

CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, Farley, Klassen, Shaffer, Trenary, McKean and Taylor. Mayor Pro-Tem McEwen and Councilor Fogle were absent.

PROCLAMATION Councilor Shaffer read a proclamation declaring, Wednesday, April 25, 2012 as "Colorado Children's Day". The proclamation was received by Annie Hall.

Proclamation

WHEREAS, the light that shines so brightly in Colorado is best reflected in the faces of the children of Colorado; and
WHEREAS, every child in Colorado brings joy and reflects our bright and prosperous future in Colorado; and
WHEREAS, nothing in the parenting experience is more joyful than the birth and development of a child; and
WHEREAS, every community celebrates, honors, and has influence which contributes to the success of the children of Colorado; and
WHEREAS, as parents, teachers, mentors, and leaders, we shall share the responsibility for modeling positive behavior to the children of Colorado; and
WHEREAS, it is appropriate that we reserve a specific day each year to celebrate and honor our children and their significant accomplishments in schools, churches, and daycare centers and in their communities; and
WHEREAS, reserving a specific day each year to reflect on the children of Colorado will help to ensure that we remember our collective and individual obligations to the children of Colorado and that we acknowledge the importance of these children to our future, celebrating their triumphs and accomplishments.

NOW, THEREFORE, we, the Loveland City Council do hereby proclaim Wednesday, April 25, 2012, as

COLORADO CHILDREN'S DAY

in the City of Loveland and encourage each adult citizen of Colorado to set aside a special time to support, embrace, and listen to a child of Colorado.

Signed this 3rd day of April, 2012

Cecil A. Gutierrez, Mayor

PROCLAMATION Councilor Klassen read a proclamation declaring the month of April 2012 as "Month of the Young Child". It was received by Beverly Hall and Genevieve Luca.

PROCLAMATION

WHEREAS, the Larimer County District of the Colorado Association for the Education of Young Children, the Early Childhood Council of Larimer County, the Thompson School District Integrated Early Childhood Program, Loveland Public Library, United Way Early Education Initiative, Licensed Family Child Care Association, in conjunction with the National Association for the Education of Young Children, are celebrating the Month of the Young Child, April 2012; and



WHEREAS these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Larimer County Colorado; and

WHEREAS "Early Years are Learning Years"; and

WHEREAS by calling attention to the needs for quality early childhood care and education for all young children and families within our community we can hope to improve the quality and availability of such services, and

WHEREAS teachers and others who make a difference in the lives of young children deserve thanks and recognition; and

WHEREAS public policies that support early learning for all young children are crucial to young children's futures;

NOW THEREFORE, we the Loveland City Council do hereby proclaim April 2012, as the
MONTH OF THE YOUNG CHILD

in Loveland, Colorado.

Signed this 3rd day of April, 2012

Cecil A. Gutierrez, Mayor

PROCLAMATION Councilor Taylor read a proclamation declaring April 20, 2012 as "Arbor Day". It was received by city employee Rob MacDonald from the Parks and Recreation Department.
Proclamation

WHEREAS, in 1872 J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, the City of Loveland has been designated as a Tree City USA by the National Arbor Day Foundation; and

WHEREAS, trees provide numerous environmental benefits, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, enhancing the economic vitality of our business areas and beautifying our community;

NOW, THEREFORE, we, the City Council of the City of Loveland, proclaim April 20, 2012, as
ARBOR DAY

and encourage the citizens of Loveland to support efforts to protect our trees and urban forests, to learn more about trees, and to support our City's urban forestry program.

Signed this 3rd day of April, 2012

Cecil A. Gutierrez

Mayor

**PROCEDURAL
INFORMATION**

Mayor Gutierrez made the following procedural announcement: 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. You 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. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Farley asked for Item 7 to be removed. Councilor Shaffer moved to approve the Consent Agenda. The motion was seconded by Councilor Farley and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK

Approval of Council Minutes

Motion

Administrative Action: Minutes from the March 20, 2012 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: Jonathan Q. Smela's appointment to the Fire and Rescue Advisory Commission for a term effective until June 30, 2013 was approved.

3. CITY ATTORNEY

Supplemental Appropriation – Fund Internship in the City Attorney's Office

Ordinance #5673

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO FUND AN INTERNSHIP IN THE CITY ATTORNEY'S OFFICE" was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

Easement Vacation – Alford Lake First Subdivision

Ordinance #5674

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A SIGHT DISTANCE EASEMENT LOCATED ON LOTS 1 AND 2, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

5. AIRPORT

Grant Agreements from State of Colorado, Division of Aeronautics

Resolution #R-27-2012

Administrative Action: Resolution #R-27-2012 authorizing the City Manager to execute two grant agreements with the State of Colorado, Division of Aeronautics (CDAG #12-FNL-01 for equipment and improvements and CDAG #12-FNL-101 for an intern position) for funding pertaining to the Fort Collins-Loveland Municipal airport was approved.

RESOLUTION # R-27-2012

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO GRANT AGREEMENTS WITH THE STATE OF COLORADO, DIVISION OF AERONAUTICS (CDAG #12-FNL-01 FOR EQUIPMENT AND IMPROVEMENTS AND CDAG #12-FNL-101 FOR AN INTERN POSITION) FOR FUNDING PERTAINING TO THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT

WHEREAS, the General Assembly of the State of Colorado has declared in Title 43 of the Colorado Revised Statutes, Article 10, 1991 in C.R.S. §43-10-101 ("the Act") that: "...there exists a need to promote the safe operation and accessibility of general aviation and intrastate commercial aviation in this state; that improvements to general aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency."; and

WHEREAS, the Act created the Colorado Aeronautical Board ("the Board") to establish policy and procedures for distribution of monies in the Aviation Fund and created the Division of

Aeronautics ("the Division") to carry out the directives of the Board, including technical and planning assistance to airports and the administration of the state aviation system grant program.

(See C.R.S. §43-10-103 and C.R.S. §43-10-105 and C.R.S. §43-10-108.5 of the Act); and

WHEREAS, any entity operating a public-accessible airport in the state may file an application for and be a recipient of a grant to be used solely for aviation purposes (an "Application"). The Division is authorized to assist such airports as request assistance by means of a Resolution passed by the applicant's duly-authorized governing body, which understands that all funds shall be used exclusively for aviation purposes and that it will comply with all grant procedures and requirements as defined in the Division's Aviation Grant Manual, revised 2009 ("the Manual"); and

WHEREAS, the Cities of Loveland and Fort Collins have applied for the grants (CDAG #12-FNL-01 and CDAG #12-FNL-101) attached hereto as Exhibit A and B and incorporated herein by this reference (collectively, the "Grant Agreements").

NOW, THEREFORE, NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:

Section 1. That the Loveland City Council ("the Council"), as one of the duly authorized governing bodies of the grant applicant, hereby formally requests assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the form of state aviation system grants. The City of Loveland states that the Grants shall be used solely for aviation purposes, as determined by the State, and as generally described in the Applications.

Section 2. That the City of Loveland makes a commitment (a) to keep the Airport facility accessible to, and open to, the public during the entire useful life of the grant funded improvements/equipment; or (b) to reimburse the Division for any unexpired useful life of the improvements/equipment on a pro-rata basis. By signing the Grant Agreements, the City of Loveland further commits to keep open and accessible for public use all grant funded facilities, improvements and services for their useful life, as determined by the Division and stated in Grant Agreements.

Section 3. That the City hereby designates Jason Licon, Airport Director, as the Project Director, as described in the Manual, and authorizes the Project Director to act in all matters relating to the work project proposed in the Applications in its behalf, and further authorizes the City Manager to execute the Grant Agreements which are attached hereto and incorporated herein as Exhibits A and B; and

Section 4. That the City of Loveland has appropriated or will appropriate or otherwise make available in a timely manner its share of all funds that are required to be provided by the Cities under the terms and conditions of Grants.

Section 5. That the City of Loveland, subject to the foregoing, hereby accepts all guidelines, procedures, standards, and requirements described in the Manual as applicable to the performance of the grant work and hereby approves Grant Agreements submitted by the State, including all terms and conditions contained therein.

Section 6. That this Resolution shall be effective as of the date and time of its adoption.

ADOPTED this 3rd day of April, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibits A and B are available in the City Clerk's Office

6. PUBLIC WORKS

Award Construction Contract for Street Resurfacing Program

Motion

Administrative Action: A motion to award the construction contract for 2012 Street Resurfacing Program, Asphalt Paving Contract (Schedule AP) to Coulson Excavating Company of Loveland, Colorado in the amount of \$1,055,000 and authorize the City Manager to execute the contract was approve.

7. CULTURAL SERVICES

Supplemental Appropriation for Cultural Services Department Programs

1st Rdg Ord & P.H.

Removed from the Consent Agenda.

8. CITY MANAGER

Sell Smucker Company Common Stock

Resolution #R-28-2012

Administrative Action: A Resolution #R-28-2012 authorizing the City's Executive Fiscal Advisor to sell 32 shares of J.M. Smucker Company Common Stock for the benefit of the City of Loveland Library was approved.

RESOLUTION #R-28-2012

A RESOLUTION AUTHORIZING THE CITY'S EXECUTIVE FISCAL ADVISOR TO SELL 32 SHARES OF J.M. SMUCKER COMPANY COMMON STOCK FOR THE BENEFIT OF THE CITY OF LOVELAND LIBRARY

WHEREAS, through stock contributions received many years ago, the Loveland Public Library is the beneficial owner of 32 shares of J.M. Smucker Company ("Company") common stock ("Stock"); and

WHEREAS, the Company desires to require shareholders to own a minimum of 100 shares and has set up a voluntary redemption program which expires April 30, 2012 to accomplish this result; and

WHEREAS, the Executive Fiscal Advisor recommends sale of the Company Stock through the Company's voluntary redemption program or otherwise; and

WHEREAS, the Loveland Public Library ("Library") is owned and operated by the City of Loveland and administered by the City Library Department pursuant to Loveland Municipal Code Section 2.56.010; and

WHEREAS, the City Council desires to confirm for the Company that the Loveland Public Library is a unit of the City and to authorize the City Executive Fiscal Advisor to sell the Stock through the Company's voluntary redemption program or otherwise, for the benefit of the Library.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That City's Executive Fiscal Advisor is hereby authorized to sell the Stock through the Company's voluntary redemption program or otherwise, for the benefit of the Library, and to prepare and execute such documentation as may be necessary or appropriate to complete such sale.

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 3rd day of April, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

Gene Stires, 123 N. Lincoln, presented a coming event in the City of Loveland. After approaching the Police and Economic Departments within the City, Mr. Stires asked Council to provide City support of the revival of the "Cruise in Loveland" events held on Friday nights throughout the City.

b) Business from Council

Trenary

Councilor Trenary attended the Museum Artist Collective event on March 26, 2012. April 5, 2012 Chamber of Commerce at Guaranty Bank.

McKean

City Attorney John Duval stated the City would be corresponding with HUD Housing and Urban Development requesting reconsideration of their position on the Mirasol Senior Housing Development.

Klassen

Councilor Klassen told Council he was in Arizona this last week and held Mariano Medina's rifle Old Lady Hawkins.

Farley Council Farley commended Betsey and her Economic Development Team on their Technology Transfer Acceleration Program launch. Councilor Farley also announced the grand opening for the Rialto Theatre Center April 11 – 14.

Shaffer Councilor Shaffer will be attending the MPO meeting on April 5, 2012.

Gutierrez Mayor Gutierrez attended the S.A.I.N.T. picnic to honor the volunteers that make up that organization. He also attended the awards ceremony for the Fire Authority. Platte River and Power Authority will be hiring their General Manager by the middle of June. Comments from Council concerning the process should be directed to Water and Power Director, Steve Adams or the Mayor.

c) City Manager Report None
d) City Attorney Report None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. 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 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.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

7. CULTURAL SERVICES

Councilor Farley recused himself from the consideration of this item, due to a conflict of interest. Councilor Farley is an employee of the Community Foundation.

Supplemental Appropriation for Cultural Services Department Programs

1st Rdg Ord & P.H. Administrative Action: Rialto Theatre Center Manager, Jan Sawyer introduced this item to Council. This is an administrative action to appropriate \$46,200 in funds donated for programs through the Cultural Services Department. Donation requests are submitted on a regular basis to support additional programming in the Cultural Services Department. Councilor Klassen read the following donations and their donors to the Cultural Services Department: Elevations Credit Union, \$5,000; Poudre Valley Health System, \$5,000; Kroh Charitable Trust, \$4,000; Erion Foundation, \$4,000; Walbye Family, \$2,000; Loveland Community Foundation of Northern Colorado: Public Art Chandelier, \$16,200, Grand Opening Reception \$10,000; Crop Production Services, \$7,000. The Mayor opened the public hearing at 8:15 and asked for Public comment, hearing none the Mayor closed the public hearing. Councilor Klassen moved to approve "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR DONATIONS TO FUND THE FOOTE LAGOON CONCERT SERIES, THE PHYLLIS WALBYE FILM SERIES, THE GRAND OPENING RECEPTION FOR THE RIALTO THEATER CENTER AND A CHANDELIER COMMISSIONED AS A PUBLIC ART PIECE FOR THE RIALTO THEATER CENTER" and ordered published on first reading. The motion was seconded by Councilor Trenary and a roll call vote was taken with all Councilors present voting in favor thereof.

At 8:20 p.m. City Council adjourned and convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA).

9. DEVELOPMENT SERVICES

Facade Matching Grant Program – 2012 Grants

Resolution #R-29-2012

Administrative Action: City Planner Bethany Clark introduced this item to Council. This item is an administrative action to adopt a resolution. The Façade Matching Grant program provides a dollar for dollar matching grant of up to \$12,500 for property or business owners who undertake façade improvements in the core of the Downtown Loveland Urban Renewal Area. Councilor McEwen moved to adopt Resolution #R-29-2012 of the Loveland Urban Renewal Authority awarding Façade Matching Grant Program grants for 2012 and authorizing Façade Matching Grant Agreements. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-29-2012

A RESOLUTION OF THE LOVELAND URBAN RENEWAL AUTHORITY AWARDING FAÇADE MATCHING GRANT PROGRAM GRANTS FOR 2012 AND AUTHORIZING FAÇADE MATCHING GRANT AGREEMENTS

WHEREAS, on September 15, 2009, the City Council, acting as Board of Commissioners ("Board") of the Loveland Urban Renewal Authority ("LURA"), approved Resolution #R-89-2009 creating the Façade Matching Grant Program; and

WHEREAS, the Façade Matching Grant Program is available to applicants who own property or businesses located on property that lies within the boundaries of the Downtown Urban Renewal Plan Area ("Plan Area") and Historic Downtown Loveland; and

WHEREAS, in accordance with the Colorado Urban Renewal Act, C.R.S. § 31-25-102, et seq. ("Act"), LURA has a substantial interest in the development, redevelopment, and renovation of property within the Plan Area; and

WHEREAS, the Façade Matching Grant Program provides matching funds, on a dollar-for-dollar basis, up to a maximum grant of \$12,500, in reimbursement for eligible costs of improving, refurbishing, and/or reconstructing building facades within the Plan Area, pursuant to a competitive grant process; and

WHEREAS, applications for the Façade Matching Grant Program have been received and evaluated; and

WHEREAS, LURA desires to award Façade Matching Grants in the amounts ("Grants") to the recipients ("Grant Recipients") for the façade improvement projects ("Projects") to the properties ("Properties") identified on Exhibit A, attached hereto and incorporated herein by reference, and authorize the City Manager to enter into a façade matching grant agreement with each Grant Recipient in the form attached hereto as Exhibit B and incorporated herein by reference ("Façade Matching Grant Agreement"); and

WHEREAS, each of the Façade Matching Grant Agreements will provide partial funding for the Projects that include improvements of a public nature at least equal in value to the Grants provided by LURA, eliminate blight and prevent the development or spread of blight in the Plan Area, and further the redevelopment of the Properties in a manner benefitting the public interest and consistent with the Urban Renewal Plan adopted by LURA for the Plan Area and, therefore, the Grants are in the best interests of the public, the City, and LURA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, ACTING AS THE BOARD OF COMMISSIONERS OF THE LOVELAND URBAN RENEWAL AUTHORITY:

Section 1. That the Board of Commissioners hereby finds that the Projects: (a) include improvements of a public nature at least equal in value to the Grant provided by LURA under the Façade Matching Grant Agreements for each Property; (b) eliminate blight and prevent the development or spread of blight in the Plan Area; and (c) further the redevelopment of the Properties in a manner benefitting the public interest and consistent with the Urban Renewal Plan adopted by LURA for the Plan Area.

Section 2. That the Board of Commissioners hereby approves the Grants to the Grant Recipients in the Grant Amounts and for the Projects identified on Exhibit A.

Section 3. That the Board of Commissioners hereby approves the form of the Grant Agreement attached hereto as Exhibit B and delegates to the City Manager, on behalf of LURA, the authority to administer the terms and conditions of the Grant Agreement, including, without limitation, the power to grant extensions of Commencement Dates and Completion Dates as set forth therein.

Section 4. That the Board of Commissioners hereby authorizes the City Manager, on behalf of LURA, to enter into the Grant Agreements with the Grant Recipients for the Grant Amounts. The City Manager, in consultation with the City Attorney, may amend the Grant Agreements in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City and LURA.

Section 5. That each Grant Recipient shall have thirty (30) calendar days from the effective date of this Resolution in which to sign the Grant Agreement. If a Grant Recipient fails to sign the Grant Agreement on or before said date, the approval granted in Section 2 above as to that Grant Recipient shall automatically be rescinded; provided, however, that the City Manager may, prior to said date, extend the date for signature upon written request of the Grant Recipient for good cause shown.

Section 6. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 3rd day of April, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

At 8:30 p.m. the Board of Commissioners for the Loveland Urban Renewal Authority (LURA) and City Council reconvened.

10. PUBLIC WORKS

Agreement for Interim Improvements to East 37th Street

Motion

Administrative Action: City Engineer Dave Klockeman introduced this item to Council. This is an administrative action to approve an agreement with Larimer County and Coulson Excavating Company, Inc. to cooperatively make interim improvements to East 37th Street (CR 24E) from Monroe Avenue to Madison Avenue, sharing the costs for the improvement, and authorization for the City Manager to execute the agreement. The total cost of the project is \$719,967.24, with the City's portion being \$250,316. Councilor Shaffer moved to authorize the City Manager to sign, on behalf of the City, an agreement with Larimer County and Coulson Excavating Company, Inc. for interim street improvements to East 37th Street (CR 24E) between Monroe Avenue and Madison Avenue in the amount of \$719,967.24, with the City's share to be \$250,316. Councilor Farley seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

11. FINANCE

February 2012 Financial Report Information Only

This is an information only item. Acting Finance Director Bonnie Steele introduced this item to Council. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending February 29, 2012.

12. CITY MANAGER

Information Only


This is an information only item. Executive Fiscal Advisor Alan Krcmarik introduced this item to Council. The budget estimate for investment earnings for 2012 is \$2,729,560. For February 2012, the amount posted to the investment account is \$574,645 including

realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$120,759. Based on February's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was up to 1.73%, slightly over the annual target rate of 1.7% for 2012. Reinvestment rates have trended downward significantly over the last eight months.

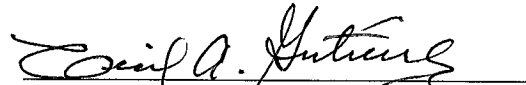
ADJOURNMENT

Having no further business to come before Council, the April 3, 2012 Regular Meeting was adjourned at 9:21 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

