



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, May 16, 2017 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Gutierrez
Councilors:
Fogle, Krenning, Ball, Shaffer, Overcash, Clark, Johnson, Olson.

COUNCIL ABSENT: None

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ROLL CALL

1.4. PROCLAMATIONS AND PRESENTATIONS

**1.4.1 PROCLAMATION
PUBLIC WORKS WEEK**

Councilor Shaffer presented the proclamation to Leah Browder, Public Works Director.

**1.4.2 PROCLAMATION
MOTORCYCLE SAFETY AWARENESS MONTH**

Councilor Olson presented the proclamation to Kristy McNeill and David Kingery.

**1.4.3 PROCLAMATION
BIKE MONTH**

Councilor Johnson presented the proclamation to Katie Guthrie, Public Works.

**1.4.4 PRESENTATION
RECOGNITION FOR 20 YEARS OF VOLUNTEER SERVICE FOR COURT BAILIFFS**

Geri Joneson, Municipal Court Judge, presented plaques to Flo Holesovsky and Bill Monroe.

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 Shaffer, seconded by Councilor Fogle

Motion approving the Consent Agenda, Items 2.1-2.8.

CARRIED UNANIMOUSLY.

**2.1. CITY CLERK
APPROVAL OF MINUTES**

Approval of the City Council minutes for the April 18, 2017 Regular Meeting and the April 25, 2017 Special Meeting and Study Session.

A Motion to Approve The City Council Minutes For The April 18, 2017 Regular Meeting And The April 25, 2017 Special Meeting And Study Session

CARRIED.

**2.2. CITY MANAGER
APPOINTMENTS TO THE POLICE CITIZEN ADVISORY BOARD**

This is an item appointing members to the Police Citizen Advisory Board

1) A Motion To Reappoint Ed Gassman And Dick Hunsaker To The Police Citizen Advisory Board, Each For A Term Effective Until December 31, 2019

2) A Motion To Appoint Kathleen Mitchell To The Police Citizen Advisory Board For A Term Effective Until December 31, 2019

CARRIED.

**2.3. CITY MANAGER
APPOINTMENTS TO THE YOUTH ADVISORY COMMISSION**

In May 2017, seven of the current Youth Advisory Commission (YAC) members will be graduating from high school. During the year, two alternates resigned from the commission leaving nine openings for next year on the commission. This commission gives a voice to teen issues, concerns, and problems throughout the Loveland Community.

A Motion To Appoint To The Youth Advisory Commission To Serve As Members And Alternates From June 2017 Through May 2018:

Reappointments As YAC Commissioners: Zoe Keeler, Brandon Lindsey, Ava McQuade, Stirling Pettit, Heather Price, Lincoln Solt, Megan Valliere

Appointments As YAC Alternates: Ian Hansen, Avery Pfeifer, Katie Runions, Annalina Scalise

Appointments As YAC Commissioners: Jackson Bakovich, Maya Bontrager, Connor Lindgren, Rachel Samuels, Alisa Saulter

CARRIED.

2.4. PUBLIC WORKS

TAFT AVENUE BRIDGE GRANT APPROPRIATION

The North Taft Avenue Roadway Widening and Bridge Replacement Project would appropriate the necessary funds to replace the structurally deficient bridge over the Big Barnes Ditch and widen the roadway section to the LUCASS standard 4-lane arterial roadway section up to 11th Street. The goals of this project are to replace the structurally deficient bridge, increase capacity, improve safety, provide a higher level of service, improve the ride quality and improve pedestrian and bicycle facilities along the project length. This ordinance was adopted unanimously, on first reading, at the May 2, 2017 City Council Meeting.

A Motion To Adopt, On Second Reading, Ordinance No. 6113 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For the North Taft Avenue Bridge Replacement Over Big Barnes Ditch Project

CARRIED.

2.5. PUBLIC WORKS

BIKE TO WORK MONTH APPROPRIATION OF GRANT FUNDS

City Council approval is necessary to accept and appropriate \$5,750 in funds granted from sponsor agencies for events to promote, support and celebrate safe bicycling in June 2017. For 2017, the Bike-to-Work-Day Committee worked to expand events and activities into a month-long program related to safe bicycling and secured sponsorship funds from CDOT, Kaiser Permanente and UCHealth. With acceptance and appropriation of donated funds, the number and quality of bicycling events and activities in June will increase significantly compared to those in past years. This year,

Bike-to-Work Day is scheduled for June 28, 2017. This ordinance was adopted unanimously, on first reading, at the May 2, 2017 City Council Meeting.

A Motion To Adopt, On Second Reading, Ordinance No. 6114 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Bike To Work Month

CARRIED.

**2.6. DEVELOPMENT SERVICES
PUBLIC HEARING**

WATERFALL FOURTH SUBDIVISION VACATION

The City is currently reviewing a site development plan and an amended plat application for a 64,000 square foot building addition for the Orthopedic and Spine Center of the Rockies. The expansion would house a new surgery and recovery center. There are existing utility, pedestrian, and emergency access easements that were established for the existing building layout that need to be vacated to accommodate the expansion. New utility, pedestrian, and emergency access easements will be dedicated to the City to replace the easements proposed to be vacated. The vacation of the utility and emergency access easements will allow for the development of a new surgery and recover center as an expansion to the existing building. This item was presented to the Planning Commission on April 24, 2016 and was approved unanimously with an 8-0 vote as an item on the consent agenda.

A Motion To Adopt, On First Reading, An Ordinance Vacating An Emergency Access Easement, A Utility Easement, Portions Of Two Additional Utility Easements And A Portion Of A Pedestrian Access And Pedestrian-Bicycle Easement Located On, Over And Across A Portion Of Lot 1, Block 1 Of Second Amended Plat Of Lots 1 And 2, Block 1, Waterfall Fourth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED.

2.7. WATER & POWER

ADOPTION OF THE AMENDED REQUIREMENTS FOR ELECTRIC SERVICE

The Requirements for Electric Service Book sets the standards and requirements that must be met by developers and customers prior to receiving electric services from the City of Loveland Water and Power Department. These standards apply to all new installations, additions or modifications of existing installations. Municipal Code 16.24.012 requires any revisions to the standards, including amendments to be reviewed by the Loveland Utilities Commission and either adopted or denied by resolution of council. The objective of this item is to amend the existing electric standards through a Resolution to reflect the current standards and requirements. These were last amended in 2010. Developers and customers are currently following outdated standards. The standards are reviewed and updated as needed to comply

with changes to national standards, changes to work practices and operations as well as changes needed to improve safety and reliability of the electric system. The last update to this document was completed in 2010. This item was presented to the Loveland Utilities Commission (LUC) on April 19, 2017. LUC unanimously recommended City Council adopt a resolution adopting the requirements for electric standards. This item was also presented to the Construction Advisory Board (CAB) on April 26, 2017. At the CAB meeting, a motion was approved unanimously in support of City Council adopting a resolution amending these standards.

A Motion To Adopt Resolution #R-41-2017 Approving The Amended Electrical Standards As Required By 16.24.012 Of The Municipal Code

CARRIED.

2.8. PARKS AND RECREATION

FIRST AMENDMENT TO THE IGA FOR FRONT RANGE TRAIL CONNECTIVITY

The Intergovernmental Agreement (IGA) between The City of Loveland, Larimer County and The City of Fort Collins allows three governmental agencies to work together to build a commuter bicycle/pedestrian concrete trail linking the communities of Fort Collins and Loveland. The goal is to complete a ten-foot wide concrete bicycle/pedestrian trail connecting the communities of Fort Collins and Loveland to increase non-vehicle transportation options for the citizens of both communities. The project is located within in existing County Road Right-of-Way so impact to land area will be minimal. The amendments to the IGA for the Front Range Trail Connectivity was presented to the Open Lands Advisory Commission and the Parks and Recreation Commission in the Fall of 2014 where it received great reviews. A vote was not included in the presentation.

A Motion To Adopt Resolution #R-42-2017 Approving A First Amendment To And Restatement Of Intergovernmental Agreement For The Colorado Front Range Trail From The Loveland Recreation Trail To The Fossil Creek Trail

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.

David Sleeper, Loveland resident, expressed concern regarding crosswalks in the Mariana Butte area.

Nancy Morgan, Loveland resident, expressed concern for safety at the 1st and Washington crosswalk.

Larry Sarnier, Loveland resident Ward 2, spoke regarding Council comments on the cost of legal counsel to the City.

Jackie Marsh, Loveland resident, spoke regarding an audit for Centerra's Metro District as well as a concern about representation of board members.

Howard Dotson, Loveland resident, spoke regarding National Law Enforcement Week, the Blue light campaign and concerned about the homeless being fined for "camping".

Clay Caldwell, Loveland resident, expressed his appreciation for Council's support of downtown Loveland.

Ron Rose, Loveland resident, expressed concern regarding the Garfield Avenue street sidewalk improvements.

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.

Mayor Gutierrez spoke regarding concern for an apparent gas explosion in Firestone that was possibly caused by an uncapped well. It was agreed by A Rule of Four to have safety service staff find out and inform Council of what caused the explosion.

6. 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.

6.1. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No items were removed from the Consent Agenda.

6.2. DEVELOPMENT SERVICES

PUBLIC COMMENT

EXCLUSION OF TERRITORY FROM DDA

Alan Krcmarik, Executive Fiscal Advisor, presented this item to Council. The proposed Ordinance would exercise the City of Loveland home-rule power to exclude certain residential properties that are now located within the Loveland Downtown Development Authority ("DDA" or "Authority") boundaries. The properties to be excluded meet one or a combination of the following criteria: (1) the Property is not currently included in the DDA's long-range plan of development for downtown and, therefore, does not have a natural nexus to the contemplated activities of the DDA; (2) portions of the Property are separated from the core downtown area by physical impediments such as major roadways and railroad lines and, therefore, do not substantially contribute to or benefit from the activities of the DDA; and (3) the Property is comprised of distinct neighborhoods that are not integrated into the DDA

and do not provide the same degree of contiguity to the commercial areas of the DDA as those residential areas that are not the subject of this Ordinance. The Loveland Downtown Development Authority Board and the Loveland Downtown Partnership Board have reviewed the concept of excluding property in the DDA after the November 2016 election and support City Council adopting the ordinance on first reading. The Downtown Development Authority Board met on May 8, 2017, and reviewed some of the questions asked by Council. The focus was on the concept of excluding all residential property from the district boundaries. The DDA Board supports the City staff recommendation that City Council adopt the ordinance on second reading without amendments. Council adopted the ordinance on first reading by an 8-1 vote.

Public Comment: Larry Sarner, Loveland resident, spoke in opposition to the issue. John Keil, Loveland resident, spoke in opposition of TIF's.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Adopt, On Second Reading, Ordinance No. 6115 Excluding Certain Property From The Boundaries Of The Loveland Downtown Development Authority

CARRIED 8 - 1 No vote: Krenning

6.3. DEVELOPMENT SERVICES

PUBLIC HEARING

FCC ELIGIBLE FACILITIES CO-LOCATION CODE PROVISIONS

Robert Paulsen, Current Planning Manager, presented this item to Council. In 2015, the Federal Communication Commission (FCC) adopted regulations designed to facilitate the timely processing of applications for the co-location of wireless telecommunications facilities. Co-location commonly involves the attachment of one or more additional antennas onto an existing (cell) tower along with upgrades to associated equipment. The amendments to Title 18 (the zoning code) bring Loveland's code into alignment with the new FCC provisions, giving the City the ability to process qualifying applications in a manner consistent with FCC standards. The amendment adds new Section 18.55.025 - FCC Eligible Facilities Co-Location into the zoning code along with associated changes that accommodate the new provisions. (See Attachment 1 which specifies adjustments to Chapter 18.55, including the insertion of Section 18.55.025.) As defined, "Eligible Facilities" are co-location proposals that do not result in substantial modifications to an existing tower or to existing base equipment. For example, an eligible facilities request could not result in the increase in tower height by more than 10% or 10 feet--whichever is greater. Based on FCC rules, applications that meet the eligible facilities criteria must be reviewed within a 60-day time period; if a determination is not made within this period, the application automatically defaults to approval. In order to ensure that this timeframe can be met, the amendment provides for a simplified review process and incorporates options for administrative flexibility. This item was reviewed at the

Planning Commission Public Hearing held on May 8, 2017. The Planning Commission approved this with a 6-0 vote.
No Public Commented.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Adopt, On First Reading, An Ordinance Amending Chapter 18.55 Of the Loveland Municipal Code Regarding Personal Wireless Service Facilities To Add A New Section 18.55.025 Regarding Co-Location Of Wireless Transmission Equipment On Eligible Facilities Pursuant To Federal Communication Commission Regulations And To Adjust Related Provisions Of Chapter 18.55 To Address And Accommodate Section 18.55.025

CARRIED UNANIMOUSLY.

**6.4. WATER & POWER
POLE ATTACHMENTS**

Briana Reed-Harmel, Senior Electrical Engineer, presented this item to Council. This item contains a motion to adopt an ordinance amending Chapter 13.12 of the Loveland Municipal Code to create a new section for Pole Attachments. This amendment is to establish within Municipal Code the current regulations, process, and permits required for a communications attachment to a City of Loveland utility pole or street light. The requirements for attachment to City of Loveland utility poles are currently handled through individual agreements with licensees. By including the regulations, processes and permit requirements in the Municipal Code, we will add clarity and transparency to the process that is already in place. Additionally, with the passage of Colorado House Bill 17-1193 (Attachment 1) the City must have regulations, processes and permit requirements adopted into Municipal Code in order to require small cell wireless facilities to follow the same process for review and permitting as all other communications attachments.

Public Comment: Mark McGary with Mobility, expressed appreciation to staff for streamlining the process.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Adopt, On First Reading, An Ordinance Adding A New Section To Chapter 13.12 Of The Loveland Municipal Code Regarding Requirements For Attachments To Electrical Poles

CARRIED UNANIMOUSLY.

**6.5. WATER & POWER
PUBLIC COMMENT
HYDROZONE PROGRAM CODE AMENDMENTS**

Greg Dewey, Civil Engineer, presented this item to Council. The City of Loveland Municipal Code provides two options for entities desiring irrigation-only water meters: (1) pay three acre feet (AF) of water rights per acre of land to be irrigated; or (2) voluntarily pay a reduced amount of water rights based on a proposed hydrozone landscaping plan of low-water use plantings, and commit to a future "water budget" limited to a calculated amount of water for the plan. This second choice is called the Hydrozone Program, and a user may elect to join the program if their landscaping plan demonstrates at least a 25% reduction in water use from the standard 3 AF per acre. If the water budget is exceeded, "annual surcharge" bills are sent to owners. If the water budget is exceeded for 3 consecutive years, the user is no longer eligible for the program and must provide additional water rights (or cash-in-lieu) to the City in an amount based on the difference between the amount paid per the Hydrozone Program and the amount due under the full, 3 AF-per acre calculation. Participants in the program are generally homeowners' associations, special districts, or other entities with large areas of irrigation. Following several years of operation, and a heightened interest from developers in joining the program (due to the increasing prices of water rights), City Staff have identified a number of issues with implementation and operation of this program. The proposed revisions to the Municipal Code are based on the City's experience in administering the program, complaints and suggestions from existing participants, discussions with the Planning Department, and input received from the Loveland Utilities Commission and Construction Advisory Board. This item was presented to the Loveland Utilities Commission on April 19, 2017 and was passed unanimously. The Hydrozone Program Code Amendments item also was presented to the Construction Advisory Board on April 26, 2017 where it was passed unanimously with the amendment of changing the establishment period from 2 years to 3 years. Public Comment: David Sleeper, Loveland resident and officer of Deer Meadows Metropolitan Board, spoke in support of the ordinance.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Adopt, On First Reading, An Ordinance Amending Section 19.06.050 Of The Loveland Municipal Code Regarding The Hydrozone Water Budget Irrigation Program

CARRIED UNANIMOUSLY.

**6.6. HUMAN RESOURCES
RECRUITMENT AND SELECTION PROCESS FOR CITY ATTORNEY
POSITION WITH POSSIBLE EXECUTIVE SESSION**

Karen Rees, Human Resources Manager, presented this item to Council. On May 2, 2017, Council directed staff to repost the City Attorney position. Staff is seeking further direction from Council related to the recruitment and reposting, which may include discussion and/or direction on an interim or ongoing appointment of a City Attorney. A motion and a second, to recess into executive session to consider

recruitment, selection, negotiations and appointment of a City Attorney and future Council actions and provide further direction was withdrawn. Council directed staff to reschedule the executive session for June 6, 2017.

7. REPORTS

7.1. BUSINESS FROM CITY COUNCIL

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

Olson: has a conflicting schedule with two commissions in which he is liaison, Open Lands Advisory Commission and Citizen's Finance Advisory Commission meet on the same night.

Moved by Councilor Fogle, seconded by Councilor Krenning

A Motion for Council Overcash to serve as Council Liaison to the Open Lands Advisory Commission.

CARRIED UNANIMOUSLY.

Ball: spoke regarding the trash and recycling bins giving notice that they should be stored out of sight.

7.2. CITY MANAGER REPORT

Steve questioned Council's desire to reschedule the Jessup Farm tour, he will work with staff on availability for Monday the 22nd at 4:00 p.m.

He recommended cancelling the June 20th regular Council meeting due to a lack of a quorum. Council agreed.

7.3. CITY ATTORNEY REPORT

No Report.

8. ADJOURN

Mayor Gutierrez adjourned the May 16, 2017 Regular Meeting of Council at 9:30 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City
Clerk


Cecil A. Gutierrez, Mayor