

LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 21, 2012
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD CERTIFICATION AWARD

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

1. **CITY CLERK**
 APPROVAL OF COUNCIL MINUTES
 Consideration of a motion approving Council minutes
 This is an administrative action to approve Council minutes from the July 24, 2012 study session.
2. **CITY MANAGER**
 APPOINTMENTS TO BOARDS & COMMISSIONS

Consideration of a motion appointing and reappointing members to various boards and commissions

This is an administrative action to consider the following appointments:

Fire and Rescue Advisory Commission: Dave Adams is recommended for appointment for a term effective until June 30, 2015.

Historic Preservation Commission: Janelle Armentrout is recommended for a partial term effective until June 30, 2014.

Senior Advisory Board: Angie Sawtelle is recommended for a partial term effective until December 31, 2012 and Richard Hedland is recommended for a partial term effective until December 31, 2013.

Visual Arts Commission: Greg Hoff is recommended for a partial term effective until December 31, 2012.

3. DEVELOPMENT SERVICES

DRAINAGE AND UTILITY EASEMENT VACATION - ALFORD LAKES FIRST SUBDIVISION

Consideration on second reading of an ordinance vacating a portion of a drainage and utility easement on Lot 39, Block 1, Alford Lakes First Subdivision, City of Loveland

A legislative action to consider the second reading of an ordinance to approve a request to vacate a 122.5 square foot portion of a drainage and utility easement in the Alford Lake First Subdivision, located at 5285 Crabapple Court. City Council unanimously adopted the ordinance on first reading on August 7, 2012.

4. DEVELOPMENT SERVICES

PUBLIC HEARING

RIGHT-OF-WAY EASEMENT VACATION – HARLOW ADDITION (FIRST BANK BUILDING)

Consideration on first reading of an ordinance vacating a portion of a public right-of-way adjacent to Lot 1, Harlow Addition, City of Loveland, Larimer County, Colorado

This is a public hearing to consider a legislative action to vacate a portion of a public right-of-way in the Harlow Addition to the City of Loveland. The applicant is First Bank. Conditions recommended by the Planning Commission on July 23, 2012 have been incorporated into the ordinance.

5. DEVELOPMENT SERVICES

PUBLIC HEARING

ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT

Consideration of Resolution #R-54-2012 of the City Council of the City of Loveland, Colorado approving a Community Development Block Grant Annual Action Plan and Grant Application for 2012 – 2013

This is a public hearing to consider an administrative action to adopt a resolution approving the 2012-2013 Community Development Block Grant (CDBG) Annual Action Plan. Approval of the plan will allow the City to receive and distribute CDBG funds.

6. CITY CLERK

AGREEMENT FOR COORDINATED ELECTION IN NOVEMBER 2012

Consideration of Resolution #R-55-2012 approving and authorizing the execution of an Intergovernmental Agreement between the City of Loveland and the Larimer

County Clerk and Recorder concerning the coordinated general election to be held on November 6, 2012

This is an administrative action. City Council called a special election for November 6, 2012, to fill a vacant seat in Ward IV. This election shall be held as a coordinated election with Larimer County. This resolution approves the Election Agreement between the City and Larimer County.

7. PUBLIC WORKS

AMEND LEASE OF CITY PROPERTY (GOOD TIMES)

Consideration of Resolution #R-56-2012 approving an assignment and amendment of a lease for real property owned by the City of Loveland and located at 1355 N. Lincoln Avenue in Loveland, Colorado

This is an administrative action to consider the adoption of a resolution approving an assignment and amendment of an existing lease agreement between the City of Loveland (City) and Good Times Drive Thru Inc. for the real property owned by the City in the southwest corner of the intersection of North Lincoln Avenue and East Eisenhower Boulevard (1355 N. Lincoln Avenue). The resolution also authorizes the City Manager to execute the Amendment on behalf of the City.

8. PUBLIC WORKS / PARKS & RECREATION

AGREEMENT FOR NEW BRIDGE AND RECREATION TRAIL UNDERPASS (MADISON AVENUE)

Consideration of Resolution #R-57-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Department of Transportation, for design and construction of a new bridge and recreation trail underpass at the intersection of Madison Avenue and the Chubbuck Ditch

This is an administrative action. The resolution authorizes the City Manager to execute a grant agreement with the State of Colorado. This grant will partially fund the replacement of the bridge on Madison Avenue at the Chubbuck Ditch.

9. ECONOMIC DEVELOPMENT

GRANT AWARDS FOR REMEDIATION & DEMOLITION AT 301 & 319 N. LINCOLN

Consideration of Resolution #R-58-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Colorado Brownfields Revolving Loan Fund, acting by and through the Colorado Housing and Finance Authority, for a grant to partially fund the removal of environmental hazards located at 301 and 319 N. Lincoln

This is an administrative action. The resolution would approve an Intergovernmental Agreement (IGA) with the Colorado Brownfields Revolving Loan Fund so that the City can receive \$313,000 in grant funds for the environmental cleanup of 301 and 319 N. Lincoln Avenue. There are two sub-grant agreements because \$213,000 are federal funds from the American Recovery and Reinvestment Act of 2009 (ARRA) and \$100,000 are from the federal Brownfields Initiative.

10. LEGAL

AGREEMENT WITH PRPA FOR EXCHANGE OF LEGAL SERVICES

Consideration of Resolution #R-59-2012 approving an Intergovernmental Agreement between the City of Loveland and Platte River Power Authority for the exchange of legal services

This is an administrative action to approve an intergovernmental agreement that will authorize the sharing of legal services between the City of Loveland and Platte River Power Authority (PRPA) when conflicts arise that prevent the City Attorney's Office or PRPA legal counsel from representing the interests of their clients.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from 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.*
- c. **City Manager Report**
- d. **City Attorney Report**

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 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.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

11. CITY CLERK

APPROVAL OF COUNCIL MINUTES

Consideration of a motion approving Council minutes

This is an administrative action to approve Council minutes from the August 7, 2012 regular meeting. Not all Councilors were present.

12. DEVELOPMENT SERVICES

STATEMENT OF DIRECTION FOR OIL & GAS EXPLORATION REGULATIONS

Consideration of a motion approving the Statement of Direction for the development of regulations on oil and gas development in the City of Loveland

City staff is seeking directions from City Council on how to proceed with the development of regulations on oil and gas development in the City. City staff has also provided a memorandum presenting the results of the City Council Questionnaire on Oil and Gas Development. The City Attorney has provided a memorandum analyzing the City of Greeley's oil and gas regulations as compared to the City of Longmont's, some of which are now being challenged in the courts by the Colorado Oil and Gas Conservation Commission. Attached to his memorandum are Greeley's regulations as found in its code at Chapter 18.56 and a copy of the Commission's complaint filed in its lawsuit against the City of Longmont.

**13. ECONOMIC DEVELOPMENT
LOVELAND CENTER FOR BUSINESS DEVELOPMENT**

This is an information only item. The City of Loveland has provided financial support for small business development and entrepreneurship training since the early 1990's. The City has received a budget request from the Loveland Center for Business Development (LCBD) for an increase of \$80,000.00 in 2013. The City's current contribution is \$130,000.00. This discussion is intended to provide Council with information and give staff direction on this request and possible contract provisions.

ADJOURN