

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, JULY 19, 2016**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

**REGULAR MEETING - City Council Chambers**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – Councilors present: Gutierrez, Fogle, McKean, Ball, Johnson, Krenning, Clark and Overcash. Councilor Shaffer arrived at 6:08 p.m.**

**The Proclamation Declaring July As National Parks And Recreation Month was read by councilor McKean and received by Elizabeth Anderson, Parks and Recreation Director.**

**Ben Bobowski, Acting Superintendent and Kyle Patterson, Public Information Officer gave Council a Presentation Of The Rocky Mountain National Park Annual Update**

**SPECIAL AGENDA ITEM**

**1. CITY ATTORNEY (presenter: Tami Yellico)**

**COUNCIL MEETING RULES CHANGES**

This is an administrative action item placed on the July 5, 2016 agenda at City Council's request to update its rules on public comment. The proposed resolution also rescinds and replaces three resolutions to consolidate the rules governing City Council meetings into one resolution. At the July 5, 2016 City Council meeting, Councilor Krenning suggested that an additional rule be added to City Council rules to allow 10 members of the public to make a written request to the City Manager for such members of the public to make 30 minute presentation and discussion with Council on any topic. Such a study session could only be scheduled with the concurrence of 2 or more members of City Council. A draft rule to that effect has been added as section 4.h in the attached draft rules. Council discussion ensued. Consensus of Council was to strike the last two sentences in 4.c and 4.h. Public comment: Jackie Marsh, downtown resident asked for Council to track how much time members of the public use of their three minutes and let them use the balance of time later in the discussion, Larry Sarner, Ward II resident, Council use the three minutes as a gatekeeper for the public, look at the rules and check the process, Linda Bidlake asked about the process to get items to Council. Council determined that a future study session could be helpful regarding Council rules. **Councilor Ball moved to Adopt Resolution #R-53-2016 Rescinding All Prior Resolutions Concerning The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado And Adopting Consolidated Rules Of Procedure, as amended. The motion was seconded by Councilor Johnson. CALL THE QUESTION: Councilor Ball moved and Mayor Pro Tem Fogle seconded the motion, which carried unanimously. ORIGINAL MOTION: Roll was called and the motion carried with eight councilors present voting yes and Councilor McKean voting no.**

## CONSENT AGENDA

*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. **Items removed: Item 16 - Staff; Item 14 public - Jackie Marsh; Items 6, 9, 10, public - Larry Sarnier.** Councilor Shaffer moved to approve the consent agenda with the exception of items 6, 9, 10, 14 and 16. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.*

2. **CITY CLERK** (presenter: Terry Andrews)  
**APPROVAL OF MEETING MINUTES**

**A Motion To Approve City Council Minutes For June 28, 2016 Study Session and the July 5, 2016 Regular Meeting was approved.**

This is an administrative action item to approve the City Council minutes for the June 28, 2016 Study Session and the July 5, 2016 Regular Meeting.

3. **CITY MANAGER** (presenter: Steve Adams)  
**REAPPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION AND AMENDED APPOINTMENTS TO THE HUMAN SERVICES COMMISSION**

1. **Adopt a motion to reappoint Jim Cox to the Historic Preservation Commission for a term effective until June 30, 2019 was approved.**
2. **Adopt a motion to amend the reappointment of Amy Olinger to the Human Services Commission for a term effective until June 30, 2019 was approved.**
3. **Adopt a motion to amend the appointment of Maren Soreide to the Human Services Commission for a term effective until June 30, 2019 was approved.**
4. **Adopt a motion to amend the reappointment of Stan Taylor to the Human Services Commission for a term effective until June 30, 2019 was approved.**

These are administrative action items to approve the reappointment of a Historic Preservation Commissioner and to amend the July 5, 2016 Council meeting approving appointment terms for Human Services Commission members from December 31, 2019 to June 30, 2019.

4. **CITY CLERK** (presenter: Terry Andrews)  
**CODE AMENDMENT TO INCREASE TASTING DAYS**

**A Motion To Approve On Second Reading, Ordinance #6024 Amending Section 8.08.030(K) Of The Loveland Municipal Code To Increase The Number Of Days Tastings Are Permitted was approved.**

This is a legislative action item to consider amending Section 8.08.030(K) of the Loveland Municipal Code to increase the frequency and total number of tastings a retail liquor store or liquor-licensed drug store can conduct sample tastings. The increase would move from

fifty two tastings yearly, for no more than two times between Monday and Saturday, to one hundred and four tastings, for no more than four times between Monday and Saturday. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

5. **CULTURAL SERVICES** (presenter: Susan Ison)  
**SUPPLEMENTAL APPROPRIATION FOR RIALTO AND MUSEUM PROGRAMS**  
**A Motion To Approve On Second Reading, Ordinance #6025 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Rialto Theater Cinema Series Program And Also The Loveland Museum/Gallery's Education, Classes And Programs was approved.**  
This is an administrative action item. A donation of \$14,201 has been received by the Rialto Theater from the Backstage Rialto to expand the theater's Cinema Series Program. Also, an appropriation of \$8,000 to fund the Cherry Pie Celebration, Halloween Fun Festival and the Lone Tree School programs. The City has received donations in the amount of \$14,102 to support the Rialto Theater Cinema Series and \$8,000 is anticipated to be generated from the Museum events. Thus, there is no impact on unassigned General Fund balance. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.
  
6. **INFORMATION TECHNOLOGY** (presenter: Bill Westbrook)  
**SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC**  
**This item was considered on the Regular Agenda.**
  
7. **PARKS AND RECREATION** (presenter: Molly Elder)  
**SUPPLEMENTAL APPROPRIATION FOR MEHAFFEY DOG PARK**  
**A Motion To Approve On Second Reading, Ordinance #6027 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget To Fund Safety Repairs At Mehaffey Dog Park was approved.**  
This is an administrative action item. The ordinance provides \$41,000 from the General Fund to support emergency repairs made to the Mehaffey Dog Park to address safety concerns. The funding for the requested appropriation is from unreserved fund balance in the General Fund. The appropriation of this fund reduces the flexibility to fund other future events or projects. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.
  
8. **PUBLIC WORKS** (presenter: Jeff Bailey)  
**IGA WITH CDOT FOR HIGHWAY 34 AND BOYD LAKE AVE CONSTRUCTION**  
**A Motion To Approve On Second Reading, Ordinance #6028 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Upgrades To The Intersection Of U.S. Highway 34 And Boyd Lake Avenue was approved.**  
This is an administrative action item. City Council approval is necessary to appropriate the funds to authorize the use of the Federal Hazard Elimination funds that were recently awarded to upgrade the intersection. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work. The Ordinance was approved unanimously on first reading by City Council on July 5, 2016. This coversheet has been revised since first reading to provide additional information based on the Council discussion on July 5, 2016.  
**Project Funds**  
CDOT & FHWA HES Grant = \$495,000 (appropriated in August 2013)  
Local Contribution (design, signal equipment and roadway construction) = \$1,800,000 (appropriated in October 2015).  
CDOT FASTER Safety Mitigation funds = \$900,000

Approval of this item will allocate funds for the construction of this project (EN1302) and allow an agreement to be in place for reimbursement of construction costs.

9. **YOUTH ADVISORY COMMISSION** (presenters: Beth Gudmestad & YAC Members)  
**ELECTRONIC SMOKING DEVICE RESTRICTIONS**  
This item was considered on the Regular Agenda.

10. **CITY ATTORNEY** (presenter: Tami Yellico)  
**SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS**  
This item was considered on the Regular Agenda.

11. **PUBLIC WORKS** (presenters: Leah Browder, Steve Southard and Tim Brown)  
**GOLF CAR CODE AMENDMENT**  
A Motion To Approve On Second Reading, Ordinance #6031 To Amend The Loveland Municipal Code With Respect To The Authorization And Regulation Of Golf Cars On Certain Public Streets Within The City Of Loveland was approved.  
This is a legislative action item. During the City Council Meeting on March 15, 2016 it was requested that bollards within a City emergency access path be adjusted to allow privately-owned golf cars to travel to The Olde Course. In order to implement the City Council's preferred approach as interpreted by staff, as-simple-an-amendment-as-possible to the Municipal Code to allow golf car travel to Loveland's municipal golf courses is recommended. The Ordinance was approved unanimously on first reading at the July 5, 2016 meeting; however, a change to the insurance requirement and additional information were requested.  
Estimated costs to adjust bollard locations are \$5,000. These funds will be identified within the Public Works Project Engineering budget. Should funding be required to secure an alternate entry point to replace the private Vista Verde gate access now closed to the general public by the governing HOA, a supplemental appropriation may be requested by Parks and Recreation.

12. **PARKS AND RECREATION** (presenter: Janet Meisel-Burns)  
**TAP GRANT TO IMPROVE SAFE ACCESS TO REC TRAIL**  
A Motion To Adopt Resolution #R-57-2016 Documenting Financial Support For The Namaqua Underpass As A Financial Match For A Transportation Alternatives Program Grant Request And Authorizing The City Manager To Execute A Support Letter was approved.  
This is an administrative action item. The City of Loveland is seeking financial support from the Colorado Department of Transportation ("CDOT"), Transportation Alternatives Program Grant ("TAP") to improve safe access to the proposed and planned construction of the City of Loveland Recreation Trail at Namaqua Road. The new underpass will provide a safe, grade-separated crossing for the City recreation trail. The grant request seeks funding for design of the underpass in 2018 and construction of the underpass in 2019. Conservation Trust Funds will be requested in the 2018 and 2019 budget cycle if the TAP Grant is awarded to the City. Matching funds up to \$600,000 will be requested for the TAP grant. CDOT seeks a letter of financial support with the grant application documenting that the City of Loveland is committed to fund the matching grant request.

13. **PUBLIC WORKS** (presenters: Leah Browder and Elizabeth Anderson)  
**TAP GRANT TO IMPROVE SIDEWALK AND TRAIL CONNECTIVITY**  
A Motion To Adopt Resolution #R-58-2016 Of Support Documenting Financial Support For A Collaborative Transportation Alternatives Program Grant Request For A Sidewalk And Trail Project With Larimer County was approved.  
This is an administrative action item. Larimer County has extended an invitation to the

City of Loveland to participate in a collaborative application for a Colorado Department of Transportation ("CDOT"), Transportation Alternatives Program ("TAP") Grant to improve sidewalk and trail connectivity in the northeast corner of North US287 and 57<sup>th</sup> Street. While a more comprehensive presentation to City Council regarding sidewalk connectivity is planned for August, the grant application due date requires submittal of a letter of support before then and will not negatively impact future action that may arise from the August Council discussion on this topic. There is no financial impact at this time. Should the \$601,000 grant application be successful, matching funds of approximately \$60,000 will be presented for City Council consideration at a future date.

14. **ECONOMIC DEVELOPMENT** (presenters: Mike Scholl and Jacque Wedding-Scott)  
**PUBLIC HEARING**  
**DDA PLAN OF DEVELOPMENT**  
This item was considered on the Regular Agenda.

15. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)  
**IGA FOR EMERGENCY MANAGEMENT MUTUAL AID**  
**A Motion To Adopt Resolution #R-60-2016 Approving An Intergovernmental Mutual Aid Agreement For Disaster-Emergency Mutual Aid And Disaster-Emergency Funding Assistance was approved**  
This is an administrative action item. The newest version of this intergovernmental agreement for Emergency Management Mutual Aid includes language for an agreement between governments, and between governmental and non-governmental agencies to fill a gap in current agreements for resource management assistance. It is intended to ensure efficient resource management in the event of an incident.

16. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)  
**LFRA GRANT FUNDS**  
This item was removed from the July 19, 2016 Council Agenda.

17. **PUBLIC WORKS** (presenter: Eric Lessard)  
**STORMWATER CAPITAL IMPROVEMENT PROJECTS**  
**A Motion To Adopt Resolution #R-62-2016 Authorizing A Notice Of Award For The 2016 Stormwater Capital Improvements Projects And Authorizing The City Manager To Execute The Contract was approved.**  
This is an administrative action item awarding a construction contract for the 2016 Stormwater Capital Improvement Projects to Premier Earthworks & Infrastructure, Inc., for the amount of \$2,453,566.08, which was lower than the engineer's estimate and was part of the approved 2016 budget. The contract includes 26 individual stormwater improvement projects consisting of the installation of new master planned stormwater infrastructure and/or the replacement of aging, undersized, or failing existing stormwater infrastructure throughout the City of Loveland. The project will be funded through the Stormwater Utility's Capital Improvement Project Fund and Stormwater System Investment Fees.

## **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.*

Roger Weidemann, spoke to Council regarding the DDA proposed mill levy; Megan Akin, asked Council to add routes to COLT and alter the hours to accommodate those who are dependent on public transit; Jackie Marsh asked Council to consider her suggestion of allowing the public to space out their three minutes in the Study Session discussion regarding rules; Janice Marchand expressed concern with Human Trafficking in Loveland; Ron Harder and Barb Adams Ft. Collins Residents asked Council not to amend their code regarding feral cats.

### **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**

6. **INFORMATION TECHNOLOGY** (presenter: Bill Westbrook)  
**SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC**

This is an administrative action item. Information Technology is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland and internal traffic & IT operations. We are requesting an appropriation of \$86,515 for the 2016 budget from the Fiber Network Fund. This appropriation is intended to cover expenses for a physical inventory of eleven miles of City owned fiber infrastructure consisting of 67 splice hand holes and 464 slack (pull) hand holes, in coordination with a separate Platte River Power Authority funded project to perform a physical inventory of all fiber assets owned by PRPA. The partner performing this project will be Backbone Fiber, LLC, who is contracted with the City to perform fiber services including installation, splicing, maintenance, and researching and gathering of information for the City owned fiber network. The project will start immediately upon budget approval and is expected to last up to four months. This ordinance was approved unanimously on first reading by City Council on July 5, 2016. Larry Sarnar spoke in opposition, **Councilor Shaffer moved to Approve On Second Reading, Ordinance #6026 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Inventory Of City Owned Fiber Optic Assets. The motion, seconded by Councilor Johnson, carried with all councilors present voting in favor thereof.**

9. **YOUTH ADVISORY COMMISSION** (presenters: Beth Gudmestad & YAC Members)  
**ELECTRONIC SMOKING DEVICE RESTRICTIONS**

This is a legislative action item providing two alternative and mutually exclusive ordinances to prohibit the use of electronic smoking devices in public places. The Youth Advisory Commission Ordinance seeks to treat all emissions from electronic smoking devices the same as conventional tobacco smoke and the Council Directed Ordinance seeks to prohibit emissions from electronic smoking devices only within City buildings. This ordinance was approved unanimously on first reading by City Council on July 5, 2016. Public Comment: Larry Sarnar, Ward II, told Council he thought this item needed to be on Regular Agenda. **Councilor Shaffer moved to Approve On Second Reading, Ordinance #6029 Amending Chapter 7.40 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned**



**Facilities. The motion, seconded by Mayor Pro-Tem Fogle carried with all councilors present voting in favor thereof.**

**10. CITY ATTORNEY (presenter: Tami Yellico)  
SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS**

This is a legislative action to consider amending Sections 3.16.010 and 3.16.020 of the Loveland Municipal Code to specifically exempt Prescriptions for Animals from the City's sales tax. This ordinance was amended and approved unanimously on first reading by City Council on July 5, 2016. public comment: Larry Sarner spoke in opposition of the ordinance. **Councilor Shaffer moved to approve on Second Reading, Ordinance #6030 Amending Sections 3.16.010 And 3.16.020 Of The Loveland Municipal Code Creating A New Sales Tax Exemption Mirroring The State Sales Tax Exemption For Animal Prescriptions And Medical Devices. The motion was seconded by Councilor Clark. PRIORITY MOTION: Councilor Krenning moved to Table this ordinance and direct Staff to suspend collection and activity as defined in the ordinance. The motion, seconded by Councilor Ball, carried with all councilors present voting in favor thereof. THIS MOTION WAS TABLED.**

**14. ECONOMIC DEVELOPMENT (presenters: Mike Scholl and Jacque Wedding-Scott)  
PUBLIC HEARING  
DDA PLAN OF DEVELOPMENT**

This is an administrative action item. The Amended Plan of Development (the "Plan") for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. The DDA may not undertake any development projects until the City Council has approved the DDA Plan. The Loveland Downtown Partnership (LDP) and DDA boards have approved the DDA Plan as submitted, and are recommending the Plan to the City Council for review and consideration. Two minor modifications are recommended, a clarification on the legal description of the District, and the exclusion of sales tax on food purchased for home consumption in both the sales tax increment and base. The DDA Plan excludes sales tax revenues obligated under any economic incentive agreement that is in place as of the approval date of the DDA Plan. On June 27, 2016 the Planning Commission approved a motion recommending approval of the Amended DDA Plan to the Loveland City Council. A redline of the amended Plan was reviewed with City Council during the Study Session on July 12, 2016 and is attached. Mayor Gutierrez opened the public hearing at 7:08 p.m. Jackie Marsh; asked how someone can become an Loveland Downtown Partnership Board Member, Roger Weidmann, Gary Batham, Spoke in support and Larry Sarner, spoke in opposition. **Councilor Shaffer moved to Adopt Resolution #R-59-2016 Of The Loveland City Council Approving The Amended Plan Of Development For The Loveland Downtown Development Authority (DDA). The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

**18. CITY MANAGER'S OFFICE (presenter: Rod Wensing)  
PUBLIC HEARING  
COMCAST FRANCHISE AGREEMENT**

This is both an administrative and legislative action item to separately consider approving an Ordinance granting a renewal of a non-exclusive 10 year Cable Franchise Agreement from the City of Loveland to Comcast of Colorado II, LLC as well as considering an amended Ordinance establish updated Customer Service Standards for Cable Television Operators located in Section 13.16.030 of the Loveland Municipal Code. **Councilor Shaffer recused herself from this matter.**

The proposed cable franchise agreement renewal continues to collect 5% of gross

revenues, as allowed by the federal cable act. Franchise fees are paid to compensate the City for Comcast's use of the public rights-of-ways and facilities.

The proposed cable franchise renewal agreement continues to collect 50 cents per month on residential subscribers with the purpose of funding capital and facility needs for Public, Educational and Government (PEG) cable television broadcasting. The revenues generated from this fee may be distributed among local PEG entities as determined by City Council.

In fact, the Council did just that in 2015 via an Intergovernmental Agreement (IGA) with Thompson School District that will provide approximately \$340,000 over the next 5 years for needed equipment upgrades associated with channel 14 broadcasts.

Average Franchise Fee Revenue: \$500,000 annually

Average PEG Fee Revenue: \$74,000 annually: no public comment **Mayor Pro Tem Fogle moved to Approve On First Reading, An Ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

**Mayor Pro Tem Fogle moved to Approve On First Reading, An Ordinance amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

19. **PARKS AND RECREATION** (presenter: Janet Meisel-Burns)  
**IGA W/ CDOT AND DISPOSAL AND USE AGREEMENT W/ KIEWIT**

This is an administrative action item. The City of Loveland ("City") and the Colorado Department of Transportation ("CDOT") seek a mutual decision that benefits both the City and CDOT regarding the reconstruction of US 34. The agreements address the needs for construction staging, a rock spoil site and the reclamation of the staging area once CDOT and their contractor complete the US34 Work in the Big Thompson canyon. The Disposal and Use Agreement will allow Kiewit Infrastructure, CDOT's Construction Manager and General Contractor, to use a portion of the Round Mountain property, which is a part of the Viestenz-Smith Mountain Park, for staging and equipment storage and for a rock crushing operation. Kiewit will lease the site from the City for \$500,000 paid up front for a term of 42 months. At the end of the US 34 project work, Kiewit and CDOT will waste excess rock at the site and CDOT will regrade and restore the site for a future trail head for Round Mountain. The CDOT agreement addresses the reclamation of the Round Mountain staging site and defines the parameters for CDOT to provide road base, rock and rip/rap for the City's ongoing project at Viestenz-Smith Mountain Park. Both agreements will permit CDOT to move forward with the first phase of re-construction for US 34, in the Big Thompson Canyon. No Public Comment: **Councilor Shaffer moved to Adopt Resolution #R-63-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department of Transportation Regarding the Restoration and Use of the Round Mountain Staging And Rock Spoil Site at Viestenz-Smith Mountain Park, 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.**

**Councilor Shaffer moved to Adopt Resolution #R-64-2016 Approving The Disposal And Use Agreement Between The City Of Loveland, Colorado And Kiewit Infrastructure Co., For The Use Of The Round Mountain Staging and Rock Spoil Site at Viestenz-Smith Mountain Park, 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.**



20. **DEVELOPMENT SERVICES** (presenter: Karl Barton)  
**CREATE LOVELAND COMP PLAN**

This is an administrative action item. This Resolution is to adopt Create Loveland as Loveland's new Comprehensive Plan. As the new comprehensive plan, Create Loveland will act as an advisory guide for making growth and development related decisions and evaluating alternatives. The Plan was unanimously recommended for approval by the Planning Commission on February 22, 2016. On April 12, 2016 the Plan was discussed at a Council Study Session, comments from that Session, and received since, have been integrated into the Plan document. Public Comment: Don Marostica spoke in support, Bruce Croissant, spoke in support. **Councilor Shaffer moved to Adopt Resolution #R-65-2016 Approving Create Loveland As The Master Plan For The Physical Development Of The City Of Loveland, Colorado. The motion, seconded by Mayor Pro-Tem Fogle, carried with all councilors present voting in favor thereof.**

21. **DEVELOPMENT SERVICES** (presenter: Brett Limbaugh)  
**WEST EISENHOWER REINVESTMENT ZONE**

This is an administrative action item. The economic assistance for redevelopment in the West Eisenhower Reinvestment Zone would be similar to the current CEF exemptions for Historic Downtown Loveland. With the goal being to create a high level of motivation for redevelopment, the economic assistance recommended by City staff includes a waiver of building permit and capital-related fees, including both capital expansion fees (CEFs) and utility fees, and granting use tax credits. All developed property in the City receives credits on CEFs and utility fees at time of redeveloped. Since most properties within the reinvestment zone are currently developed, the amount of CEFs and utility fees waived would be diminished significantly by use of CEF and utility fee credits. The fee waivers and use tax credit may be approved by City Council by resolution, based on a finding of significant social, economic or cultural benefit. The Municipal Code requires that capital-related fees waived be paid by the general fund or other appropriate fund. The reinvestment zone would be effective on a trial basis for two years, unless extended by City Council. There were two changes to the ordinances: "...and shall terminate July 19, 2016" and "funding is subject to annual appropriation". **A Motion To Adopt Resolution #R-66-2016 Establishing A West Eisenhower Reinvestment Zone Along West Eisenhower Boulevard In The City Of Loveland And Waiving Building Permit Fees, Capital-Related Fees And Granting Use Tax Credits For Development Within Such Zone. The motion, seconded by Councilor Overcash, carried with all councilors present voting in favor thereof.**

22. **CITY MANAGER** (presenter: Steve Adams)  
**APPOINTMENTS TO COUNTY AFFORDABLE HOUSING WORKING GROUP**

This is an administrative action item appointing a Council Member and a City staff member to the Larimer County Affordable Housing Working Group.no public comment. **Mayor Pro-Tem Fogle moved to Approve the Appointments Of A Council Member And A City Staff Member To Larimer County Affordable Housing Working Group. Leah Johnson and Alison Hade and Mayor Gutierrez will serve as Council Alternate. The motion, seconded by Council Shaffer, 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.*

None

**CITY MANAGER REPORT**

None

**CITY ATTORNEY REPORT**

None

**ADJOURN**

Mayor Gutierrez adjourned the July 19, 2016 Regular meeting of City Council at 10:32 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

