

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, McEwen, Farley, Klassen, Shaffer, Trenary, McKean, Fogle and Taylor.

PROCLAMATION Councilor Taylor read a proclamation declaring June 27, 2012 as "Bike Week". The proclamation was received by Robin Hildenbrand of the Loveland Pedal Club.

PROCLAMATION

WHEREAS, the City of Loveland is dedicated to providing safe and alternative modes of transportation; and

WHEREAS, the benefits of bicycling are numerous, both to the individual and to the community as a whole; and

WHEREAS, the City of Loveland received a Bicycle Friendly Community Honorable Mention recognition from the League of American Bicyclists in 2010.

WHEREAS, the City of Loveland adopted a comprehensive Bicycle and Pedestrian Master Plan on May 1, 2012.

WHEREAS, our fair city maintains nearly 140 miles of bicycle routes, lanes and trails; and
WHEREAS, persons of all ages and abilities are encouraged to use helmets for their protection; and
WHEREAS, the month of June has been declared as Bike Month to recognize and encourage bicycling as a viable source of transportation and recreation.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim the week of June 25 through June 29, 2012 as

BIKE WEEK

in Loveland and encourage citizens to try bicycling as an alternative transportation method and to participate in Bike-to-Work Day on Wednesday, June 27.

Signed this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

PRESENTATIONS:

1. Mayor Gutierrez presented Resolution #R-37-2012 to Brian Moeck and thanked him for outstanding service to the City of Loveland.

RESOLUTION #R-37-2012

A RESOLUTION RECOGNIZING AND THANKING RETIRING PLATTE RIVER POWER AUTHORITY GENERAL MANAGER AND FORMER CITY OF LOVELAND EMPLOYEE BRIAN H. MOECK FOR OUTSTANDING SERVICE TO THE CITY OF LOVELAND

WHEREAS, Brian H. Moeck graduated from California State University in 1969 with a degree in electrical engineering; and

WHEREAS, in 1984, Brian was hired as an Electrical Engineer by the City of Loveland Department of Light and Power; and

WHEREAS, from 1987 to 1993, Brian served as the Director of the Department of Light and Power; and

WHEREAS, from 1993 to August 1995, Brian served as the Deputy City Manager of the City of Loveland; and

WHEREAS, from August 1995 until May 1999, Brian served as the City Manager for the City of Loveland; and

WHEREAS, in May 1999, Brian accepted the position of General Manager at Platte River Power Authority ("Platte River"); and

WHEREAS, as the fourth General Manager of Platte River, Brian provided solid and steady guidance and served well the four owner cities, including the City of Loveland; and

WHEREAS, during Brian's tenure at Platte River, Brian led his team to numerous accomplishments, including: installation of several natural-gas turbines at the Rawhide Energy Station, which accommodated a 49% increase in peak system demand; enhancement of the transmission system reliability by constructing additional 230-kilovolt transmission lines into Fort Collins, Longmont, and Loveland; remaining the only Colorado generating utility never to have an environmental violation; earning multiple credit upgrades, raising Platte River's bond rating to AA, comparable to the nation's highest-rated Joint Action Agencies; and maintaining the lowest wholesale electric rates in Colorado; and

WHEREAS, Brian's loyalty, dedication, and service to Platte River, the City of Loveland, and the other owner cities throughout his career has been of the highest level and quality; and

WHEREAS, due to Brian's wisdom, environmental stewardship, insight, and cost-saving efforts for the City of Loveland and Platte River, the citizens of Loveland have been well served; and

WHEREAS, Brian has used his outstanding leadership skills for the betterment of the community by serving on the Loveland Chamber of Commerce Board and the Loveland Economic Development Council Board, and providing leadership for the United Way of Larimer County; and

WHEREAS, Brian now ends his forty-three year career, leaving to spend leisurely time visiting grandkids, partaking in physical activities, eating three square meals a day at Daddy O's Green Onion Restaurant, and "doing whatever retired guys do."

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

Section 1. That the City Council hereby thanks Brian for his many years of outstanding service to the City of Loveland and the citizens of Loveland. Brian's strong leadership and vision for Loveland's utilities and the community has been invaluable and essential to Loveland becoming, and remaining in the future, a desirable and wonderful place to live, work, play, and raise a family.

Section 2. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

2. Vaughn Baker with the Rocky Mountain National Park service gave a spring briefing on park activities.

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 McEwen moved

to approve the Consent Agenda. The motion was seconded by Councilor Klassen 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: The minutes from the May 8, 2012 study session and May 15, 2012 regular meeting were approved.

2. CITY MANAGER

Change of Meeting Date & Time – Volunteer Firefighters' Pension Board

Resolution #R-38-2012

Legislative Action: Resolution #R-38-2012 amending the scheduled meeting dates of the Volunteer Firefighters' Pension Board was approved.

RESOLUTION #R-38-2012

A RESOLUTION AMENDING THE SCHEDULED MEETING DATES OF THE VOLUNTEER FIREFIGHTERS' PENSION BOARD

WHEREAS, on December 6, 2011, City Council adopted Resolution #R-81-2011 setting forth the 2012 meeting dates for the City's boards and commissions, including the Volunteer Firefighters' Pension Board (the "Board"); and

WHEREAS, the Board meeting dates are currently set on the second Thursday of February, May, August and November of each calendar year at 1:30 p.m. in the City Manager's Conference Room, 500 East Third Street, Loveland, Colorado; and

WHEREAS, due to scheduling conflicts among the Board members and liaisons, and multiple overlapping boards and commissions meetings, the Board unanimously approved a motion on February 9, 2012, to recommend that City Council change the Board meeting dates to avoid such conflicts; and

WHEREAS, such recommendation would move the Board's meeting dates from the second Thursday of February, May, August and November of each calendar year to the third Wednesday of February, May, August and November of each calendar year.

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

Section 1. That the meeting time and dates adopted in Resolution #R-81-2011 are hereby amended to change the Board's meeting dates from the second Thursday of February, May, August and November of each calendar year to the third Wednesday of February, May, August and November of each calendar year. The meeting location and time shall remain the same: City Manager's Conference Room, 500 East Third Street, Loveland, Colorado at 1:30 p.m.

Section 2. That Resolution #R-81-2011, as amended herein and by prior resolutions, shall remain in full force and effect.

Section 3. That pursuant to City Code Section 2.14.020 B., the City Clerk is directed to publish the revised meeting dates established by this Resolution within seven days after the date of this Resolution in a newspaper of general circulation in the City and in addition post such notice of revised meeting dates in a conspicuous place in the City Municipal Building.

Section 4. That this Resolution shall take effect as of the date and time of its adoption.

ADOPTED this 5th day of June, 2012.
Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk

3. FIRE & RESCUE

Municipal Code Amendment and Adoption of local Emergency Operations Plan, 2012 Revisions

Ord. #5686

Legislative Action: "AN ORDINANCE ADOPTING THE CITY OF LOVELAND EMERGENCY OPERATIONS PLAN AND AMENDING SECTION 2.72.010 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE COMPREHENSIVE DISASTER PLAN" was approved and ordered published on second reading.

4. LOVELAND FIRE RESCUE AUTHORITY

Approval of Supplemental Budget Appropriation

Resolution #R-39-2012

Administrative Action: Resolution #R-39-2012 to approve Loveland Fire Rescue Authority 2012 supplemental budget and appropriation for rollover and new projects and FEMA grant match was approved.

RESOLUTION #R-39-2012

A RESOLUTION TO APPROVE LOVELAND FIRE RESCUE AUTHORITY 2012 SUPPLEMENTAL BUDGET AND APPROPRIATION FOR ROLLOVER AND NEW PROJECTS AND FEMA GRANT MATCH

WHEREAS, on May 1, 2012 the City Council appropriated funds, as authorized by Section 11-6(a) of the Loveland City Charter, from the City's 2011 budget to the City's 2012 budget in order to provide funds to the Loveland Fire Rescue Authority ("Authority") for projects approved but not completed in 2011; and

WHEREAS, on May 15, 2012, the City Council appropriated supplemental funds, as authorized by Section 11-6(a) of the Loveland City Charter, from the City's 2011 budget to the City's 2012 budget in order to provide matching funds for the programming and installation of radios pursuant to a FEMA grant requirement; and

WHEREAS, on May 10, 2012, the Authority's Board passed Resolution R-005 approving the Authority's supplemental budget and appropriation of the funds from the City of Loveland for approved and new projects and the FEMA grant match; and

WHEREAS, Section 4.1 of the Intergovernmental Agreement establishing the Authority requires approval from the City Council and the Board of the Loveland Rural Fire Protection District for the Authority's budget and appropriation to become effective; and

WHEREAS, on May 2, 2012, the Loveland Rural Fire Protection District Board approved the Authority's supplemental budget and appropriation; and

WHEREAS, City Council desires to approve the Authority's supplemental budget appropriation of the funds provided by the City.

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

Section 1. That the Authority's 2012 Supplemental Budget and Appropriation of additional funds from the City of Loveland is hereby approved.

Section 2. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

5. WATER & POWER

Municipal Code Amendment – Water Booster Pumps & Systems

1st Rdg & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 13.04 AND CHAPTER 19.06

CONCERNING WATER BOOSTER PUMPS AND SYSTEMS" was approved and ordered published on first reading.

6. Public Works

Contract Award to expand and remodel Loveland Fire Station #6 building

Motion

Administrative Action: The motion awarding a construction contract to Golden Triangle Construction to expand and remodel Loveland Fire Station #6 building in the amount of \$655,009, a contingency of \$65,000 and to authorize the City Manager to execute the contract on behalf of the City was approved.

7. Library

Statement of Policy

Resolution #R-40-2012

Legislative Action: Resolution #R-40-2012 approving the Statement of Policy of the Loveland Public Library was approved.

RESOLUTION # R-40-2012

A RESOLUTION APPROVING THE STATEMENT OF POLICY OF THE LOVELAND PUBLIC LIBRARY

WHEREAS, the Library Board of the City of Loveland ("Board") periodically reviews, revises and recommends certain policies and procedures to govern the Loveland Public Library; and

WHEREAS, the Board has reviewed and revised the Statement of Policy of the Loveland Public Library that was last updated on April 1, 2008 and approved by City Council pursuant to Resolution #R-36-2008; and

WHEREAS, the Board recommends that City Council adopt the revised Statement of Policy of the Loveland Public Library ("Statement of Policy") attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, City Council has reviewed and approves the Statement of Policy.

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

Section 1. That the Statement of Policy is hereby approved and adopted as the policies and procedures for the Loveland Public Library, and all previous statements of policy of the Loveland Public Library approved by the City Council are hereby repealed and superseded in all respects by the Statement of Policy attached hereto as Exhibit A.

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

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A, Statement of Policy, is available in the City Clerk's Office

8. Library & Cultural Services

Fees for New Services

Resolution #R-41-2012

Administrative Action: Resolution #R-41-2012 amending Resolution #R-62-2011 and the 2012 Schedule of Rates, Charges and Fees for city services other than services provided by the Water and Power Department the Stormwater Enterprise was approved.

RESOLUTION # R-41-2012

A RESOLUTION AMENDING RESOLUTION #R-62-2011 AND THE 2012 SCHEDULE OF RATES, CHARGES AND FEES FOR CITY SERVICES, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE

WHEREAS, on October 4, 2011, City Council adopted Resolution #R-62-2011 setting the rates, charges and fees for services provided by the City of Loveland (the "City"), other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, for calendar year 2012; and

WHEREAS, the after adoption of Resolution #R-62-2011 setting the rates, charges and fees for City service, the Library expansion project and the Rialto Theater Center project were completed and additional charges for use of new facilities and services in connection with these new facilities were determined; and

WHEREAS, this Resolution is intended amend Resolution #R-62-2011 to add such new rates, charges, and fees related to the new Library and Rialto Theater Center facilities.

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

Section 1. That the 2012 schedule of rates, charges and fees for City services, other than services of the Water and Power Department and the Storm Water Enterprise, adopted by Resolution #R-62-2011 is hereby amended by the addition of the new rates, charges and fees as shown below:

CULTURAL SERVICES DEPARTMENT/RIALTO THEATER

Description	2012 Fee
Videconferrence service	
During Normal Operating Hours	\$200 per hour
Other Times	\$300 per hour
Yamaha C7 Grand Piano Rental	\$75/day of use
Piano Tuning (if requested – tuning by Rialto tuner)	\$150 each

LOVELAND PUBLIC LIBRARY

Description	2012 Fee
Videconferrence service	
During Normal Operating Hours	\$200 per hour
Other Times	\$300 per hour
Rental of iLearn computer classroom to commercial organization	\$50 per hour

Section 2. This Resolution amends the rates, charges, and fees for 2012 adopted by Resolution R#-62-2012 for all City services, other than services of the Water and Power Department and the Storm Water Enterprise, provided on or after January 1, 2012.

Section 3. This Resolution shall take effect as of the date of its adoption.

ADOPTED 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

9. PUBLIC WORKS

Delegation of Authority to file applications for FTA Grants

Resolution #R-42-2012

Administrative Action: Resolution #R-42-2012 authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23 of the United States code, and other federal statutes administered by the Federal Transit Administration was approved.

RESOLUTION #R-42-2012

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 OF THE UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transportation Administrator has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, grants or cooperative agreements for federal financial assistance will impose certain obligations on the City, and may require the City to provide the local share of project costs; and

WHEREAS, the City has provided or will provide all annual certifications and assurances to the Federal Transit Administration required for the projects.

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

Section 1. That the City Manager, or his designee, is hereby authorized to execute and file applications for federal assistance on behalf of the City of Loveland, Colorado with the Federal Transit Administration for federal financial assistance authorized by 49 U.S.C. Chapter 53, Title 23 of the United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. The City has received authority from the City of Fort Collins, as the Designated Recipient, to apply for Urbanized Area Formula Program assistance authorized by 49 U.S.C. § 5307.

Section 2. That the City Manager, or his designee, is hereby authorized to execute and file with the City's applications the annual certifications, assurances, and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.

Section 3. That the City Manager is hereby authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

10. PUBLIC WORKS

Grant Utility Easement to Public Service Company of Colorado

Resolution #R-43-2012

Administrative Action: Resolution #R-43-2012 granting a non-exclusive utility easement to Public Service Company of Colorado for installation and maintenance of gas, oil, and associated communication facilities was approved.

RESOLUTION #R-43-2012

A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO FOR INSTALLATION AND MAINTENANCE OF GAS, OIL, AND ASSOCIATED COMMUNICATION FACILITIES

WHEREAS, Public Service Company of Colorado ("PSCo") has requested that the City of Loveland grant PSCo a non-exclusive utility easement for installation and maintenance of gas, oil, and associated communication facilities within a portion of real property owned by the City along the south side of State Highway 402 between County Road 7 and Interstate 25; and

WHEREAS, the Public Works Department reviewed PSCo's request and found that the proposed installation would not affect the City's operations at that location; and

WHEREAS, the City Council desires to grant the requested easement on the terms and conditions set forth in the "Public Service Company of Colorado Easement."

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

Section 1. That the "Public Service Company of Colorado Easement," attached hereto as Exhibit A and incorporated herein by reference ("Easement"), is hereby approved.

Section 2. That the City Manager and the City Clerk are hereby authorized and directed to execute the Easement on behalf of the City of Loveland.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form or substance of the Easement as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

11. DEVELOPMENT SERVICES

Rezone Lakes Place 5th Subdivision

1st Rdg & P.H.

Quasi-judicial Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN THE LAKES PLACE 5TH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

12. PUBLIC WORKS

Façade Grant for Loveland Aleworks

Resolution #R-44-2012

Administrative Action: Resolution #R-44-2011 of the Loveland Urban Renewal Authority awarding a Façade Incentive Grant to the owner and tenant of the building located at 118 West 4th Street and authorizing a Façade Incentive Grant Agreement was approved.
RESOLUTION #R-44-2012

A RESOLUTION OF THE LOVELAND URBAN RENEWAL AUTHORITY AWARDING A FAÇADE INCENTIVE GRANT TO THE OWNER AND TENANT OF THE BUILDING LOCATED AT 118 WEST 4TH STREET AND AUTHORIZING A FAÇADE INCENTIVE GRANT AGREEMENT

WHEREAS, on November 20, 2007, the Loveland City Council, acting as the Board of Commissioners ("Board") of the Loveland Urban Renewal Authority ("LURA"), approved Resolution #R-118-2007 creating the Façade Incentive Grant Program; and

WHEREAS, the Façade Incentive Grant Program is intended to: (a) promote improvements to structures in the Downtown Urban Renewal Plan Area ("Plan Area"); (b) preserve the unique character of Downtown Loveland's historic buildings by providing greater leverage to private investment and historic preservation monies; and (c) encourage aesthetic compatibility for improvements to façades of non-historic structures by providing leverage to private investment monies; and

WHEREAS, under the Façade Incentive Grant Program, Façade Incentive Grants are available to applicants for property that lies within the boundaries of the Plan Area; and

WHEREAS, the Façade Incentive Grant Program provides funds of up to ten percent (10%) of the total project costs, not to exceed one hundred percent (100%) of the eligible costs of improving, refurbishing, and/or reconstructing building façades within the Plan Area, pursuant to a competitive grant process, and subject to the execution of a façade incentive grant agreement between the LURA and the applicant; and

WHEREAS, in January 2012, Illogical Brewing Company, LLC, doing business as Loveland Aleworks ("Applicant"), filed an application ("Application") for a Façade Incentive Grant for purposes of making certain façade improvements ("Project") to the building ("Building") rented by the Applicant and located at 118 West 4th Street ("Property") in Downtown Loveland; and

WHEREAS, on May 1, 2012, the Loveland Downtown Team reviewed the Application and adopted a motion recommending that the City Council, acting as the Board of the LURA, adopt a resolution awarding a Façade Incentive Grant to the Applicant and to the Building's owner, Ada M. Johnson Family Partnership, LTD ("Owner," and together with the Applicant, the "Recipients"), in the amount of \$35,000.00 ("Grant Amount"); and

WHEREAS, the LURA desires to award a Façade Incentive Grant in the Grant Amount to the Recipients for the Project on the terms and conditions set forth in the Façade Incentive Grant Agreement attached hereto as Exhibit A and incorporated herein by reference; and

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 hereby finds that the Project: (a) includes improvements of a public nature at least equal in value to the Grant Amount; (b) eliminates blight and prevents the development or spread of blight in the Plan Area; and (c)

further the redevelopment of the Property in a manner benefitting the public interest and consistent with the Urban Renewal Plan adopted by the LURA for the Plan Area.

Section 2. That the Board hereby awards a Façade Incentive Grant in the Grant Amount to the Recipients for the Project.

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

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

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

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

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

13. CITY CLERK

Revision to City of Loveland Ward Boundaries

Motion Administrative Action: A motion to direct staff to bring an ordinance on first reading for the purpose of redistricting Loveland ward boundaries was approved.

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Trenary Councilor Trenary highlighted a fundraiser to benefit American Military Family on July 4, 2012, at North Lake Park in Loveland. A local resident owns the very same 1919 Dodge Brothers Touring Automobile that was used in the famous movie "It's a Wonderful Life" has agreed to bring the car to the park on Wednesday July 4th and allow paying customers be photographed by it.

Klassen Councilor Klassen talked about the National Sculpture Society "Sculpture Celebration Weekend" May 17 – 20, 2012. He highlighted the evening events at Sylvan Dale Ranch and La Quinta. He also asked for improvements to the sound quality in the Police Institute at the Police & Courts building. On June 8, 2012 the Museum is presenting a program on Mariano Medina, the frontiersman, trapper, Army scout and Indian fighter who became the Big Thompson Valley's first settler.

Shaffer Councilor Shaffer met with citizens and city engineers at the "mini"-roundabout at the intersection of Garfield Avenue and 7th Street, adjacent to Truscott Elementary. The City of Loveland Visual Arts Commission is celebrating the installation of five new sculptures

in downtown Loveland on Friday, June 8th, 2012 from 6:00-7:30 p.m. at the Rialto Theater Center as part of the one year on-loan sculpture program The Art Advocacy Program (TAAP). The Rotarian district conference is in Loveland this weekend.

Gutierrez

Mayor Gutierrez thanked Councilor Ralph Trenary and Tony DuMosch for their contributions to the Memorial Day events including "Remember Our Fallen" exhibit honoring Colorado military personnel who have died since 9-11. The Mayor mentioned the Wings of Freedom tour will be at the Loveland-Fort Collins Airport from July 6 through July 8, 2012.

Mayor Gutierrez extended thanks to Water & Power Director Steve Adams and staff for their work on the Annual Tri-City and Water Districts Water Board meeting. He would like have the presentation by Eric Wilkinson, general manager of Northern Colorado Water Conservancy District, be presented to City Council.

The City of Loveland received from the National Sculpture Society, the Herbert Adams Memorial award which the society gives to a person or facility that is a major contributor to the preservation and art of sculpture. This is the first time that a city was given the award for its support of American sculpture.

McKean

Councilor McKean announce a Ward III meeting on June 12, 2012 at 8:00 am at the former Agilent campus.

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

14. Development Services

Appeal of Zoning Permit for Kum and Go Gas Station

Motion & P.H.

Quasi-judicial Action: The Mayor explained the appeal processed and opened the public hearing at 7:39 p.m. Current Planning Manager Bob Paulsen introduced this item to Council. Also present were the appellant, Kevin Borchers and Phil Hoey representing the applicant. This is a quasi-judicial action to consider an appeal of Planning Commission's approval of a special review use and decision to issue a type 3 zoning permit for a Kum & Go gas station and convenience store. The appellant, Kevin Borchers, is the managing partner of the adjacent Sylmar Mobile Home Park. The primary issue is the height and adequacy of a proposed sound wall that would be built along the property line between the gas station and the mobile home park. The Planning Commission approved an 8-foot high sound wall as recommended by staff and as

proposed by Kum & Go. The appellant, however, believes that an 8-foot wall is insufficient to mitigate noise generated on the gas station site and that a 10-foot high wall is needed to protect adjacent residents. As a de novo hearing, the presentation of new and additional evidence is permitted.

The appellant Kevin Borchers spoke in opposition of allowing a Kum & Go at this location and provided Council with a list of 931 names of people who wanted Council to deny approval of the project. Tim Ward, 1519 Sylmar PI spoke in opposition of a Kum & Go at this location. James Anstett, current owner of the Kum & Go property encouraged City Council to support Planning Commission's recommendation.

The Mayor closed the public hearing at 8:32 p.m. Discussion ensued. Councilor McEwen Move to approve a type 3 zoning permit for Special Review #896 for Kum and Go Station #995 based on findings in Section IX and subject to the conditions set forth in Section X of the Planning Commission staff report dated March 12, 2012, with condition #9 as modified in Motion A of the March 19, 2012 Planning Commission staff report and attached hereto as Exhibit A further modified as follows: with respect as to subparagraph g. of paragraph 9 of Exhibit A to read as follows: "Construction of the Wall Extension shall be completed and approved by the City prior to issuance of the Certificate of Occupancy for the Kum and Go project unless Kum and Go deposits with the City funds or a letter of credit acceptable to the City sufficient to ensure future construction of the Wall Extension." Exhibit A shall also be modified to require a ten (10) foot high sound wall on the south boundary line extending along the first ninety (90) feet of the driveway and an eight (8) foot wall thereafter westward along the remainder of the south boundary line and a wall extending fifty (50) feet southward along Boise Avenue. Councilor Farley seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

EXHIBIT A

PLANNING COMMISSION MOTION MARCH 19, 2012

Commissioner Fancher made a motion to direct the Current Planning Division to issue a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the findings in Section IX and subject to the conditions set forth in Section X of the City staff report dated March 12, 2012, with the following modification:

A. Move to direct the Current Planning Division to issue a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the findings in Section IX and subject to the conditions set forth in Section X of the City staff report dated March 12, 2012, with the following modification:

1) Current Planning Condition #9 shall be revised to read as follows:

9. The proposed the Sound Wall shall be 8 feet in height and constructed on the Kum & Go property, adjacent to the common property line with the mobile home park to the south.

a. The exact location of the Sound Wall shall be subject to approval by the Current Planning Manager to ensure that the Sound Wall meets City requirements for structures in a utility easement.

b. If temporary or permanent easements are required to locate the Sound Wall adjacent to the common property line with the mobile home park, the owner of the mobile home park and Kum & Go (the "Parties") shall work in good faith to agree upon the terms of such easements.

c. At no time shall the City compel the owner of the mobile home park to agree to grant any such easements.

d. Kum & Go shall pay the total costs to extend the Sound Wall (the "Wall Extension") in a southerly direction from the southeast corner of the Kum & Go property for a total distance of 30 feet. Total costs shall include the costs to construct the Wall Extension and to obtain any required building permit or variance.

- e. If the Wall Extension is to exceed 6 feet 3 inches in height, then construction of the Wall Extension shall be subject to approval of a variance by the City.
- f. Construction of the Sound Wall shall be completed and approved by the City prior to issuance of a ~~footing and foundation~~ or full building permit for the Kum & Go project.
- g. Construction of the Wall Extension shall be completed and approved by the City prior to issuance of a Certificate of Occupancy for the Kum & Go project.
- h. If no easements are received from the owner of the adjacent mobile home park within 10 calendar days after the final decision by the Planning Commission, or in the case of an appeal to City Council, within 5 calendar days after the final decision by City Council, then the Sound Wall shall be constructed at the located shown Exhibit A, subject to approval by the Current Planning Manager, and no Wall Extension shall be required.

BY CONSENSUS OF COUNCIL ITEMS 18 AND 19 WERE REMOVED FROM THE REGULAR AGENDA.

15. Development Services

Grant Funding Recommendations

Resolution #R-45-2012

Administrative Action: Community Partnership Manager Alison Hade introduced this item to Council. This is an administrative action to adopt a resolution approving the 2012 grant allocation recommendations of the Human Services Commission and the Affordable Housing Commission. Councilor McEwen moved to approve Resolution #R-45-2012 of the City Council of the City of Loveland, Colorado approving the 2012 grant funding recommendations of the Loveland Human Service Commission and the Loveland Affordable Housing Commission. Councilor Shaffer seconded the motion and a roll call vote was taken with eight Councilors voting in favor and Councilor McKean voting against.

RESOLUTION #R-45-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING THE 2012 GRANT FUNDING RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES COMMISSION AND THE LOVELAND AFFORDABLE HOUSING COMMISSION

WHEREAS, the City of Loveland, Colorado recognizes the valuable services provided by human services agencies in the Loveland community; and

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City has established the Human Services Grant Program to provide financial assistance to agencies meeting the human services needs in the community; and

WHEREAS, the City has budgeted \$450,000 in the 2012 City of Loveland budget for the Human Services Grant Program; and

WHEREAS, the City receives federal Community Development Block Grant funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City anticipates receiving a total of \$288,239 in Community Development Block Grant funds for the 2012-2013 federal fiscal year; and

WHEREAS, the City Council has charged the Human Services Commission with the task of reviewing all grant applications made to the City for Human Services Grant funds and for Community Development Block Grant funds, except for "bricks and mortar" applications that are housing related, and making a funding recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all "bricks and mortar" grant applications made to the City for Community Development Block Grant funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the Human Services Commission and the Affordable Housing Commission have reviewed all grant applications made to the City for Human Services Grant funds and Community Development Block Grant funds, and have made a recommendation to the City Council regarding distribution of those grant funds; and

WHEREAS, the City Council desires to approve the grant funding recommendations of the Human Services Commission and the Affordable Housing Commission.

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

Section 1. That the 2012 grant funding recommendations of the Human Services Commission regarding the distribution of Human Services Grant funds are hereby approved in the following amounts to the following agencies, subject to execution of a recipient contract with the City of Loveland by the agency on or before August 31, 2012:

Agency	Total Grant Amount
Alliance for Suicide Prevention	\$2,590
Alternatives to Violence	\$38,907
Boys & Girls Club	\$28,255
Center for Adult Learning	\$21,083
Community Kitchen	\$6,577
Court Appointed Special Adv.	\$13,585
Crossroads Safehouse	\$18,035
Disabled Resource Services	\$14,598
Elderhaus	\$13,792
Food Bank for Larimer County	\$23,414
House of Neighborly Service	\$54,096
Larimer Center for Mental Health (Touchstone)	\$24,503
Larimer Center for Mental Health/Loveland	
Community Health Center – Model Partnership	\$10,000
Larimer County Partners	\$5,212
Matthews House	\$21,335
Meals on Wheels	\$29,895
Northern Colorado AIDS Project	\$5,711
Project Self-Sufficiency	\$12,648
Rehab and Visiting Nurses Assoc	\$15,253
Respite Care	\$12,071
Senior Alternatives in Transp.	\$6,260
Thompson R2J	\$7,875
Thompson Valley Preschool	\$10,829
Turning Point Center	\$14,334
United Way 2-1-1	\$3,056
WINGS	\$10,471
Women's Resource Center	\$25,615
Total Grant Amount	\$450,000

Section 2. That the 2012 grant funding recommendations of the Human Services Commission and the Affordable Housing Commission for the 2012 Community Development Block Grant Program are hereby approved in the following amounts to the following agencies, subject to: (a) the approval of the U.S. Department of Housing and Urban Development and the allocation and receipt of Community Development Block Grant funds to the City of Loveland in 2012; (b) City Council budget and appropriation of such allocated federal funding; and (c) execution of a subrecipient contract with the City of Loveland by the agency or project owner on or before December 31, 2012:

Agency	Total Grant Amount
ArtSpace	\$35,000

Crossroads Safehouse	\$ 2,827
Habitat for Humanity	\$24,977
House of Neighborly Service	\$21,233
Housing Authority of the City of Loveland	\$110,580
Neighbor to Neighbor	\$19,175
Volunteers of America	\$16,800
City of Loveland Program Administration	\$57,647
Total Grant Amount	\$288,239

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

16. Water & Power

2012 Raw Water Master Plan

Resolution #R-46-2012

Legislative Action: Greg Dewey, Water & Power Department introduced this item to Council. This is a legislative action to adopt the 2012 Raw Water Master Plan and to amend the 2005 Comprehensive Master Plan by addition of the 2012 Raw Water Master Plan as a functional (component) plan element. Councilor McEwen moved to approve Resolution #R-46-2012 adopting the 2012 Raw Water Master Plan of the City of Loveland and amending the 2005 Comprehensive Master Plan by addition of the 2012 Raw Water Master Plan as a functional (component) plan element. Councilor Klassen seconded the motion and a roll call vote was held with all Councilors present voting in favor thereof.

RESOLUTION #R-46-2012

A RESOLUTION ADOPTING THE 2012 RAW WATER MASTER PLAN OF THE CITY OF LOVELAND AND AMENDING THE 2005 COMPREHENSIVE MASTER PLAN BY ADDITION OF THE 2012 RAW WATER MASTER PLAN AS A FUNCTIONAL (COMPONENT) PLAN ELEMENT

WHEREAS, on November 15, 2005 by Resolution #R-95-2005, the City Council of the City of Loveland adopted the City's first Raw Water Master Plan ("2005 Raw Water Master Plan") to be used by the City to develop and compare policy options to meet the future raw water needs of the City; and

WHEREAS, Water and Power Department staff prepared an update to the 2005 Raw Water Master Plan, the draft of which was referred to throughout 2011 as the 2011 Raw Water Master Plan ("2011 Raw Water Master Plan"); and

WHEREAS, on October 19, 2011, the Loveland Utilities Commission adopted a motion recommending that the City Council adopt the 2011 Raw Water Master Plan; and

WHEREAS, on October 27, 2011, the Construction Advisory Board adopted a motion recommending that the City Council adopt the 2011 Raw Water Master Plan; and

WHEREAS, on November 14, 2011, the Planning Commission adopted a resolution recommending that the City Council amend the 2005 Comprehensive Master Plan by addition of the 2011 Raw Water Master Plan as a functional (component) plan element, and making certain findings in support of that recommendation as required by Section 6.0 of the 2005 Comprehensive Master Plan; and

WHEREAS, the 2011 Raw Water Master Plan was subsequently modified to reflect several substantive changes recommended by the City Council at a study session held on December 13, 2011, and was retitled the "2012 Raw Water Master Plan"; and

WHEREAS, on January 17, 2012, the City Council considered the 2012 Raw Water Master Plan and directed staff to address certain questions and an alternative proposal, and take the 2012 Raw Water Master Plan and the alternative proposal back through the advisory boards and public process for further consideration and comment; and

WHEREAS, on April 4, 2012, the Loveland Utilities Commission held a special meeting to receive public comment on the 2012 Raw Water Master Plan and the alternative proposal; and

WHEREAS, on April 25, 2012, the Construction Advisory Board adopted a second motion recommending that the City Council adopt the 2012 Raw Water Master Plan; and

WHEREAS, on May 16, 2012, the Loveland Utilities Commission adopted a second motion recommending that the City Council adopt the 2012 Raw Water Master Plan; and

WHEREAS, the City Council desires to adopt the 2012 Raw Water Master Plan and amend the 2005 Comprehensive Master Plan by addition of the 2012 Raw Water Master Plan as in the best interest of the citizens and rate payers of the City of Loveland.

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

Section 1. That the 2012 Raw Water Master Plan, a copy of which is on file with the Loveland City Clerk, is hereby adopted and shall be used by the City to develop and compare policy options to meet the future raw water needs of the City.

Section 2. That the City Council hereby adopts and incorporates by reference the findings set forth in Resolution #11-02 adopted by the Planning Commission on November 14, 2011.

Section 3. That the 2005 Comprehensive Master Plan is hereby amended by the addition of the 2012 Raw Water Master Plan as a functional (component) plan element.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 5th day of June, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

17. Economic Development

Destination Loveland Brand Ratification

Motion

Administrative Action: Visitors Services Coordinator Cindy Mackin introduced this item to City Council. This is a formal action by City Council to affirm support for the brand selected by the Community Marketing Commission on May 16, 2012 to market Loveland as a destination for visitors. The following public comments were made: Jack Cantley of Sweetheart City Wines would like to see the "heart" stay; Linda Hughey, Community Marketing Commission chair spoke in support; Mindy Moree, Loveland Chamber of Commerce CEO spoke in support; Diana McKinny spoke in support; Kurt Albers spoke in support. Councilor McEwen made a motion to ratify the Community Marketing Commission's selection of the Destination Loveland Brand: "Loveland Colorado: Everything You Love", as the official brand to market the City of Loveland for purposes of tourism. Councilor Shaffer seconded the motion and a roll call vote was taken with seven voting in favor and Councilors Klassen and Fogle voting against. The Mayor thanked all members of the Community Marketing Commission for their work on establishing this brand.

18. Finance

April 2012 Financial Report Information Only

removed from the agenda

19. City Manager

Investment Report for April 2012 Information Only

removed from the agenda

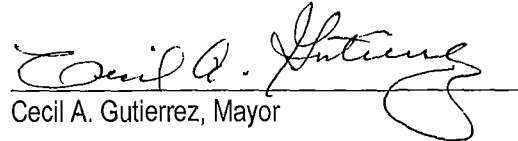
ADJOURNMENT

Having no further business to come before Council, the June 5, 2012
Regular Meeting was adjourned at 11:07 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor