



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, January 3, 2017 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Gutierrez  
Mayor Pro Tem Fogle  
Councilors:  
Ball, Overcash, Clark and Johnson.  
Councilor Shaffer arrived at 6:14 p.m.

**COUNCIL ABSENT:**

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

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

**1.2 PLEDGE OF ALLEGIANCE**

Boy Scout Troop 187 led the Pledge of Allegiance.

**1.3 ROLL CALL**

**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.***

No items were removed. Council requested an update regarding Item 2.7 in six months. They are interested in the amount of department participation in the new plan.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Johnson

***A Motion to approve the Consent Agenda Items 2.1 - 2.11***

CARRIED UNANIMOUSLY.

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the November 22, 2016 Study Session, the December 6, 2016 Regular Meeting and the December 13, 2016 Special Meeting and Study Session.

***A Motion to Approve the City Council minutes for the November 22, 2016 Study Session.***

***A Motion to Approve the City Council minutes for the December 6, 2016 Regular Meeting.***

***A Motion to Approve the City Council minutes for the December 13, 2016 Special Meeting and Study Session.***

CARRIED.

**2.2 CITY MANAGER  
APPOINTMENTS TO BOARDS AND COMMISSIONS**

This is an item appointing members to the Human Services Commission, Open Lands Advisory Commission, Parks and Recreation Commission and Planning Commission

***A motion to remove Krystal Rowland as a member on the Human Services Commission.***

***A motion to appoint Denise Selders to the Human Services Commission for a partial term effective until June 30, 2017.***

***A motion to reappoint Ross Livingston to the Open Lands Advisory Commission for a term effective until December 31, 2020.***

***A motion to appoint Burke Fishburn to the Parks and Recreation Commission for a partial term effective until December 31, 2017.***

***A motion to reappoint Katie Davis and Constance Keeney to the Parks and Recreation Commission, each for a term effective until December 31, 2019.***

***A motion to reappoint David Cloutier, Michael Ray and Jeremy Jersvig to the Planning Commission, each for a term effective until December 31, 2019.***

CARRIED.

## **2.3 FISCAL ADVISOR**

### **SUSPENSION OF CEF INCREASES IN 2017 EXCEPT THE STREET CEF'S**

Based on the master plans prepared by City Departments, a study demonstrating the results of using a "plans-based" approach to set capital expansion fees was completed. Results were presented to the City Council and additional information was requested on how the fees would be affected if the cost of borrowing for capital projects were to be included in the fee analysis. The borrowing analysis is not yet complete. The City Code Section 16.38.100 requires annual inflationary adjustments to Capital Expansion Fees. The proposed ordinance maintains the fees at their current 2016 levels, except for the Streets Capital Expansion Fee. The Colorado Department of Transportation inflation adjustment is 2.33%. This ordinance was approved unanimously, on first reading, at the December 13, 2016 City Council Special Meeting.

***A Motion to Approve, On Second Reading, Ordinance #6079 Suspending Annual Increases In Capital Expansion Fees, Excepting The Street Capital Expansion Fee, Pursuant To Loveland Municipal Code Section 16.38.110 For 2017.***

CARRIED.

## **2.4 DEVELOPMENT SERVICES**

### **WARD WEST LLP EASEMENT VACATION**

This is a public hearing to consider an ordinance on second reading, vacating 20' by 10' pedestrian and bike locker access easements. The easements were established when bike lockers were placed on the property for public use. The bike lockers have been removed and the easements are no longer needed for their intended purpose.

The property is generally located on the south side of E. 8th Street between Lincoln Avenue and Cleveland Avenue (220 E 8th Street and 745 N. Lincoln Avenue). The applicant is Ward West LLP represented by the City of Loveland Public Works Engineering. This ordinance was adopted unanimously by City Council on first reading on December 13, 2016.

***A Motion to Approve, on Second Reading, Ordinance #6080 Vacating Pedestrian And Bike Locker Easements Located On, Over***

***And Across A Portion Of Block 6 Of Loveland (Original Town), City Of Loveland, County Of Larimer, State Of Colorado.***

CARRIED.

**2.5 DEVELOPMENT SERVICES  
LARIMER COUNTY OFFICES EASEMENT VACATION**

This is a public hearing to consider a request for vacating emergency access and utility easements within Lot 1, Anderson Farm Eleventh Subdivision. The easement vacation is in preparation of a new county office building proposed on the lot. The applicant is Larimer County. All City Divisions and all applicable outside City utility providers have reviewed the vacation request and indicated no objections. The Planning Commission supported the vacation of easements at their November 14, 2016 meeting. This ordinance was approved unanimously, on first reading, at the December 6, 2016 City Council Meeting.

***A Motion to Approve, On Second Reading, Ordinance #6081 Vacating An Emergency Access Easement And A Utility Easement Located On, Over And Across A Portion Of Lot 1 Anderson Eleventh Subdivision, City Of Loveland, County Of Larimer, State Of Colorado.***

CARRIED.

**2.6 PARKS AND RECREATION  
VIESTENZ-SMITH MOUNTAIN PARK SUPPLEMENTAL APPROPRIATION**

Staff is requesting to re-appropriate funding approved in 2016 for Viestenz-Smith Mountain Park Reconstruction (Phase I) for expenditure in 2017. Five funding sources totaling estimated project cost is \$4,029,725 are contributing to cover the cost of this project, all of which have been appropriated in the 2016 budget. To date in 2016, \$50,063 of the \$4,029,725 has been spent. Thus, it is requested that the remaining balance of \$3,979,662 be re-appropriated for continued expenditure in 2017. This project was delayed due to Federal Emergency Management Agency (FEMA) and Community Development Disaster Recover Block Grant (CDBG-DR) requirements. Because time is of the essence, due to requirements and deadlines outside of City control (FEMA and grant deadlines), Parks and Recreation needs to move forward quickly to complete this project on schedule. Any delay to start construction beyond January would limit our ability to do needed construction in the river before spring thaw and could greatly affect our timeline on the project. This delay in project completion could also affect our CDBG-DR

Watershed grant funding which requires that the project must be completed by December 2017. The ordinance was approved unanimously by City Council on first reading on December 13, 2016.

***A Motion to Approve, on Second Reading, Ordinance #6082 Enacting a Supplemental Budget and Re-Appropriation (Rollover) to the 2017 City of Loveland Budget for Viestenz-Smith Mountain Park (Phase I) Design and Reconstruction Project.***

CARRIED.

**2.7 HUMAN RESOURCES & LOVELAND POLICE DEPARTMENT  
PUBLIC COMMENT  
POLICE PENSION PLAN**

At the City Council meeting on November 1, 2016, the Police Retirement Board in conjunction with the Human Resources Department and Police Department recommended amending the Police Retirement 401(a) Money Purchase Plan. The recommendation was adopted by City Council via resolution #R-109-2016. During City Council's discussion of this item at the meeting, staff was directed to bring forth a budget amendment to include this additional cost in the 2017 Budget. (General Fund Unassigned Fund Balance will be reduced by \$331,061. The budgeted General Fund Unassigned Fund Balance for 2017 is \$1,386,464. This amount is expected to increase by between \$4 million and \$5 million after 2016 year-end, when unspent appropriation reverts back to the General Fund, but the actual value of that increased amount is not yet known.)

***A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The Police Retirement Plan.***

CARRIED.

**2.8 CITY CLERK  
2017 MEETING NOTICES POSTING LOCATION**

Approval of the Resolution will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the City of Loveland's written notices in the year 2017. The Resolution also designates the City's Fire Administration Building as an Emergency Posting location if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause.

***A Motion to Adopt Resolution R-1-2017 Establishing The Location For The Posting Of City Of Loveland Notices.***

CARRIED.

**2.9 CITY CLERK  
2017 LURA MEETING NOTICES POSTING LOCATION**

Approval of the Resolution will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the Loveland Urban Renewal Authority's written notices in the year 2017. The Resolution also designates the City's Fire Administration Building as an Emergency Posting location if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause.

***A Motion to Adopt Resolution R-2-2017 Establishing The Location For The Posting Of Loveland Urban Renewal Authority Notices.***

CARRIED.

**2.10 DEVELOPMENT SERVICES  
THREE MILE PLAN**

This is a legislative action to formally adopt a Three Mile Plan for 2017. The Three Mile Plan would consist of the City's comprehensive plan, other adopted plans covering infrastructure, services and surrounding areas, and procedures.

***A Motion to Approve Resolution, R-3-2017, Adopting A Three Mile Plan For The City Of Loveland, Colorado.***

CARRIED.

**2.11 CITY CLERK  
SET A SPECIAL MEETING FOR JANUARY 10, 2017**

The City Charter provides for the Mayor and three other Council members may call a special meeting. Also addressed in the Charter is the provision that City Council may not take an action on an item that has not been posted at least 24 hours prior to the meeting. The purposes of the Special Meeting will be to give the City Manager performance feedback with possible executive session and CDOT will provide an update on I-25 with possible executive session.

***A Motion Calling A Special Meeting For January 10, 2017 to begin at 5:30 PM, For The Purposes: 1) City Manager Performance Feedback with possible executive session. 2) CDOT Update on I-25 with possible executive session.***

CARRIED.

**2.12 CITY MANAGER OFFICE  
NOVEMBER INVESTMENT REPORT**

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 November monthly report, the estimated yield on the fixed income securities held by USBank was at 1.36%, for total assets the yield was 1.31%. For the year-to-date, total earnings of \$1,962,333 have been posted to City fund accounts. U.S. short-term Treasury interest rates moved sharply higher in November; the portfolio's change in unrealized gain for the year-to-date moved down by about \$2.5 million. The end of November market value is estimated to be \$218.6 million. The peak amount for the portfolio was reached before the 2013 flood when the market value was estimated to be \$226.3 million.

*Information only*

**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.***

**Howard Dotson**, 378 N. Jefferson, expressed concern with reports that some Int'l Students were being harassed, and has offered his church as a "safe" place; Is currently Lobbying Rep Polis, for funds to open a detox center; Has encouraged victims of homelessness to come this evening to discuss "being homeless in Loveland".

**Christina Ehritta**, 1406 E. 16 th St. #A, was homeless for 7 months with her family, expresses concern with the lack of housing for people in this situation.

**Angelica Redington**, 100 E. 4th St, currently homeless with her family, expressed concern regarding assistance.

**Celeste Lopez**, expressed concern regarding the need for a detox center in Loveland.

**Kristina Ashley Dickenson**, Denver, expressed concern with justice, referencing Detective Koopman.

**Jay Louhan**, 984 White Ash Ct, expressed concern regarding the housing situation and homeless families in the City of Loveland.

**Joseph Hoffman**, 400 E 4th St, expressed concern regarding help for the homeless.

**5. REGULAR AGENDA  
PROCEDURAL INFORMATION**

*Anyone in the audience will be given time to speak to any action 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.*

**5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**5.2 ECONOMIC DEVELOPMENT  
PUBLIC COMMENT**

**PULLIAM COMMUNITY BUILDING APPROPRIATION**

At the December 6, 2016 regular meeting, City Council adopted Resolution R-122-2016 approving an agreement between the City of Loveland and The Pulliam Community Building Foundation ("Foundation") regarding a partnership that would assist with raising funds for the renovation of the Pulliam Building. The agreement outlines two phases of improvements, totaling \$7 million over five years with the City's total contribution capped at \$4 million over the life of the agreement.

Under the terms of the agreement, the City would match the contributions of the Foundation on a \$3 to \$1 basis in Phase I in an amount not to exceed \$1.5 million (\$500,000 Foundation contribution, with a \$1.5 million City match for \$2 million total). While the funds would be obligated, they would not be spent until such time as the Foundation presents the City with its \$500,000 contribution. The Foundation has until December 31, 2017 to raise the first \$500,000 for the Phase I improvements. Phase II of the agreement totals \$5 million and would start in 2018. Under Phase II, the City match would drop to a \$1 for \$1 and total \$2.5 million, but not exceed \$1 million in any calendar year. The Ordinance under consideration would appropriate the \$2 million total required for Phase I improvements to the Pulliam Community Building, \$1.5 million in City funds and \$500,000 in funding from the



Pulliam Community Building Foundation. Planned Phase I improvements include fire safety improvements and upgrades to the mechanical and heating, ventilation, and air conditioning (HVAC) systems intended to make the auditorium space functional and leasable. The City Council Special Projects Fund unassigned fund balance is \$3,655,103. If the ordinance is approved the remaining City Council Special Projects Fund unassigned fund balance will be \$2,155,103. There were no public comments.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Renovation Of The Pulliam Community Building.***

CARRIED 6-1; No Vote: Clark

**5.3 FINANCE  
BUDGET TRANSFER LIMIT FOR CITY MANAGER**

This item was removed at the request of City Staff.

**5.4 PUBLIC WORKS  
PUBLIC COMMENT  
IGA FOR VANGO VEHICLE MAINTENANCE SERVICES**

Current VanGoTM maintenance services are provided to participants through NFRMPO IGAs with the cities of Fort Collins and Greeley. Recently, Fort Collins moved van maintenance services from south Fort Collins to the northern edge of the city. Additionally, the NFRMPO developed an agreement with CDOT to provide a vanpool option for Estes Park during the canyon construction project. Due to these factors, the NFRMPO requested that the City of Loveland enter into an IGA for van maintenance services for an initial 24 VanGoTM vehicles with the potential to increase that number to 40. Providing this option requires the addition of 1.00 FTE Service Technician at an estimated cost of \$60,000 plus an additional \$30,000 for equipment and supplies, for a total of \$90,000. \$30,000 for half of the Service Technician cost would be reimbursed by the NFRMPO through a flat monthly rate. Additionally, it is estimated that another \$30,000 would be reimbursed by the NFRMPO for estimated additional actual charges. The remaining \$30,000 of the total \$90,000 estimated cost would be off-set by Fleet Management Fund Balance on a budget basis, though it is anticipated that this remaining \$30,000 will be fully off-set by charges for services provided to City departments resulting in a net zero impact to the Fleet Maintenance Fund by year end. The current estimated Fleet Management Fund Unassigned Fund Balance is \$94,123. If approved, the remaining Fleet Management Fund Unassigned Fund Balance will be \$60,123. Public Comment: Roger Weidemann, 4814 Franklin Ave,

asked for clarification on "maintenance"; Bruce Croissant, 1629 Jackson, spoke in support of the ordinance.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For An Intergovernmental Agreement (IGA) Between The North Front Range Metropolitan Planning Organization (NFRMPO) And The City Of Loveland (City) For Vehicle Maintenance Services.***

CARRIED UNANIMOUSLY

## 5.5 CITY MANAGER

### **CITY COUNCIL APPOINTMENTS FOR REGIONAL BOARDS & CITY BOARDS AND COMMISSIONS VACATED BY COUNCILOR MCKEAN**

City Council appointments are needed for the following regional organizations:

- Northern Colorado Regional Airport Commission
- Larimer County Open Lands Board

City Council appointments are needed for the following Loveland Boards and Commissions:

- Open Land Advisory Commission
- Parks and Recreation Commission
- Police Citizen Advisory Board

Consensus of Council was to not appoint anyone to the Larimer County Open Lands Board at this time.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Shaffer

***A Motion appointing City Manager Steve Adams to fill the vacated seat on the Northern Colorado Regional Airport Commission.***

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion making the following appointments: Don Overcash: Police Citizen Advisory Board; Rich Ball: Parks and Recreation Commission; Leah Johnson Interim only 3 months for Open Lands Advisory Commission; and confirm the appointment of Leah Johnson to the CML Legislative Committee. Also added to the list***

*is the appoint of Councilor Johnson to the Larimer County Housing Authority Working Group.*

CARRIED UNANIMOUSLY.

## 6. REPORTS

### 6.1 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.*

**Johnson** 1) would like to have a discussion regarding shutoff and turn on fees for City of Loveland Utilities; 2) Would like to see "tiny homes" be addressed in the new Unified Code amendments.

**Fogle** Expressed concern that the Meyers v Koopman case was resolved without Council involvement. Consensus of Council was to Direct Interim City Attorney Douglas to set up CIRSA attorney Andy Nathan to give Council an update on the resolution.

**Shaffer** 1) MPO meeting is canceled and I25 electeds meeting.

**Overcash** 1) Would like to have a discussion regarding people signing up before they speak, to ensure that Council has their correct information; 2) would like the City Attorney to create language for City Council to read aloud in situations where Council does not have authority to make changes; 3) Rep McKean is hoping to bring a bill forward that would make North and South Bound I25 a spending priority in the future.

**Ball** Viewed the parking garages in Golden over the holidays

### 6.2 CITY MANAGER REPORT

January 10, 2017 would be Steve's 6 month review. The meeting will begin with dinner at 5:00 and the item will begin at 5:30 p.m. with an ending time of 6:30 p.m. CDOT Rep Johnny Olson will be present. Asked if Council would like to have a Workshop in 2017 and topics of discussion.

### 6.3 CITY ATTORNEY REPORT

City Attorney is working with Budget and Human Resources regarding the City Attorney item on the January 10, 2017 Study Session.

## 7. ADJOURNMENT

Hearing no more business to come before Council, Mayor Gutierrez adjourned the January 3, 2017 Regular Meeting at 8:45 p.m.

Respectfully Submitted,



*Teresa G. Andrews*  
Teresa G. Andrews, City Clerk

*Cecil A. Gutierrez*  
Cecil A. Gutierrez, Mayor