curve west of VSMP. The Agreement will permit CDOT to move forward with construction prior to a final agreement on the value of the required Loveland right of way. Final plans and values will be determined in the next 90 days and will be presented to Council in July along with a formal intergovernmental agreement for construction and use of additional City property.  
**Councilor Shaffer moved To Approve Resolution #R-37-2016 Approving Possession And Use Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation For Public Rights Of Way For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**
11. **CITY ATTORNEY** (presenter: Tami Yellico)  
**PUBLIC HEARING**  
**COUNTY ANIMAL SHELTER FEE WAIVERS**  
This is an administrative action to consider approving an Ordinance Granting Larimer County An Exemption from Certain Capital Expansion Fees and other Development Fees for the Larimer County Animal Shelter Project.  
Staff will update City Council on discussions with Larimer County regarding waiving certain capital expansion fees (CEFs) and other impacts fees assessed to Larimer County by the City in the amount of approximately \$7,080 for the construction of a new animal shelter within the City and not to require reimbursement of such fees to the CEFs by the general fund or other fund. **Discussion ensued amending Exhibit A of the Ordinance to show the Storm Water Investment Fee at \$97,227.90 and the total Development Fees at \$208,455.90**  
**Councilor Shaffer moved To Approve On First Reading, the Amended Ordinance Granting Larimer County An Exemption From Certain Capital Expansion Fees And Other Development Fees For The Larimer County Animal Shelter Project And Authorizing The City Manager To Enter Into An Intergovernmental Agreement With The County For The Payment Of The Remainder Of The Fees. The motion, seconded by Councilor Krenning, carried with seven Councilors voting in favor and Councilor McKean voting in opposition.**
12. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)  
**REGIONAL TOURISM ACT (RTA) PROJECT**  
This is an administrative action. The Go NoCO Board and the project team have been working on the terms and conditions for the four approval RTA projects since the end of 2015. The state Economic Development Commission (EDC) approved the projects and the state increment funding amount in November 2015 and provided additional guidance on terms and conditions in December of that year. The purpose of the possible Executive Session is to provide Council with an update on the current negotiations to develop strategy for negotiations, to instruct negotiators, and to determine positions relative to matters that may be subject to negotiations, and for the receipt of legal advice.  
**Councilor Shaffer moved that the City Council go into executive session to receive an update on current negotiations with the Go NoCO Board regarding Regional Tourism Act (RTA) Projects as authorized by Colorado Revised Statutes Section 24-**

6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office at 8:40 p.m. The motion seconded by Councilor Clark, carried with all councilors present voting in favor thereof.

Council Reconvened at 9:45

#### **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.*

#### **Overcash**

Councilor Johnson was approved by Council to be the Loveland Housing Authority Board as Council Liaison.

#### **Fogle**

Shared the Notification of Larimer County Scientific Cultural Facilities District, in which 1/10<sup>th</sup> of \$.01 goes towards arts and science and will be on the November ballot.

#### **CITY MANAGER REPORT**

None

#### **CITY ATTORNEY REPORT**

None

#### **ADJOURN**

Hearing no further business to come before Council at this time, Mayor Pro Tem Fogle adjourned the meeting at 9:47 p.m. on May 17, 2016.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



John H. Fogle, Mayor Pro Tem

