



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

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

**COUNCIL ABSENT:** None

**1. INTRODUCTION**

**1.1. CALL TO ORDER**

**1.2. 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.*

Moved by Councilor Shaffer, seconded by Councilor Fogle

***A Motion approving the consent agenda items 2.1 through 2.7.***

**CARRIED UNANIMOUSLY.**

**2.1. CITY MANAGER**

**APPOINTMENTS TO AFFORDABLE HOUSING COMMISSION AND HUMAN SERVICES COMMISSION**

This is an item appointing members to the Affordable Housing Commission and the Human Services Commission.

- 1) A Motion To Reappoint Renee Alaniz To The Affordable Housing Commission For A Term Effective Until June 30, 2020***
- 2) A Motion To Appoint Lauren Daley To The Affordable Housing Commission For A Term Effective Until June 30, 2020***
- 3) A Motion To Appoint Christopher Thorp To Affordable Housing Commission For A Term Effective Until June 30, 2020***
- 4) A Motion To Appoint Amanda McDonald As An Alternate Member On The Affordable Housing Commission For A Term Effective Until June 30, 2018***
- 5) A Motion To Appoint Sara Lipowitz To The Human Services Commission For A Partial Term Effective Until June 30, 2018***
- 6) A Motion To Reappoint Denise Selders To The Human Services Commission For A Term Effective Until June 30, 2020***
- 7) A Motion To Reappoint Jo Anne Warner To The Human Services Commission For A Term Effective Until June 30, 2020***

CARRIED.

**2.2. COMMUNITY PARTNERSHIP OFFICE  
COMMUNITY DEVELOPMENT BLOCK GRANT FUND APPROPRIATION AND  
ALLOCATION**

Community Development Block Grant (CDBG) funding used for renovations at the Maple Terrace apartments in 2009, was returned to the City of Loveland when the Loveland Housing Authority sold the project in 2016. The Affordable Housing Commission wishes to allocate a portion of the returned funds to Alternatives to Violence to install sprinklers in the basement of the safe house, and Neighbor to Neighbor to complete the stair rehabilitation project at the Willows apartment complex. The objective is to appropriate and then allocate funding. CDBG funding in the amount of \$59,876 was returned to the U.S. Department of Housing and Urban Development (HUD) upon the sale of the Maple Terrace Apartments by the Loveland Housing Authority in 2016 and will be reallocated based on projects heard by the Affordable Housing Commission during the 2017 grant process. This item was presented to City Council on July 5, 2017 where it was adopted on first reading.

**1) A Motion To Adopt, On Second Reading, Ordinance No. 6124 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Allocation Of Community Development Block Grant (CDBG) Funding**

**2) A Motion to Adopt Resolution #R-55-2017 Approving The Community Development Block Grant Funding Recommendations Of The Loveland Affordable Housing Commission**

CARRIED.

**2.3. CITY CLERK**

**LARIMER COUNTY PRECINCTS AND BOUNDARY CHANGES**

Statute mandates the County Clerk and Recorder set precinct lines to include no more than 2,000 eligible electors. Population increases in some areas in Larimer County made it necessary for precincts to be divided to comply with Colorado Revised Statutes 1-5-101(3). This process is usually referred to as "re-precincting". When this occurs, it requires the County to add and renumber precincts. This item was presented to the Larimer County Board of Commissioners on May 23, 2017 where they approved it as Resolution 05232017R001 Under the provisions of Colorado Revised Statutes 30-11-114, the Board of County Commissioners may set off or organize new precincts, change the boundaries, or reduce the number of those already organized as the public good requires. This item was unanimously adopted on first reading by City Council on July 5, 2017.

**A Motion to Approve Ordinance No. 6125, on Second Reading, Amending Section 1.24.020, 1.24.030, 1.24.040 and 1.24.050 of the Loveland Municipal Code to Add New Larimer County Voter Precincts in the City's First, Second, Third and Fourth Wards**

CARRIED.

**2.4. COMMUNITY PARTNERSHIP OFFICE**

**PUBLIC COMMENT**

**COMMUNITY DEVELOPMENT BLOCK GRANT FUND APPROPRIATION 2017-2018**

The City of Loveland receives an annual entitlement grant from the U.S. Department of Housing and Urban Development (HUD). For the 2017-2018 grant year, that amount is \$316,186. There will be no impact. Funding will not affect our current budget. City Council will receive non-profit grant funding for this appropriation on August 15, 2018.

**A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For 2017-2018 Community Development Block Grant (CDBG) Appropriation**

CARRIED.

**2.5. CITY CLERK**

**PUBLIC COMMENT**

**NOVEMBER 7, 2017 COORDINATED ELECTION WITH LARIMER COUNTY**

State law requires the City to notify the Larimer County Clerk and Recorder of its intention to participate in this upcoming statewide special election as a coordinated election at least 100 days prior to the election. The proposed Resolution authorizes this notification. The proposed Ordinance is needed to allow the City to conduct a regular election on November 7, 2017 as a coordinated election with the Larimer County Clerk and Recorder.

***1) A Motion To Adopt Resolution #R-58-2017 Of The Loveland City Council Authorizing The City Clerk To Notify The Larimer County Clerk And Recorder Of The City Of Loveland's Intention To Participate In The Statewide Election To Be Held On November 7, 2017, As A Coordinated Election With The County.***

***2) A Motion To Adopt, On First Reading, An Ordinance Providing That The City Of Loveland's Regular Election To Be Held November 7, 2017 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder and, To The Extent Necessary To Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern.***

CARRIED.

**2.6. PARKS AND RECREATION**

**AMENDMENT TO THE AGREEMENT WITH CDOT FOR GRANT OF TEMPORARY CONSTRUCTION EASEMENTS AT CEDAR COVE**

The work in Cedar Cove is a collaborative effort between CDOT and the Big Thompson Watershed Coalition (BTWC). The work includes river rehabilitation and protection of public and private property through riprap placement, river and bank grading, reestablishment of natural river features conducive to fish passage and habitat, and revegetation along the riverbanks. CDOT will be funding the work for this project.

***A Motion To Adopt Resolution #R-59-2017 Approving An Amended Agreement For Grant Of Temporary Construction Easements On City of Loveland Property Near Cedar Cove Along US Highway 34 And Authorizing The City Manager To Execute The Agreement***

CARRIED.

**2.7. PUBLIC WORKS**

**NORTH GARFIELD IMPROVEMENT PROJECT**

The purpose of this item is to award the contract to Duran Excavating, Inc. to widen and rehabilitate North Garfield Avenue from Marmac Drive to Lake Drive. Improvements within this contract include widened bike lanes and sidewalks, ADA accessible corner ramps and driveways, water main and water service replacements and upgrades to the storm sewer system. As part of the overall project, undergrounding of power lines, removal of old power poles and additional street lighting will be completed. The source of funding for this improvement project will come 100% from the General Fund.

***A Motion To Adopt Resolution #R-60-2017 Authorizing A Notice Of Award For The North Garfield Avenue Improvements Project (No. ENSR0032) To Duran Excavating, Inc. Of Greeley, Colorado And Authorizing The City Manager To Execute The Contract***

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.*

Larry Sarner, Loveland resident, spoke concerning the ability to have public comment for item 6.4, which is an information only item.

Council agreed to have public comment for item 6.4.

Bruce Coussant, Loveland resident, expressed concern about Loveland's public transportation funding.

**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.*

***No business from Council was presented***

**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  
THE BRANDS AND THE BRANDS WEST FLEXIBLE ZONING OVERLAY**

Kerri Burchett, Principle Planner and Martin Lind, Developer, presented this item to Council. This is the first reading of the ordinance to consider a flexible zoning overlay district for a 201-acre mixed-use development called The Brands and The Brands West. The project includes two separate land areas on the east and west sides of I-25, north of Crossroads Boulevard. The Brands, located south of the Larimer County Fairgrounds, is envisioned as a 1,267,520 square foot high-end life-style center with an urban core that includes a large pedestrian plaza, entertainment uses, restaurants, apartments, offices, retail and hotels. The Brands West, located adjacent to the Fort Collins-Loveland Airport, is envisioned as a 939,100 square foot in-line and pad site development that would be developed into retail, restaurants, hotels, offices and light industrial uses. City Council approved a Business Assistance Agreement for the project that set forth economic incentives including a limited waiver of City building permit fees, a limited City use tax credit, and additional economic incentives in the form of sharing the City sales tax or credit of the City sales tax. This item was presented to the Planning Commission at their meeting on June 26, 2017 where it was approved unanimously with a vote of 8-0.

Public Comment: Larry Sarner, Loveland resident, expressed concern regarding the zoning and the sales taxes involved. Gary Lindquist, Loveland resident, expressed concern regarding the taxes.

Moved by Councilor Shaffer, seconded by Councilor Fogle

***A Motion To Adopt, On First Reading, An Ordinance Establishing a Flexible Zoning Overlay District and Flexible Zoning Overlay District Plan for The Brands and The Brands West located, in part, within the East Loveland Industrial Seventeenth, Eighteenth, Nineteenth and Twentieth Subdivisions, City of Loveland, Larimer County, Colorado***

CARRIED UNANIMOUSLY.

**6.3. CITY MANAGER  
WATERFRONT METROPOLITAN DISTRICT SERVICE PLAN AMENDMENT**

Councilor Clark recused himself prior to the discussion of this item.

Rod Wensing, Assistant City Manager; George M. Rowley, Attorney for the District; and Leslie A. Snow, District Board Member, presented this item to Council. This is a request to approve the First Amendment to the Service Plan for Waterfront Metropolitan District, which removes the mill cap levy of 46 mills for existing District debt of \$4,830,000 that will allow the District to refinance such debt at the lowest possible interest rate. Any future debt incurred or issued by the District would remain subject to this mill levy cap of 46 mills. Approve of the First Amendment to the Service Plan for Waterfront Metropolitan District. This request will only affect

property within the Waterfront Metropolitan District, which is wholly controlled by the residents via the elected Board of Directors.

Public Comment: Jackie Marsh, Loveland resident, spoke regarding debt concerns. Larry Sarner, Loveland resident, expressed concern regarding debt refinancing and TABOR.

Moved by Councilor Shaffer, seconded by Councilor Ball.

***A Motion To Adopt Resolution #R-61-2017 Of The Loveland City Council Approving The First Amendment To The Service Plan For Waterfront Metropolitan District with the amendment as proposed to remove the language.***

CARRIED 7 to 1. No Vote: Fogle

#### **6.4. FINANCE**

##### **UPDATE ON STATUS OF TABOR ELECTION**

Brent Worthington, Finance Director; Paul Hanley, George K. Baum Associate; Diane Jones, Consultant, presented this item to Council. City Council has the authority to refer a sales tax increase to Loveland voters, per TABOR, voter approval is required.

The proposed sales tax increase would provide a consistent ongoing source of funding to be used for certain capital projects

If approved, the projects can commence immediately or within a short time horizon.

Absent the tax increase, the projects could be delayed, in some cases indefinitely.

The Citizen's Financial Advisory Commission recommended support of the project at their July 12, 2017 meeting.

Public Comment: Larry Sarner, Loveland resident, expressed concern regarding hiring consultants and sales tax being used for operations and maintenance.

John Keil, Loveland resident, spoke in support of an advisory ballot question and expressed concern using sales tax to pay off debt.

Bruce Croussant, Loveland resident, expressed concern regarding the idea of an advisory ballot question, in support of increasing taxes to pay for infrastructure.

Gary Lindquist, Loveland resident, expressed concern regarding sales taxes, rebates and waivers.

Council directed staff to hire the consultants for voter intent through their three-step process, without the predetermined list.

*Information Only*

#### **6.5. ECONOMIC DEVELOPMENT**

##### **PUBLIC HEARING**

##### **APPROPRIATION OF THE DEPARTMENT OF LOCAL AFFAIRS (DOLA) GRANT FOR THE PULLIAM COMMUNITY BUILDING RENOVATION PROJECT**



Mike Scholl, Economic Development Manager, presented this item to Council. The Ordinance appropriates the funds for the DOLA grant for use in Phase I of the Pulliam Renovation Project. Phase I will address the critical interior building needs that will allow the auditorium space to be used efficiently and safely with the inclusion of the fire detection system and suppression system. The first phase is estimated to be completed in the first quarter of 2018. Successful completion of Phase 1 renovations will allow for expanded use and community activity of the building. The grant increases the amount of renovation that will occur in Phase I of the project. The City will be able to use the \$326,010 grant from the Department of Local Affairs in support of the renovation of the Pulliam Building. The City is matching the grant from the \$1,500,000 appropriation and the \$500,000 from the Pulliam Community Building Foundation. This item was presented at the Regular City Council meeting on November 15, 2016 and passed with an 8-1 vote. The Ordinance will require a second reading on August 1, 2017.

Public Comment: Larry Sarnier, Loveland resident, expressed concern regarding budgets and mission creep. John Keil, Loveland resident, expressed concern regarding federal debt.

***Withdrawn:***

*A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The Pulliam Community Building Renovation Project*

Moved by Councilor Gutierrez, seconded by Councilor Fogle

***A Motion to postpone this item to August 1, 2017.***

Carried 7 to 2. No Votes: Krenning and Ball

**6.6. PUBLIC WORKS**

**PUBLIC COMMENT**

**NORTH I25 WIDENING AND LOCAL COMPANION PROJECTS AGREEMENTS AND FUNDING**

Dave Klockeman, Senior Civil Engineer, presented this item to Council. At the January 10, 2017 City Council Study Session, CDOT representatives provided an update on the North I25 Widening Project including possible local coordinating interchange projects at US34 and SH402. At the January 17, 2017 City Council Meeting, Council adopted a Resolution affirming the City's support for the local coordinating projects being included in the base configuration of CDOT's North I25 design-build bid package. At the March 7, 2017 City Council Meeting, Council adopted a Resolution setting the funding amount to a maximum of \$6 million. (Note: This is in addition to the previously committed \$2 million for the widening project.) The inclusion of the two local interchange projects creates the potential for significant efficiencies and economies of scale.

CDOT's financial framework makes these two local interchange projects, estimated at a total cost of \$54 million, possible with a local cash funding contribution totaling approximately \$14 million. CDOT has provided information to a variety of potential



local funding partners. The City of Loveland, Town of Johnstown, Larimer County and Weld County have expressed an interest in contributing toward the realization of these local interchange projects. The City of Loveland's share of the required \$14 million will not exceed \$6 million contributed over three years. In order to keep the process moving, CDOT has set the deadline of August 1, 2017 for approval of the agreements with local agencies. The funding amount of \$2.5 million in 2017 (\$500,000 for N I25 Widening and \$2 million for N I25 Companion Projects) is included in the supplement requests tonight. The remaining up to \$5.5 million funding of the City's share will be included in Fiscal Year 2018 and 2019 Proposed Budgets, subject to funding availability and City Council review and approval. Public Comment: Gary Lindquist, Loveland resident, expressed concern regarding tolls. Larry Sarner, Loveland resident, expressed concern regarding where the funding is coming from.

Moved by Councilor Shaffer, seconded by Councilor Fogle

**1) A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget and Appropriation To The 2017 City Of Loveland Budget For The North I-25 Widening Project Local Match**

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Clark

**2) A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The North I-25 Widening Companion Projects**

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Clark

**3) A Motion To Adopt Resolution #R-56-2017 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation For The City's Participation In The Local Companion Projects At The US34 And SH402 Interchanges As Part Of The Colorado Department Of Transportation's North I25 Widening Project.**

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Clark

**4) A Motion To Adopt Resolution #R-57-2017 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation For The City's Participation In The Colorado Department Of Transportation's North I25 Widening Project.**

CARRIED UNANIMOUSLY.

**7. REPORTS**

**7.1. BUSINESS FROM CITY COUNCIL**

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

Krenning: Asked how much sales tax is generated on gold and silver coin deals.

**7.2. CITY MANAGER REPORT**

Steve Adams: Reminder of the Joint Council Meeting with Johnstown Council to be held Monday, July 24th at the Johnstown City Hall.

**7.3. CITY ATTORNEY REPORT**


No report.

**8. ADJOURN**

**Mayor Gutierrez adjourned the July 18, 2017 Regular Meeting of the City Council at 10:25p.m.**

Respectfully Submitted,



  
Beverly A. Walker  
Acting City Clerk

  
Cecil A. Gutierrez, Mayor