



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, August 16, 2016 CITY COUNCIL CHAMBERS 6:00 PM

1. INTRODUCTION

1.1 CALL TO ORDER

Mayor Gutierrez called the August 16, 2016 Regular Meeting to order at 6:00 p.m.

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

Councilors Present: Clark, McKean, Ball, Shaffer, Overcash, Fogle, Krenning and Gutierrez. Councilor Johnson arrived at 6:04 p.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 Shaffer, seconded by Mayor Pro Tem Fogle

A motion approving the Consent Agenda with the exception of Items 2.3. & 2.10

Carried 9-0

**2.1 CITY CLERK
APPROVAL OF MINUTES**

Walmart Distribution Center has approached the City with an offer and agreement to fund the design and construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue for an amount not to exceed \$300,000 for construction of the signal. The resolution adopted by Council on August 2, 2016 authorize the City Manager to execute the agreement to accept payment of \$300,000 from Walmart to be used for the construction of the traffic signal. The ordinance appropriates the funds received, allowing them to be used by the City for this purpose. This ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

1. A Motion To Approve, On Second Reading, Ordinance #6038 Enacting A Supplemental Budget And Appropriation For The 2016 City Of Loveland Budget For The Construction Of An Interim Traffic Signal At The Intersection Of Crossroads Boulevard And Ward Avenue.

Carried Unanimously

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

2. A Motion to adopt Resolution #R-67-2016 Approving An Agreement Between The City Of Loveland, Colorado and Walmart Stores, Inc., for the Design and Construction of an Interim Traffic Signal at the Intersection of Crossroads Boulevard and Ward Avenue.

Carried 9-0

2.5 NORTHERN COLORADO REGIONAL AIRPORT SUPPLEMENTAL APPROPRIATION FOR STRATEGIC PLAN

The purpose of this item is to approve an amendment to the 2016 Airport operating budget and appropriate funds from the Airport Reserve Fund to initiate work associated with the City Council approved Airport Strategic Plan. The Northern Colorado Regional Airport Commission has reviewed and approved this request. The 2016 Airport operating budget will be amended to authorize expenditure in the total amount of \$165,000 from the Airport Reserve Fund. The City of Loveland will appropriate 50% (\$82,500) of the total \$165,000 request, and the City of Fort Collins has approved their half of the appropriation at their July 19, 2016 City Council Meeting. This appropriation is needed as the funding resources were not included in the adopted 2016 Airport Budget approved by Council. This ordinance was approved unanimously on first reading by City Council on August 2, 2016.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion To Approve, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Administrative Change In The Method Of Purchasing Fleet Vehicles.

CARRIED 9-0.

**2.8 DEVELOPMENT SERVICES
MIRASOL SECOND ADDITION ANNEXATION**

This resolution sets a public hearing date of September 20, 2016 for the consideration of an annexation of 6.8 acres to be known as the Mirasol Second Addition. The property is located at the southeast corner of the intersection of 4th Street SE and S. St. Louis Avenue. Included with the annexation is a request to zone the property Mirasol Community Planned Unit Development and include the property into the Mirasol General Development Plan. The GDP seeks to allow the construction of a 60 unit apartment complex and 10 single family/duplex units on the property. The applicant is the Housing Authority of the City of Loveland.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

A Motion to Adopt Resolution R-73-2016, Finding A Certain Petition For Annexation Known As Mirasol Second Addition, Filed July 29, 2016, To Be In Substantial Compliance With Section 30 Of Article II Of The Colorado Constitution And With The Requirements Of Section 31-12-107(1), C.R.S.; And Establishing A Date, Time, And Place For A Hearing To Determine Whether The Proposed Annexation Complies With The Applicable Requirements Of Sections 31-12-104 And 31-12-105, C.R.S., And Is Eligible For Annexation To The City Of Loveland, Colorado

CARRIED 9-0.

**2.9 PARKS AND RECREATION
WARD TRUST OPEN LANDS CONSERVATION EASEMENT**

The City applied for and was awarded a Great Outdoors Colorado ("GOCO") grant for the Ward Trust Property Open Lands Acquisition, which includes the acquisition of a 78-acre, more or less, parcel and associated George Rist Ditch water rights. This is an administrative action to approve the acquisition of the property and authorize the City Manager to sign the Conservation Easement on behalf of the City.

Moved by Councilor Shaffer and seconded by Mayor Pro Tem Fogle

1. A Motion to Adopt Resolution R-74-2016 Of The Loveland City Council Approving - The Acquisition Of The 78-Acre, More Or Less, Including Appurtenant Water Rights, Ward Trust Property On Cedar Valley Drive For Open Space Purposes.

CARRIED 9-0.

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.

Jackie Marsh, expressed concern with the Building Department and a new business owner downtown. Council directed Staff to bring back an ordinance amending the building code to remove the "drinking fountain" requirements. Daryl Klassen, Loveland resident, asked Council to take a moment to honor past Council member Walt Skowron, who passed away on Saturday, August 13, 2016. Victoria Gardner, Loveland resident, expressed concern regarding the homeless population, with winter coming soon. Announced a meeting of concerned citizens meeting at 6:30 on Thursday, August 18, 2016 at the Loco Artist and Café.

5. 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.

5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

2.3 CITY ATTORNEY

APPROVAL OF THE DDA ELECTION & BALLOT QUESTION

Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 8, 2016 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance. This ordinance was approved unanimously on first reading by City Council on August 2, 2016. Resident Larry Sarnier spoke in opposition to the ordinance. Council suggested Mr. Sarnier get in touch with Staff to discuss possible wording changes prior to certification of the ballot language to the County.

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Mayor Gutierrez opened the public hearing at 7:35. Staff and the applicant made presentations. There were no public comments. Mayor Gutierrez closed the public hearing at 7:43 p.m.

Moved by Councillor Shaffer, seconded by Councilor Krenning

1. A Motion to Adopt Resolution R-79-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Gatorwest Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute.

CARRIED 9-0.

Moved by Councilor Shaffer, seconded by Councilor Ball

2.A Motion to Approve, On First Reading, Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Gatorwest Addition" To The City Of Loveland.

CARRIED 9-0.

Moved by Councilor Shaffer, seconded by Councilor Johnson

3. 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 "Gatorwest Addition" To The City Of Loveland.

CARRIED 9-1.

5.3 CITY ATTORNEY

REPEALING CODE FOR AIRCRAFT TAKEOFF AND LANDING

Approval of one of the ordinances will repeal or amend Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code. Council Discussion ensued. Parks and Recreation Director indicated Staff would work with the public to find ideal sites for these activities. There were no public comments.

Moved by Councilor McKean, seconded by Mayor Pro Tem Fogle

A Motion to Approve, On First Reading, An Ordinance Repealing Loveland Municipal Code §§ 12.48.030 AND 12.48.110 Prohibiting Takeoff and Landing of Aircraft Outside of Airport and Landing in City.

CARRIED 8-1. No: Shaffer; Abs: Krenning

5.5 CITY CLERK

CALL FOR A SPECIAL MEETING ON AUGUST 23, 2016

City Council directed the City Manager to set a special meeting to discuss and establish goals, objectives and priorities to be used for future direction in the City of Loveland. Council has requested the meeting occur offsite. Council preference was to use a Tuesday evening Study session date and time. The meeting will occur at the Devereux Room at the Rialto Theatre on August 23, 2016. A special meeting has been called and will be published and posted at least 24 hours prior to the meeting per the C.R.S. "Open Meetings Law". Study sessions items currently slated for August 23, 2016 on the "Rolling Calendar" will be moved to August 30, 2016.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A motion calling a special meeting of City Council August 23, 2016 at 6:00 p.m., to be located in the Devereux Room, at the Rialto Theatre, 228 E 4th St. Loveland, CO 80537. The purpose of the meeting is for Council to work with the City Manager on goals, objectives and priorities for the City of Loveland.

CARRIED 8-0.

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.

Mayor Gutierrez asked Council for direction regarding the DDA designated Qualified Voter.

Moved by Mayor Gutierrez and seconded by Councilor Shaffer

A Motion designating Mayor Pro Tem Fogle to vote on behalf of the City of Loveland, a qualified Voter Entity, in the DDA. And directed Mayor Pro Tem Fogle to vote yes.

CARRIED 8-0: Abs McKean.

6.2 CITY MANAGER REPORT

6.3 CITY ATTORNEY REPORT

7. ADJOURNMENT

Hearing no other business before this Council, Mayor Gutierrez adjourned the August 16, 2016 Regular meeting at 11:23 p.m.