



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, October 18, 2016 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT:

Mayor Gutierrez

Mayor Pro Tem Fogle

Councilors:

Krenning, Ball, Overcash. Councilors Shaffer, and Johnson arrived after the Executive Session began.

COUNCIL ABSENT:

Councilors McKean and Clark

1. SPECIAL MEETING

2. CALL TO ORDER

Mayor Gutierrez called the October 18, 2016 Special meeting to order at 5:04 p.m.

3. ROLL CALL

3.1 HUMAN RESOURCES

ACTING CITY ATTORNEY APPOINTMENT AND POSSIBLE EXECUTIVE SESSION

Council requested a Special Meeting, which may include an Executive Session. The Special meeting will begin at 5:00 pm prior to the regular scheduled Council Meeting on October 18, 2016. The purpose of this Special meeting is to discuss the appointment of the Acting City Attorney. Council may direct staff or make a motion on the record with regard to the appointment of an acting City Attorney.

Moved by Councilor Ball, seconded by Councilor Krenning

A Motion that City Council go into executive session to discuss personnel matters related to the process for choosing and negotiations concerning an acting or Interim City Attorney as authorized by Colorado Revised Statutes § 24-6-402(4)(f) and Loveland Charter section 4-4(c)(5) to consider and discuss personnel matters, to determine positions that may be subject to negotiation pursuant to Colorado Revised Statutes § 24-6-402(4)(e) and Charter section 4-4(c)(1), and for legal advice as allowed by Colorado Revised Statutes § 24-6-402(4)(b) and Charter section 4-4(c)(3) at 5:07.

CARRIED UNANIMOUSLY

Council Reconvened at 5:56 p.m.

Moved by Councilor Ball, seconded by Mayor Pro Tem Fogle

A Motion directing City Attorney, Tami Yellico to reach out to Colorado Attorneys who serve as Interim Municipal Attorneys, and with the assistance of Human Resource Director, Julia Holland, come back to City Council with a recommendation for an external candidate to serve as "Acting City Attorney".

CARRIED UNANIMOUSLY

REGULAR MEETING AGENDA

1. INTRODUCTION

1.1 CALL TO ORDER

Mayor Gutierrez called the Regular Meeting to order at 6:00 p.m.

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 PROCLAMATIONS AND PRESENTATIONS

1.4.1 NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH IN LOVELAND

Cari Brown, Taylor Summer, Brad Willenbrock, and Dan Soldner

1.4.2 STARBURST AWARD FOR MEHAFFEY PARK

Elizabeth Anderson, Parks and Recreation Director

1.4.3 PRESENTATION OF THE VETERANS' DAY NATIONAL RECOGNITION LETTER TO THE CITY OF LOVELAND FROM THE ASSOCIATED VETERANS

2. 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.

CONSENT AGENDA ITEM MOVED TO REGULAR AGENDA: 2.15

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Approve the Consent Agenda, with the exception of Item 2.15.

CARRIED UNANIMOUSLY

**2.1 CITY CLERK
APPROVAL OF MINUTES**

Approval of the City Council minutes for the October 4, 2016 Regular Meeting.

A Motion Approving the City Council minutes for the October 4, 2016 Regular Meeting.

CARRIED UNANIMOUSLY

**2.2 CITY MANAGER
APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION**

This is an item appointing a youth member to the Historic Preservation Commission.

Adopt a motion to appoint Morgan Sehi as the youth member of Historic Preservation Commission for a term effective until August 31, 2017.

CARRIED UNANIMOUSLY

**2.3 PARKS AND RECREATION
SUPPLEMENTAL APPROPRIATION NAMAQUA WEST OPEN LANDS**

A supplemental budget ordinance to appropriate adequate funding for the acquisition of the Namaqua West Open Lands Acquisition along the Big Thompson River in west Loveland. The first reading of the ordinance was unanimously approved by the City Council at the October 4, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6055 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for the Namaqua West Property Open Lands Acquisition.

CARRIED UNANIMOUSLY

2.4 ECONOMIC DEVELOPMENT

SUPPLEMENTAL APPROPRIATION FOR WAYFINDING PROGRAM

The ordinance requests \$55,000 from the lodging tax fund to support completion of Phase II of the wayfinding program. On October 4, 2016 City Council unanimously approved the first reading of the ordinance.

A Motion to Approve, on Second Reading, Ordinance #6056 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Phase II Of The Wayfinding Program.

CARRIED UNANIMOUSLY

2.5 PUBLIC WORKS

BIG THOMPSON RIVER CORRIDOR MASTER PLAN

The ordinance on second reading appropriates funding for the engineering and planning costs to develop the Big Thompson River Corridor Master Plan. The project is anticipated to cost up to \$275,000, of which \$249,700 will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) planning grant. The grant is intended to reimburse the City of Loveland for the cost of preparing a detailed, multi-objective Big Thompson River Corridor Master Plan. The City's cost share is \$25,300 maximum. The City will contract with a consulting firm to develop the master plan, which is expected to be completed in approximately 12 months. The first reading of the ordinance was unanimously approved by the City Council at the October 4, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6057 on Second Reading Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for the Big Thompson River Corridor Master Plan.

CARRIED UNANIMOUSLY

2.6 DEVELOPMENT SERVICES

PUBLIC COMMENT

MARIANA BUTTE 27TH SUBDIVISION EASEMENT VACATION

This is a public hearing to consider an ordinance on first reading, vacating two categories of easements that exist on the Mariana Butte 27th Subdivision (reception number 20160062602) – also known as Mariana Butte PUD First

Subdivision. The surveyor who prepared the easements used the Mariana Butte PUD First Subdivision in the legal description for two reasons: 1) these easements were dedicated through separate instruments associated with the Mariana Butte PUD First Subdivision – making it easier to connect the vacated easements to the appropriate documents, and; 2) the Mariana Butte 27th Subdivision recordation had not occurred at the time the surveys were completed. It has been communicated to City staff, proceeding with the use of Mariana Butte PUD First Subdivision in the legal descriptions is appropriate from a surveying perspective for vacating utility and storm drain easements.

The property is generally located south between W. 1st Street and W. Eisenhower Boulevard along both sides of Rossum Drive – directly south of the Big Thompson River. The applicant is Blaine Rappe with LC Real Estate Group.

1. A Motion to Approve, on First Reading, An Ordinance Vacating A Twenty Foot Utility Easement Located On, Over And Across A Portion Of Tract S Mariana Butte PUD First Subdivision, City Of Loveland, County Of Larimer, State Of Colorado.

CARRIED UNANIMOUSLY

2. A Motion to Approve, on First Reading, An Ordinance Vacating Six (6) Twenty Foot Storm Drainage Easements Located On, Over And Across Portions Of Tract S Mariana Butte PUD First Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED UNANIMOUSLY

**2.7 DEVELOPMENT SERVICES
PUBLIC COMMENT
EVERGREEN MEADOWS SECOND EASEMENT**

This is a public hearing to consider an ordinance on first reading vacating a 10' wide utility and drainage easement along the north side of Lot 10, Block 1, Evergreen Meadows Second Subdivision, aka 3590 Silver Leaf Drive. The property is located at the north dead-end of Silver Leaf Drive, approximately 2,200 feet north of East 29th Street.

There are no utilities in the easement and all utility providers have indicated that this portion of the easement is not needed for existing or planned utilities or drainage. Staff supports the vacation application.

A Motion to Approve, on First Reading, An Ordinance Vacating A Ten foot Wide Utility and Drainage Easement Located On, Over and Across A Portion Of Lot 10, Block 1, Evergreen Meadows Second Subdivision, City of Loveland, County of Larimer, State of Colorado

CARRIED UNANIMOUSLY

**2.8 WATER AND POWER
PUBLIC COMMENT
POWER PLANT INVESTMENT FEE INTERNAL LOAN**

An internal loan from the Power Enterprise Fund to the Power Plant Investment Fee (PIF) Enterprise Fund of \$4 million is proposed. This is a bridge loan that is intended to keep the Power PIF Fund Balance positive until \$4.435 million of reimbursements from FEMA and the State are received for the FEMA Alternate Foothills Solar Project. These reimbursements are anticipated to be received in full by the middle of 2017 or sooner. The appropriation uses existing balances within the Power Enterprise Fund. The existing working cash balance of the Power Enterprise Fund is \$28,465,096. It will be reduced by \$4,000,000 to a new balance of \$24,465,096.

A Motion to Approve, on First Reading, An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for an Internal Loan From the Power Enterprise Fund to the Power Plant Investment Fee Enterprise Fund Until Reimbursement is Received From FEMA and the State of Colorado for the FEMA Alternate Foothills Solar Project.

CARRIED UNANIMOUSLY

**2.9 PUBLIC WORKS
PUBLIC COMMENT
WEST 8TH STREET BRIDGE REPLACEMENT**

Colorado Department of Transportation (CDOT) serves as the federal agent for mandated bridge inspections in Colorado. During the last year, federal attention and standard evaluations have been heightened for bridges. After 2015 inspections, the City was notified that three structures require priority attention. Funding in the amount of \$200,000 is requested to design a replacement for the approximately 51 feet of the West 8th Street bridge span over the Big Barnes Ditch that has received a severely structurally deficient rating. The City was not successful securing grant funding for the design phase of this project, but will be seeking grant monies so that bridge reconstruction can occur in FY 2017. This request is necessary due to the inability to secure grant funding for the design phase of this project. TABOR Excess Reserve is the recommended funding source. The current unassigned TABOR Excess fund balance is \$17,291,859. If this request is approved the remaining unassigned TABOR Excess fund balance would be \$17,091,859.

A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Design For Replacement Of The West 8th Street Bridge Over The Big Barnes Ditch.

CARRIED UNANIMOUSLY

2.10 PUBLIC WORKS

WILSON AND TAFT FLOOD RECOVERY PROJECT CONTRACT AWARD

It is recommended that a construction contract for the Wilson to Taft Avenue Flood Recovery Project be awarded to the lowest responsible bidder, RMC Consultants, Inc., in the amount of \$928,517.00. The project includes all remaining flood recovery work between Wilson Avenue and Centennial Park including the following: replacement of the pedestrian bridge crossing the Big Thompson River downstream of Wilson Avenue; repair and realignment of several sections of concrete pedestrian trail between Wilson and Taft Avenue; repairs, utility protection, trail realignment and erosion protection north of the Cottonwood Meadows Subdivision at an avulsion area; repair of three damaged storm sewer outfalls; repair and restoration of a stormwater quality treatment pond; and construction of a trail connection to the west sidewalk on Taft Avenue. The project will be funded through previously appropriated funds in the 2016 budget. Funding comes from the Parks and Recreation Department's flood recovery funds, recreation trail CEF's, Public Works flood recovery funds, and the Stormwater Utility Capital Fund. Construction costs are partially reimbursable by FEMA.

A Motion to Adopt Resolution R-94-2016 the Award Of The Wilson To Taft Avenue Flood Recovery Project Construction Contract To RMC Consultants, Inc.

CARRIED UNANIMOUSLY

2.11 PARKS AND RECREATION

COUNTY ROAD 11C TEMPORARY EASEMENT

This resolution would grant a temporary construction easement to Larimer County to construct road improvements on County Road 11C.

A Motion to Adopt Resolution R-95-2016 Approving A Grant Of Temporary Construction Easement To Larimer County.

CARRIED UNANIMOUSLY

2.12 HUMAN RESOURCES

STOP LOSS COVERAGE RENEWAL

This action authorizes the City Manager to enter into a renewal contract for up to \$1,354,784 for 2017 with Sun Life of Canada for the City of Loveland employee medical stop loss insurance. The contract stipulates that Sun Life of Canada will provide stop loss insurance for health claims over \$175,000 with CIGNA processing claims under \$175,000. This contract is within the benefits budget projected for

2017.

A Motion to Adopt Resolution R-96-2016, Approving A Contract Between The City Of Loveland And Sun Life Of Canada For Employee Medical Benefit Stop Loss Insurance.

CARRIED UNANIMOUSLY

**2.13 HUMAN RESOURCES
LIFE AND DISABILITY COVERAGE RENEWAL**

Adoption of the resolution will authorize the City Manager to enter into a renewal contract for up to \$584,300 with The Hartford. The Hartford administers and provides the City sponsored benefits of both Life Insurance and Disability coverage. The City is currently under a rate guarantee extension until December 2017. The amount requested for 2017 can be allocated within the current proposed 2017 benefit budget.

A Motion to Adopt Resolution R-97-2016, Approving A Contract Between The City Of Loveland And The Hartford For Employee Life And Disability Insurance Coverage.

CARRIED UNANIMOUSLY

**2.14 DEVELOPMENT SERVICES
CREATE LOVELAND TEXT AMENDMENT**

This Resolution is to adopt a text amendment to Create Loveland that will allow for a change in the processing of Land Use Map amendments so that a separate application would no longer be required and any changes would be addressed as part of an annual update. This change will strengthen the plan's role as an advisory and policy document.

A Motion to Adopt Resolution R-98-2016, Approving An Amendment To The City Of Loveland 2016 Comprehensive Master Plan Known As Create Loveland

CARRIED UNANIMOUSLY

**2.15 ECONOMIC DEVELOPMENT
THIRD AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT WITH
BRINKMAN**

This item was considered on the Regular Agenda 6.1.1

3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4. PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.

Michael Vogt, Loveland, expressed concern regarding Det. Koopman; Bill Mawhiney, Larimer County, expressed concern with Det. Koopman; Neil Brooks, Ft. Collins, outlined his experience with the Ft. Collins police dept.; John Meaders, Loveland resident, expressed concern regarding the police dept.; John Weins, Larimer County, expressed concern with having a "Brady Cop" testifying for the police dept.; Virginia Farver, Ft. Collins, in a film about the hazards of Smart Grids and Smart meters; E J Thornton, Parker, expressed concern with police corruption and will not stop in Loveland; John Craig, Englewood, has friends that are watching the Koopman matter on Facebook, expressed concern that Koopman is still employed with the City and is being used as an expert witness; Michelle Trimarco, Ft. Collins, detailed her experience with six entities including Det. Koopman; David Young, Aurora, indicated the citizens could recall Council; Larry Wallace, Loveland, expressed concern with corruption in the police dept.; Mark Stahl - Jefferson Co, testified positively regarding the integrity of Lisa Romanek; Heidi Soudani, Aurora, gave three additional minutes to Lisa Romanek, Lisa Romanek, expressed concern regarding the corruption in the City, Larimer County and District Courts, especially Det. Koopman who has lied on the stand, Ms. Romanek indicated she has been receiving anonymous threats; Ann Romanek, Jefferson County, expressed frustration that the city has not terminated Det. Koopman; Maryann Sperry, Longmont, friend of the Romaneks, expressed disappointment for the impact on their friends; Jeremy Meyers, Larimer County, expressed concern regarding Det. Koopman still being on the police force; Paul Sperry, Longmont, also requested that Council respond to the comments tonight; Stacy Lynne, Larimer County, directed Council to fire Det. Koopman.

5. BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to introduce new business for discussion at this time or on a future City Council agenda.

Councilor Krenning asked the City Attorney if Council had the authority to direct Mr. Adams to fire an employee or conduct their own investigation. Ms. Yellico indicated that the City Charter prohibits Council from dictating or interfering with the appt. or duties of any City employee subordinate to the City Manager or to access personnel files.

**6. REGULAR AGENDA
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.

6.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

6.1.1 ECONOMIC DEVELOPMENT

THIRD AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT WITH BRINKMAN

This resolution directs the City Manager to sign the Third Amendment to the Exclusive Negotiation Agreement (ENA) with the Brinkman Capital, LLC (Brinkman) for the Foundry Project, formerly the South Catalyst Project. The Third Amendment to the Exclusive Negotiation Agreement (see attached) changes the deadline for presenting the terms of Disposition and Re-Development Agreement (DRA) to Council for review from October 18, 2016 to November 1, 2016. Because there is no administrative extension allowed under the original agreement, this amendment is required to go before City Council for consideration. Mr. Scholl indicated the extension was necessary to accommodate the Attorney, who was unable to attend the meeting this evening.

There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion To Adopt Resolution R-105-2016, Approving The Third Amendment to the Exclusive Negotiation Agreement With Brinkman Capital, LLC For The South Catalyst Project And Authorizing The Execution Of Said Amendment.

CARRIED UNANIMOUSLY

6.2 DEVELOPMENT SERVICES

CONTINUATION OF THE PUBLIC HEARING

LEE FARM ADDITION GDP AMENDMENT CONTINUATION

This is a quasi-judicial action with a public hearing to consider an ordinance on first reading, amending the previously approved General Development Plan for Lee Farm. Primary changes include removal of a commercial community center, reduction in density, as well as reconfiguring some internal road networks (primarily W. 35th Street, minor collector, and local streets). The amendment focuses on

developing a mixture of residential uses on 247 acres in northwest Loveland. The property is generally located on the west side of N. Wilson Avenue, east of the Hogback and future Cascade Avenue alignment. It is directly north of the Hunter's Run Subdivision and directly south of the Buck Subdivision (see vicinity map on opposite page). The applicant is The True Life Companies represented by Katie Cooley.

This item was heard by City Council at a public hearing on September 20, 2016. City Council continued consideration of the proposed GDP amendment in an effort to explore other alternatives with respect to the location/alignment of W. 35th Street. The applicant met with City Staff (including upper management) on September 29, 2016, to determine an alternative location for W. 35th Street that would respond to resident concerns and not impact the City's overall transportation network. The solution was to create a row of "like" lots (in terms of size and use) along the entire southern boundary of the project site – providing the same relationship to established lots in the approved GDP and Preliminary Development Plan for Lee Farm. These lots would be accessed off of lanes, serving groups of approximately 20 lots. In turn, each lane would access W. 35th Street. In relation to those lots along the northern boundary of Hunter's Run, the design would include "like" lots backing onto the established lots, an internal lane, and landscape buffer. This concept is illustrated in the attached documents. On Monday, October 3, 2016, the applicant met with the two individuals who raised concerns during the hearing on September 20, 2016. Feedback was positive and further refinements were made to the concept based on additional input from City staff. The applicant held a larger meeting with more of the surrounding neighbors on October 10, 2016. Consensus was reached between both parties and is outlined in Attachment 3 to this coversheet. From September 20, 2016, up to approaching the hearing on October 18, 2016, a lot of effort was put into the City Council's direction by the applicant, neighbors, and City staff to reach compromise in offering the alternative being presented.

at 7:44 p.m. the Mayor opened the continued public hearing The following residents from Hunter's Run spoke in support of the ordinance: K C Hogan, Katie Coulie, and Jim Vernon.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

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 Certain Property Located Within The Lee Farm Addition Planned Unit Development (# P-91) And Approving The Amendment To The General Development Plan For Said Planned Unit Development.

CARRIED UNANIMOUSLY

LARIMER COUNTY MENTAL HEALTH ISSUE

This is an item to approve a resolution supporting a 2016 ballot issue in support of a mental health, detox and substance abuse facility in Larimer County and urging the citizens of the City of Loveland to vote "Yes" on November 8, 2016. Discussion ensued.

Public Comment: Darren Barrett, Ward 2, spoke in opposition of the resolution; Cheryl Coffey, 1942 W , spoke in support, Jeffrey Lowe, spoke in support; Allie Hinkeldi spoke in support; Larry Sarner, Ward 2, spoke in opposition of the resolution.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-99-2016 Of The Loveland City Council Supporting The Passage On November 8, 2016 Of The Larimer County Mental Health, Detox/Substance Abuse Facility And Services Ballot Issue.

CARRIED 5 - 2: No votes: Krenning and Overcash.

6.4 ECONOMIC DEVELOPMENT CRUNCHY GROCER INCENTIVE MODIFICATION REQUEST AND POSSIBLE EXECUTIVE SESSION

In May of 2016, Jonas Buehl the owner of the Crunchy Grocer requested an amendment to the approved 2013 incentive agreement. Council considered the request in August of 2016 and at that time decided to not move forward with the request. Since then additional information and analysis has been provided by the owner and by staff. Four Councilors have requested this item be brought back to Council for further consideration. It is recommended this discussion regarding negotiations take place in Executive Session.

There was no public comment.

Moved by Mayor Gutierrez, seconded by Councilor Krenning

A Motion to approve Option #2 in the confidential Staff memo dated October 3, 2016: "Advancing \$75,000 to Jonas Beuhl, owner of the Crunchy Grocer and completing this contractual agreement and obligation from the City" and directed Staff to bring back an agreement to that effect.

CARRIED UNANIMOUSLY

**6.5 FINANCE
PUBLIC HEARING
2017 BUDGET**

This item is the 2017 Budget and adopts the fee resolutions and ordinances, including the 2016 mill levy ordinance, on First Reading. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2017 Budget. These items establish the 2017 Budget for the City of Loveland, Colorado and implement fees and rates to meet the revenue projections in the budget.

Mayor Gutierrez opened the public hearing. The following individuals spoke in support of the Budget: Hailey Hayworth; Burce Croissant, 1629 Jackson, Robin Hildenbrand, Donnell Rd, Loveland; Paula Stearn, PAFC Ft. Collins, Lindsay Dowsell, 1394 Madison Ave; Burk Fishburn, Loveland; ;and Jackie Marsh, Rabbask Designs.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

1. A Motion to Adopt Resolution R-100-2016 adopting the 2017 Schedule of Rates, Charges and Fees for City Services, other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, and superseding all prior Resolutions establishing such rates, charges and fees, effective January 1, 2017.

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

2. A Motion to Adopt Resolution R-101-2016 on First Reading adopting the 2017 Schedule of Rates, Charges and Fees for services provided by the Storm Water Enterprise of the City of Loveland, Colorado and superseding all prior resolutions establishing such rates, charges, and fees

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

3. A Motion to Adopt Resolution R-102-2016 on First Reading adopting the 2017 Schedule of Rates, Charges and Fees for services provided by the Water & Power Department of the City of Loveland

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

4. A Motion to Approve, on First Reading, An Ordinance on adopting the mill levy for the General Fund of the City of Loveland, Colorado.

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

5. A Motion to Approve, on First Reading, An Ordinance adopting the 2017 budget for the City of Loveland, Colorado.

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

6. A Motion to Approve, on First Reading, An Ordinance making an appropriation for the fiscal year beginning January 1, 2017 and ending December 31, 2017 for the City of Loveland, Colorado.

CARRIED UNANIMOUSLY

**6.6 FINANCE
PUBLIC HEARING
2017 AIRPORT BUDGET**

The City of Loveland provides staff support to the Airport through the Intergovernmental Agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's contribution to the 2017 Airport Budget. These items set a schedule of fees, establish a budget and appropriate funds for Airport expenses in 2017.

There was no public comment

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

1. A Motion to Adopt Resolution R-103-2016 adopting the 2017 Schedule of Rates, Charges and Fees for the Northern Colorado Regional Airport and superseding all prior resolutions establishing such rates, charges and fees, effective January 1, 2017.

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

2. A Motion to Approve, on First Reading, An Ordinance Adopting the 2017 Budget for the Northern Colorado Regional Airport.

CARRIED UNANIMOUSLY

**6.7 LOVELAND FIRE RESCUE AUTHORITY
2017 LFRA BUDGET AND FEES**

The resolution provides for Council approval of the Loveland Fire Rescue Authority Budget and fees schedule for 2017. Council approval of the budget is required for the Authority's budget to be in effect. It approves the budget and fees and charges included within the budget for 2017. The City's contribution is included in the City of Loveland 2017 Budget.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-104-2016 approving the Loveland Fire Rescue Authority 2017 Schedule of Rates, Charges, and Fees for Services and 2017 Budget.

CARRIED UNANIMOUSLY

**ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF
DIRECTORS OF THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 (SID)
at 10:17 p.m.**

**6.8 FINANCE
PUBLIC HEARING
SPECIAL IMPROVEMENT DISTRICT BUDGET**

The City serves as the sponsoring agency for the Special Improvement District (SID) #1 and the City Council acts as its ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must adopt a budget. The City of Loveland serves as staff for the District. The 2017 Budget is \$490,000. This action adopts the budget and appropriates funds for the 2017 expenditures of the District.

There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Approve, on First Reading, An Ordinance adopting the 2017 Budget for the Loveland Special Improvement District #1.

CARRIED UNANIMOUSLY

**ADJOURN THE BOARD OF DIRECTORS OF THE LOVELAND SPECIAL
IMPROVEMENT DISTRICT #1 (SID) AND CONVENE AS THE BOARD OF**

**COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY
(LURA) AT 10:18 P.M.**

**6.9 FINANCE
PUBLIC HEARING
LOVELAND URBAN RENEWAL AUTHORITY BUDGET**

City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA). By State budget law, the Board must approve an annual budget for LURA. The City of Loveland serves as staff for LURA. LURA is funded by tax increment revenues from property and sales taxes. This action adopts the budget and appropriates funds for the 2017 expenditures LURA.

There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to Approve, on First Reading, An Ordinance of the Board of Commissioners of the Loveland Urban Renewal Authority Adopting the 2017 Budget for the Loveland Urban Renewal Authority.

CARRIED UNANIMOUSLY

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

**6.10 FINANCE
PUBLIC HEARING
GENERAL IMPROVEMENT DISTRICT BUDGET**

The ordinance adopting the mill levy is a legislative action. City Council serves as the ex officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. These items establish a budget and appropriate funds for District expenses in 2017 and set the mill levy rate for the property tax collections.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

1. A Motion to Approve, on First Reading, An Ordinance Adopting the 2017 Budget for the Loveland General Improvement District #1

CARRIED UNANIMOUSLY

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

2. A Motion to Approve, on First Reading, An Ordinance Adopting the 2016 Mill Levy for the Loveland General Improvement District #1

CARRIED UNANIMOUSLY

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENE AS CITY COUNCIL AT 10:19 P.M.

Moved by Councilor Krenning, and seconded by Councilor Overcash

A Motion extending the meeting by 30 minutes.

CARRIED UNANIMOUSLY..

6.11 CITY ATTORNEY

FISHER V. KOOPMAN UPDATE AND POSSIBLE EXECUTIVE SESSION

City Council may be asked to consider formal action, including calling an Executive Session, to provide direction to staff regarding the next steps in litigation.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

I move that the City Council go into executive session to receive legal advice with regard to legal issues associated with the lawsuit Tammy Fisher v. Brian Koopman and Luke Hecker Case No. 15-CV-00166, as authorized by the following sections of the Colorado Open Meetings Law and the City Charter: to receive legal advice from the City Attorney's Office as authorized in CRS Section 24-6-402(4)(b) and Charter Section 4-4(c)(3); and may be the subject of future negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions and strategy as authorized by CRS § 24-6-402(4)(e) and Charter Section 4-4(c)(1). at 10:27 P.M.

CARRIED UNANIMOUSLY

Moved by Councilor Ball, seconded by Councilor Shaffer

Council reconvened at 10:50 p.m.

A Motion to direct the City attorney to defend the City's position on the case that has been appealed to District Court Fisher v Koopman.

CARRIED UNANIMOUSLY

7. REPORTS

7.1 CITY COUNCIL REPORTS

This is an opportunity for Council Members to report on recent activities

Ball - The Bridges on Poverty Study session has been postponed from the October 25, 2016 Agend; attended Homeless Connect

Overcash - Student and Business Summit

Johnson - Encourage citizens to see utube video "Chardonnay go"

Fogle - Update on the Development Center

Mayor - Police Pension item to Council asap; Thank you to City Attorney, Tami Yellico for her service to the City of Loveland.

Moved by Mayor Gutierrez, seconded by Councilor Johnson

A Motion to allow City Attorney Tami Yellico, to extend her resignation date to November 1, 2016, in order to carry out the direction given by Councilor earlier in the evening.

CARRIED UNANIMOUSLY

7.2 CITY MANAGER REPORT

Thanked City Council for attending the Staff appreciation event this afternoon.

7.3 CITY ATTORNEY REPORT

8. ADJOURNMENT

Hearing nothing further to be considered by City Council, Mayor Gutierrez adjourned the October 18, 2016 Regular meeting at 11:00 p.m.

Respectfully Submitted,




Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor