



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, April 18, 2017 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Gutierrez  
Mayor Pro Tem Fogle  
Councilors: Ball, Overcash and Clark. Shaffer arrived at 7:00 p.m.

**COUNCIL ABSENT:** Krenning and Johnson

**1. INTRODUCTION**

**1.1 CALL TO ORDER**

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

**1.4 PROCLAMATIONS AND PRESENTATIONS**

**1.4.1 PRESENTATION**

**SWEARING IN CEREMONY FOR WARD III COUNCIL MEMBER**

Steve Olson was sworn in as Ward 3 Council Member by Municipal Judge Geri Joneson.

**1.4.3 PROCLAMATION  
ARBOR DAY**

Councilor Ball presented the Arbor Day proclamation to Rob McDonald, City of Loveland Arborist.

**1.4.4 PROCLAMATION  
MENTAL HEALTH AWARENESS MONTH IN MAY**

Mayor Pro Tem Fogle presented the Mental Health Awareness Month in May proclamation to Michael Allen, Summit Stone Health Partners. May 2, 2017 Open House 9-11:00 a.m.

**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.*

Moved by Councilor Fogle, seconded by Councilor Clark

*A Motion approving the Consent Agenda, items 2.1-2.10.*

CARRIED UNANIMOUSLY.

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the March 21, 2017 regular meeting and the March 28, 2017 special meeting and study session

*A Motion To Approve the City Council Minutes For The March 21, 2017 Regular Meeting And The March 28, 2017 Special Meeting and Study Session*

CARRIED.

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

The General Retirement Board membership includes two Citizen Members. Both memberships have been vacant. One application was received and an interview was held March 23, 2017. The interview committee recommends appointing Darcy Hodge as a Citizen Member on the General Retirement Board for a term effective until June 30, 2020. Recruiting continues for the remaining Citizen Membership vacancy.

*A Motion To Appoint Darcy Hodge As A Citizen Member To The General Retirement Board For A Term Effective Until June, 30, 2020*

CARRIED.

**2.3 COMMUNITY PARTNERSHIP OFFICE  
COMMUNITY PARTNERSHIP STAFFING REQUEST**

City Council gave verbal support of additional resources for the Community Partnership Office during the February 7, 2017 regular meeting. The funding request below will allow increased capacity support for the office. This item was adopted by City Council unanimously, on first reading, at the April 4, 2017 Regular meeting.

*A Motion To Adopt, On Second Reading, Ordinance No. 6102 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Community Partnership Office Staffing*

CARRIED.

## 2.4 DEVELOPMENT SERVICES

### PUBLIC COMMENT

#### UHRICH RESIDENCE LOCAL LOVELAND HISTORIC LANDMARK DESIGNATION

Garth Bontrager and Laurie White, owners of the property at 948 N. Jefferson Avenue, Loveland, are requesting a Loveland Historic Landmark designation to recognize the building's significance to Loveland's community character. The Historic Preservation Commission acknowledges the building's significance and recommends that City Council designate the building to the Loveland Historic Register. This ordinance was adopted unanimously, on first reading, at the April 4, 2017 City Council meeting.

*A Motion to Adopt, On Second Reading, Ordinance No. 6103 Designating As A Historic Landmark The Uhrich Residence Located At 948 North Jefferson Avenue In Loveland, Colorado*

CARRIED.

## 2.5 FINANCE

### CITY O&M NEW APPROPRIATIONS

Since the 2017 Budget was adopted, new operations and maintenance items and projects have been identified. Gross new appropriations, the sum of the total appropriations for each fund, total \$3,413,177. Net new appropriations, excluding \$448,660 in transfers made between the various funds, total \$2,964,517. Transfers are excluded to avoid double counting of related appropriation line items (transfer and corresponding expenditure) included in the ordinance. This ordinance was adopted unanimously, on first reading, at the April 4, 2017 City Council meeting. If approved, remaining unassigned fund balances by fund would be:

- \$4,321,622 – General Fund
- \$2,946,952 – Solid Waste Fund
- \$6,019,018 – Fleet Replacement Fund
- \$135,409 – Fleet Management Fund

*A Motion To Adopt, On Second Reading, Ordinance No. 6104 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Operations And Maintenance*

CARRIED.

**2.6 FINANCE  
CITY AND AIRPORT O&M RE-APPROPRIATIONS**

Budget Office staff worked with City departments to identify remaining balances related to on-going operations and maintenance items appropriated but not completed in 2016 that need to be re-appropriated for continuation in 2017. Unspent appropriation related to these items reverted to the fund balance of origin at the end of 2016 and is available for re-appropriation in 2017. Gross re-appropriations, the sum of the total re-appropriations for each fund, total is \$3,245,851. The net re-appropriations, excluding \$275,314 in transfers made between the various funds, total is \$2,970,537. Transfers are excluded to avoid double counting of related appropriation line items (transfer and corresponding expenditure) included in the ordinance. These two ordinances were adopted unanimously, on first reading, at the April 4, 2017 City Council meeting.

These items were appropriated in 2016, but not completed by year-end. Unspent appropriation related to these items reverted to the fund balance of origin at the end of 2016 and is available for re-appropriation in 2017.

*1) A Motion To Adopt, On Second Reading, Ordinance No. 6105 Enacting A Supplemental Budget And Re-Appropriation To The 2017 City Of Loveland Budget For Operations And Maintenance Appropriated But Not Completed In 2016*

*2) A Motion To Adopt, On Second Reading, Ordinance No. 6106 Enacting A Supplemental Budget And Re-Appropriation To The 2017 Northern Colorado Regional Airport Budget For Operations And Maintenance*

CARRIED.

**ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)**

**2.7 FINANCE  
LURA RE-APPROPRIATIONS AND NEW APPROPRIATIONS**

In February, Budget Office staff brought forward a package of project re-appropriations for City Council consideration, in order to promote smooth continuation of large, significant projects from 2016 year-end to the 2017 new year. Since then, staff has continued to work with departments and other entities to identify any additional re-appropriation or known new appropriation needs. Because

of this process, two re-appropriation and two new appropriation needs were determined for the Loveland Urban Renewal Authority (LURA). These ordinances were adopted unanimously, on second reading, at the April 4, 2017 City Council meeting.

**Re-Appropriations:**

- These items were appropriated in 2016, but not completed by year-end. Unspent appropriation related to these items reverted to the fund balance of origin at the end of 2016 and is available for re-appropriation in 2017.

**New Appropriations:**

- The remaining unassigned fund balance in the LURA Fund will be \$1,363,229 if the new appropriation requests are approved

*1) A Motion To Adopt, On Second Reading, Ordinance No. 6107 Enacting A Supplemental Budget And Appropriation To The 2017 Loveland Urban Renewal Authority Budget For Operations And Maintenance Appropriated But Not Completed In 2016*

*2) A Motion To Adopt, On Second Reading, Ordinance No. 6108 Enacting A Supplemental Budget And Appropriation To The 2017 Loveland Urban Renewal Authority Budget For Operations And Maintenance*

CARRIED.

**ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND RECONVENE AS CITY COUNCIL**

## **2.8 PUBLIC WORKS**

### **FLOOD MITIGATION PROJECT**

The City of Loveland has been awarded a \$2.34 million Community Development Block Grant – Disaster Recovery (CDBG-DR) by the State of Colorado Department of Homeland Security and Emergency Management (DHSEM). The State received 54 project applications for the limited CDBG-DR infrastructure grant funds. In a competitive selection process only 11 projects were awarded a grant. The Wilson Avenue project received the largest funding award of the eleven and is one of the State's highest priority flood resiliency projects.

The grant is intended to partially reimburse the City for the cost of raising Wilson Avenue out of the Big Thompson River 100-year floodplain. With this project Wilson Avenue would be the only crossing of the Big Thompson River passable during an up to 500-year flood in the entire watershed. Therefore, it has great value not only to the city but to Northern Colorado. The State has accelerated their funding distribution schedule and obligated the grant funds for this project on March 31 2017, but has not yet sent the grant agreement to the City. City Council approval is necessary to accept the grant once the agreement has been received. Staff will bring the formal grant agreement to City Council for acceptance after it has been received. However, the

City must begin design and permitting now in order to meet the anticipated construction schedule and grant timing requirements.

The total anticipated project cost is \$3.69 million for design, permitting, and construction. The CDBG-DR grant will provide \$2.34 million with the remaining \$1.35 million required as a City cost share. The ordinance, on first reading, appropriates \$450,000 for the engineering and design costs to prepare construction drawings, specifications, a detailed construction cost estimate, and permitting for the construction project and \$3,240,000 for construction. The originally indicated matching funds need has been included on the Unfunded Needs List presented to City Council and accounted for in updated projections. Due to the timing change, the full project amount will be appropriated at this time and the grant award amount will be reimbursed to the City funding source upon receipt of the grant monies. This request is eligible for TABOR Excess and if approved, the remaining unassigned Excess TABOR Fund Balance will be \$20,028,733. The City is also pursuing other possible grant opportunities that might reduce the City's cost share. The Ordinance was adopted unanimously, on first reading, at the April 4, 2017 City Council meeting.

*A Motion To Adopt, On Second Reading, Ordinance No. 6109 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The Wilson Avenue Flood Mitigation Project.*

CARRIED.

## 2.9 PUBLIC WORKS 8TH STREET BRIDGE PROJECT

City Council approval is necessary to execute the IGA and to authorize the use of the Federal Highway Administration (FHWA) Bridge Replacement and Rehabilitation (HBRRP) funding that was recently awarded for this Project. Local match funds must also be appropriated to secure this grant. This Project is included on the Unfunded Needs List and has been assumed in updated capital expenditure projections. Staff will return to City Council for final funding approval after the Project is competitively bid and a Contractor is selected to complete the work. This structure is located on 8th Street over the Big Barnes ditch, which is a water source to Lake Loveland. Construction is anticipated to begin this Fall 2017 and will last throughout the winter months.

### Project Funds

FHWA HBRRP Grant = \$837,200

Local Match to Grant = \$209,300

Approval of this item will allow the funds to be allocated for the construction of this Project (EN1609) and to allow an agreement to be in place for reimbursement of construction costs. The Project has been awarded \$837,200 in unanticipated Federal funding; however a local match of \$209,300 is required to secure the grant funding. The Project is eligible for TABOR Excess Reserves. The ordinance was adopted unanimously, on first reading, at the April 4, 2017 City Council meeting.

*1) A Motion To Adopt, On Second Reading, Ordinance No. 6110 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Replacement Of The 8th Street Bridge Over The Big Barnes Ditch*

*2) A Motion To Adopt Resolution #R-34-2017, Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, For Replacement Of The 8th Street Bridge Over The Big Barnes Ditch In Loveland, Colorado*

CARRIED.

**2.10 MUNICIPAL COURT  
IGA FOR MUNICIPAL JUDGE SERVICES**

The Cities of Loveland, Fort Collins and Greeley have been sharing judicial resources since 1994. There is an IGA approved by resolution, adopted March 15, 1994, that authorizes the sharing of judicial services. The current IGA is intended to update the 1994 Agreement and to establish the terms and conditions under which the exchange of services should occur. There is no change in employment status or compensation for the judges. The purpose is to allow for those situations where an appointed municipal judge is not available due to a conflict of interest, illness or other reason and the deputy judge is also not available.

*A Motion To Adopt Resolution #R-35-2017, Approving An Intergovernmental Agreement Among the City of Loveland, City Of Greeley, And Fort Collins For Sharing of Judicial Services*

CARRIED.

**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.*

No Public Comment.

**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 Clark and Fogle spoke regarding the DDA ballot issue. Explaining exclusion areas from the DDA that are approximately 300 residences. The ordinance will come before Council May 2, 2017.

**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 COMMUNITY PARTNERSHIP OFFICE  
PUBLIC COMMENT  
FOOD BANK FOR LARIMER COUNTY**

Alison Hade, Community Partnership Administrator and Amy Pezzani, Executive Director of The Food Bank for Larimer County, presented this item to Council. The Food Bank is seeking \$500,000 as a challenge grant and a waiver of \$33,663 in building permit fees from the City of Loveland to support the purchase and remodel of a food distribution warehouse. At the March 28, 2017 Study Session, City Council expressed interest in support for bringing these two funding requests back for formal City Council consideration. The current unassigned General Fund balance is \$5,600,509. If the request is approved, the remaining unassigned General Fund Unassigned Fund Balance will be \$5,100,509 and the City would forgo \$33,663 in waived fees that do not require back-filling from the General Fund. Council discussion ensued which resulted in the City Attorney articulating an amendment to the Resolution.

Public Comment: Nathan Klein, vice chair of the food bank board; Olga Duval, Salvation Army; Joann Warner, Human Services Commissioner; Marilyn Shock, food bank board member; Jeff Law, Loveland resident; Olivia Lowe; Lauren Snodgrass, high school student; Harrison Hand, Loveland resident all spoke in support.

Moved by Councilor Shaffer, seconded by Councilor Ball

***1) A Motion To Adopt Resolution #R-36-2017 Approving A Matching Grant and Waiver Of Certain Development Fees For The Food Bank For Larimer County In Connection With The Purchase And Renovation Of A Food Distribution Warehouse Within The City Of Loveland as amended with the addition of a time frame, 'after the date of this Resolution' and to include, 'other local government' entities.***

CARRIED 4-3; No Votes: Overcash, Clark and Olson



Moved by Councilor Shaffer, seconded by Mayor Gutierrez

***2) A Motion To Adopt Ordinance, On First Reading, Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The Food Bank For Larimer County.***

CARRIED 4-3; No Votes: Overcash, Clark and Olson

### 5.3 PUBLIC WORKS

#### **SUPPLEMENTAL APPROPRIATION FOR THE FOUNDRY ROW TRAFFIC CALMING**

Leah Browder, Public Works Director and Jay Hardy, President of Brinkman Partners presented this item to Council. Per an April 4, 2017 City Council vote, this item brings a package of Foundry Roadway Projects back for City Council reconsideration after being rejected at the March 28, 2017 Council meeting. This Roadway Projects Package includes three components recommended for 2017 supplemental budget funding of \$1,343,000 and is eligible for funding from the TABOR Excess Reserve. CDOT representatives will be present to confirm their approval of the interim roadway designs and willingness to work with the City to explore the possibility of expanded traffic calming on Cleveland Avenue between 1st and 7th Streets in a future phase to be initiated with study and design later this year.

It is important to note that August 2016 City Council Workshop discussion indicating Cleveland Avenue Traffic Calming as a priority drove design decisions for The Foundry project that would require substantial time, expense and complication to revise at this time with associated construction changes also having significant cost implications. While the total estimated cost of The Foundry Roadway Projects Package is \$1,491,056 Brinkman will be contributing \$112,042 and about \$36,014 of the total project cost will be funded through the 2017 Street Rehabilitation Capital Project for additional street slurry coating desired by the City. The remaining expense of \$1,343,000 is eligible for funding through the TABOR Excess Fund. If the request is approved, the TABOR Excess Fund balance will be \$15,173,933.

Moved by Councilor Shaffer, seconded by Councilor Fogle

***A Motion To Adopt An Ordinance, On First Reading, Enacting A Supplemental Budget And Appropriation To The 2017 City of Loveland Budget for Cleveland Avenue Traffic Calming And Installation Of A Right Turn Lane At 1st Street And Lincoln Avenue***

CARRIED UNANIMOUSLY.

### 5.4 CITY CLERK

#### **CALL FOR A SPECIAL MEETING ON APRIL 25, 2017 TO BEGIN AT 5:30 PM**

Purpose: The request for a Special Meeting to be added to the April 25, 2017 Study Session, will allow Council to take action on the second reading of the ordinance for

the Foundry ROW Traffic Calming item in order to keep the project moving in a timely manner. Council will have the opportunity to take action on a resolution approving a Second Amendment to the Foundry DRA including 320 North Cleveland lease and condominiumization of the parking area below the parking garage.

Moved by Councilor Shaffer, seconded by Councilor Clark.

***A Motion Calling For A Special Meeting On April 25, 2017 To Begin At 5:30 PM, In Order To A) Take Action On The Second Reading Of An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Cleveland Avenue Traffic Calming And Installation Of A Right Turn Lane At 1st Street And Lincoln Avenue And To B) Take Action On A Resolution Approving A Second Amendment To The Foundry Disposition And Redevelopment Agreement and Authorizing All Action Necessary Or Appropriate To Execute And Deliver The Second Amendment, To Facilitate The Financing And Construction Of The Foundry Project In Accordance With Said Agreement, As Amended, And To Otherwise Effect the Provisions of Such Resolution and the Disposition and Redevelopment Agreement, As Amended, Including the Execution and Delivery By the City of Such Agreements, Instruments, Certificates and Opinions As May Be Required To Implement The Transactions Contemplated By Such Resolution and Such Agreement.***

CARRIED UNANIMOUSLY.

## 5.5 PUBLIC WORKS

### RESOLUTION OF SUPPORT FOR THE US34 COALITION PLANNING AND ENVIRONMENTAL LINKAGE STUDY CHARTER

Leah Browder, Public Works Director, presented this item to Council. The City of Loveland is a participating agency of the 10-member US34 Coalition. The Coalition's intent is to work collaboratively to better understand the US34 Corridor between Kersey and Glade Road in eastern Loveland; engage in collaborative problem solving; develop and prioritize projects to improve the highway; and secure funding to construct identified improvements. The Coalition supported using local regional funding through the North Front Range Metropolitan Planning Organization (NFRMPO) for a Colorado Department of Transportation (CDOT) US34 Planning and Environmental Linkage (PEL) Study that will result in identified projects to better the transportation corridor being eligible for Federal funding. As a result, the US34 Coalition will serve as the Steering Committee for the PEL. Tonight's item provides an update on the PEL and an overview of the US34 Coalition PEL Study Charter. It should be noted that CDOT's consulting team plans to have Loveland's first PEL Open House on May 2, 2017 from 4 pm to 8 pm at the Public Works Administration Building (2525 W. 1st Street, Loveland, 80537).

Public Comment: none

Moved by Councilor Shaffer, seconded by Councilor Clark

***A Motion To Adopt Resolution #R-37-2017, A Resolution Of Support For The U.S. Highway 34 Coalition Planning And Environmental Linkage Study Charter And Authorizing The City To Sign The Charter***

CARRIED UNANIMOUSLY.

**5.6 CITY MANAGER**

**CITY COUNCIL APPOINTMENTS FOR REGIONAL BOARDS AND CITY BOARDS AND COMMISSIONS**

This is an item approving City Council non-voting liaisons to Regional Boards and Commissions and City Boards and Commissions. Staff will update with the changes and send to Council.

Moved by Councilor Shaffer, seconded by Councilor Clark

***A Motion To Approve City Council Liaisons For Regional Boards and City Boards And Commissions***

CARRIED UNANIMOUSLY.

**6. REPORTS**

**6.1 BUSINESS FROM CITY COUNCIL**

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

Olson - would like a proposal from staff for budget items that can be approved by the City Manager, there was consensus of Council. Expressed concern regarding public comments being made that aren't factual.

Overcash - spoke about the Golf Advisory Board and would like a presentation of assets the City has at a future Study Session.

Ball - expressed appreciation for the Youth Advisory Commission. Mentioned the retirement of Keven Aggers and Marcia Lewis. Mayor Gutierrez included Police Captain Klinger.

Fogle - as part of the Accelerate Colorado group will be attending a conference regarding economic vitality and small business growth in Washington D.C. in June.

Clark - shared that a Youth Advisory Commissioner will attend NLC in November as part of a Planning Committee.

**6.2 CITY MANAGER REPORT**

Steve Adams - Thanked staff for the work they did for the Foundry Traffic Calming Project. Working on program management for the future of this project.

Shared information about Economic Development's successfully acquiring a company to invest in building new airport hangars and another company is going to use existing airport hangars for developing new technology in solar aircraft.

6.3 CITY ATTORNEY REPORT  
No Report

7. ADJOURN  
Mayor Gutierrez adjourned the April 18, 2017 Regular Meeting of Council at 10:30 p.m.

Respectfully Submitted,



  
Beverly A. Walker, Acting City  
Clerk

  
Cecil A. Gutierrez, Mayor