

**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, Trenary, Fogle, McKean, Shaffer and Taylor.

**PROCLAMATION** Councilor Shaffer read the proclamation and Jody Klein, Namaqua Chapter of Daughters of the American Revolution Regent and Sylvia Fiscus, Constitution Week Committee Chairman accepted.

**PROCLAMATION**

**WHEREAS,** September 17, 2012 marks the two hundred twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS,** it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**NOW, THEREFORE,** we, the Loveland City Council of the City of Loveland, do hereby proclaim September 17 through 23, 2012 as

**CONSTITUTION WEEK**

in the City of Loveland, and ask our citizens to reaffirm the Ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Signed this 18th day of September, 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 remove any of the items or public hearings listed on the Consent Agenda. Councilor Klassen asked for Item 4 to be removed from the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda, except for item 4. The motion was seconded by Councilor Trenary 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 August 28, 2012 study session and the September 4, 2012 regular meeting were approved.

### 2. WATER & POWER

#### **Supplemental Appropriation for Water Utility Funds**

##### **Ordinance #5701**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR WATERFILTER PLANT IMPROVEMENTS AND EMERGENCY WATERLINE REPAIRS" was approved and ordered published on second reading.

### 3. WATER & POWER

#### **Municipal Code Changes to Wastewater System Chapter 13.10**

##### **Ordinance #5702**

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 13.10 CONCERNING PRETREATMENT" was approved and ordered published on second reading.

### 4. DEVELOPMENT SERVICES

#### **Historic Designation for Mariano Medina Family Cemetery**

##### **Ordinance #5703**

This item was removed from the Consent Agenda.

### 5. FINANCE

#### **Setting Public Hearing Date for 2013 Recommended Budget**

##### **Resolution #R-61-2012**

Administrative Action: A motion setting the date for the public hearing of the 2013 Recommended Budget as October 2, 2012 was approved.

##### **RESOLUTION #R-61-2012**

A RESOLUTION ESTABLISHING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE 2013 RECOMMENDED BUDGET FOR THE CITY OF LOVELAND, COLORADO

WHEREAS, pursuant to Section 11-2(b) of the Loveland City Charter, the City Manager is required to submit to the City Council, on or before the first Tuesday in October of each year, a proposed budget for the City for the next ensuing fiscal year; and

WHEREAS, on September 11, 2012, the City Manager submitted the 2013 Recommended Budget, including the 2013-2017 Recommended Capital Projects Program, to the City Council; and

WHEREAS, in accordance with Section 11-4(a) of the Loveland City Charter, the City Council desires to set a date, time, and place for a public hearing on the 2013 Recommended Budget.

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

Section 1. That a public hearing is hereby scheduled to consider the adoption of the 2013 Recommended Budget for October 2, 2012 at 6:30 p.m., at which time objections of the electors of the City of Loveland shall be considered. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

Section 2. That the City Clerk shall give notice of said hearing in the manner prescribed by Section 11-4(b) of the Loveland City Charter and § 29-1-106, C.R.S.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 18th day of September, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

## **6. AIRPORT**

### **Grant Agreement and Supplemental Appropriation for Runway Weather Information System**

a) Resolution #R-62-2012

Administrative Action: Resolution #R-62-2012 authorizing the City Manager to execute a grant agreement with the State of Colorado, Division of Aeronautics (CDAG #12-FNL-01, Amendment #2) for equipment improvements and funding pertaining to the Fort Collins-Loveland Municipal Airport was approved.

#### **RESOLUTION # R-62-2012**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF COLORADO DIVISION OF AERONAUTICS (CDAG #12-FNL-01, AMENDMENT #2) FOR EQUIPMENT, IMPROVEMENTS AND 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 improvement of general aviation and intrastate commercial 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, 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"); and

WHEREAS, 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 Grant program Project Management Manual, revised 1999 ("the Manual"); and

WHEREAS, the City of Fort Collins and the City of Loveland ("the Cities") own and operate in the State the Fort Collins-Loveland Municipal Airport ("the Airport"); and

WHEREAS, the Cities previously applied for and were awarded grants CDAG #12-FNL-01, CDAG #12-FNL-101 and CDAG #12-FNL-02 from the Division as part of a match funding grant with the Federal Aviation Administration to fund certain airport projects; and

WHEREAS, the Cities have applied for a grant (CDAG #12-FNL-02, Amendment #2) attached hereto as Exhibit A and incorporated by reference (the "Grant Agreement"), from the Division which provides additional funding for such Airport projects, but does not require any additional matching funds from the Cities.

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

Section 1. That the Council of the City of Loveland ("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 a state aviation system grant. The City of Loveland states that such grant shall be used solely for aviation purposes, as determined by the State, and as generally described in the Application.

Section 2. That the City of Loveland makes the 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 Agreement, 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 the Grant Agreement.

Section 3. That the Council 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 Application in its behalf, and further authorizes the City Manager to execute the Grant Agreement with such modifications in form or

substance as the City Manager, in consultation with the City Attorney's Office, may deem necessary to effectuate the purposes of this resolution or to protect the interests of the City.

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 the Grant Agreement.

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 the Grant Agreement 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 18<sup>th</sup> day of September, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- b) **1<sup>st</sup> Rdg Ord & P.H.** Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 FORT COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET FOR THE RUNWAY WEATHER INFORMATION SYSTEM INSTALLATION PROJECT" was approved and ordered published on first reading.

## **7. PUBLIC WORKS**

### **Municipal Code Amendment – Stormwater Quality**

#### **1<sup>st</sup> Rdg Ord & P.H.**

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 13.20 CONCERNING STORMWATER QUALITY" was approved and ordered published on first reading.

## **CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

### **CITY COUNCIL**

#### **a) Citizens' Reports**

Kathl Wright, Executive Director of the Loveland Boys & Girls Club spoke about a "Lights on Afterschool" celebration on October 18, 2012 from 3:00 to 5:00 p.m.

#### **b) Business from Council**

Taylor Councilor Taylor attended the Habitat for Humanity 25<sup>th</sup> anniversary "Build-a-thon". Four homes were built over three days.

Farley Councilor Farley commented on the many activities at the Friday Night on the Town event. He also highlighted the new map showing the locations of the painted transformer boxes. Councilor Farley attended the Youth Advisory Commission as the new Council liaison. The annual "Cravin' Cajun Boli" benefiting the Community Kitchen is Friday, September 21, 2012 from 6:00 - 10:00 p.m.

Shaffer Councilor Shaffer attended an event at the Feed & Grain building as part of the Night on the Town activities. She also mentioned the Community Sustainability meeting hosted by Public Works. The Community Marketing Commission will be reviewing the Wayfinding Subcommittee recommendations for signage color and style and selecting one of the two options proposed. The North Front Range Metropolitan Planning Organization (MPO) is accepting applications for an executive director. The October 4, 2012 MPO meeting will be held in Loveland.



**Ordinance #5703**

Legislative Action: Development Services Director Greg George Introduced this Item to Council. Councilor Klassen recognized and expressed appreciation to the following member of the Loveland Historical Society: Bill Merirath, Pam Sheiller, Mike Perry (President of LHS) and Sharon Danhauer. They also acknowledged Jess Rodriguez who donated the property to the LHS. Councilor Shaffer move to approve and ordered published on second reading "AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK THE MARIANO MEDINA FAMILY CEMETERY LOCATED ADJACENT TO NAMAQUA AVENUE TO THE WEST AND NAMAQUA ELEMENTARY SCHOOL TO THE SOUTH IN LOVELAND, COLORADO". Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**8. DEVELOPMENT SERVICES**

**Municipal Code Amendment – Use Credit for Capital Expansion Fees**

**1<sup>st</sup> Rdg Ord & P.H.**

Legislative Action: Development Services Director Greg George Introduced this item. The purpose of the Code amendment is to clarify how Capital Expansion Fee (CEF) credits are calculated and applied when a change to an existing use occurs. The Mayor opened the public hearing at 7:28 p.m. and hearing no comments closed the hearing at 7:28 p.m. Councilor Shaffer made a motion to approve and ordered published on first reading "AN ORDINANCE REPEALING AND REENACTING SECTION 16.38.030 OF THE LOVELAND MUNICIPAL CODE REGARDING CHANGE IN USE CREDIT FOR CAPITAL EXPANSION FEES" with the removal of Paragraph G regarding the effective date. Councilor Farley seconded the motion and a roll call vote was held with all Councilors present voting in favor thereof.

**9. CULTURAL SERVICES**

**Supplemental Appropriation – Museum Expansion Activities**

**1<sup>st</sup> Rdg Ord & P.H.**

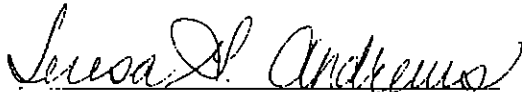
Administrative Action: Cultural Services Director Susan Ison introduced this item to Council. Economic Development Director Betsey Hale and Chris Ortman were also present. There are two parts to this administrative action. 1) 1. Appropriation of funds in the amount of \$36,830 from the Kroh Charitable Trust for the capital campaign. The amount requested is for the remainder of 2012. Continuation of the campaign in 2013 will be submitted as a supplemental request. 2) Appropriation of funds in the amount of \$30,000 from Cultural Services' Capital Expansion Fees (CEFs) to hire an architect to develop conceptual drawings of the proposed museum expansion. The drawings would be used for public input and for fundraising purposes. The Mayor opened the public hearing at 8:37 p.m. Roger Clark, 1220 W. 6<sup>th</sup> St spoke in support. Nell Spooner, 633 Harrison Ave spoke in opposition. Katie Dave, 484 Mesa Drive asked for clarification and posed several questions including "How can the general public oppose this decision?" Hearing no additional comments the Mayor closed the hearing at 8:46 p.m. Executive Fiscal Advisor Alan Krcmarik spoke about the new Market Tax Credit program. Ken Cooper, Facilities Manager spoke to costs. Councilor Shaffer made a motion to approve and ordered published on first reading "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR A FUND RAISING POSITION AND MATERIALS AND ARCHITECT FEES FOR A CONCEPTUAL DESIGN OF THE MUSEUM EXPANSION". Councilor Farley seconded the motion and a roll call vote was held with four Councilors present voting in favor thereof and Councilors Fogle, McKean, Klassen and Taylor voting against. The motion failed. Director of Cultural Services, Susan Ison announced the Loveland Museum has been reaccredited with the American Alliance of Museums. On

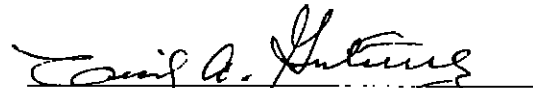
October 20, 2012 the Museum will host a family friendly celebration. A private celebration will be held on October 19, 2012.

**ADJOURNMENT**

Having no further business to come before Council, the September 18, 2012 Regular Meeting was adjourned at 10:06 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor