

**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, Fogle, McKean, and Taylor.

**PROCLAMATION** Councilor McKean read a proclamation declaring the month of August 3-7, 2012 as "Larimer County Fair and PRCA Rodeo Days" and July 28, 2012 as "Larimer County Fair and PRCA Rodeo Parade Day". The proclamation was accepted by Gil Barela, chairman of the Larimer County Fair Board.

**PROCLAMATION**

**WHEREAS** The City of Loveland has been a major part of the Larimer County Fair and PRCA Rodeo since its inception; and

**WHEREAS** The Loveland community supports the Family Concept as a way of life; and

**WHEREAS** The City of Loveland has been an integral part of the 4-H Community and their family oriented Activities; and

**WHEREAS** Agriculture and Livestock are a large part of the success of the Loveland Community; and

**WHEREAS** The Larimer County Fair and PRCA Rodeo has provided a fun, safe, and productive environment for the City of Loveland and also the visitors of the Fair.

Now Therefore, we the City Council of Loveland, Colorado do hereby proclaim August 3-7, 2012 as:

LARIMER COUNTY FAIR AND PRCA RODEO DAYS

and July 28, 2012 as:

LARIMER COUNTY FAIR AND PRCA RODEO PARADE DAY "RED WHITE AND BLUE THROUGH AND THROUGH"

In Loveland, Colorado, and in doing so encourage all citizens to attend the Larimer County Fair and PRCA Rodeo.

Signed this 17th day of July, 2012

Cecil A. Gutierrez Mayor

City of Loveland

**PROCLAMATION** Mayor Gutierrez read a proclamation declaring Kenneth Weedin an "Honored Citizen" of Loveland, Colorado. Kenneth Weedin accepted the proclamation.

**PROCLAMATION NAMING KENNETH WEEDIN, "HONORED CITIZEN"**

**WHEREAS** Kenneth Weedin moved his family to Loveland in 1956 and became a partner in the oldest insurance agency in town, Chesebro and Patterson; and

**WHEREAS** Kenneth Weedin and his family's business, The Weedin Insurance Agency, has been successful in Loveland for 56 years; and

**WHEREAS** Kenneth Weedin has dedicated his life to service in the business community having served as Chamber of Commerce President in 1966, started TEEM, The East Eisenhower Merchants, in the 1970's, served as President of the Colorado Association of Realtors in 1974, been a member of the Loveland Rotary for 50 years, chaired the U-Care Project to fund planters and trees in Downtown Loveland; and

**WHEREAS** Kenneth Weedin was instrumental in fundraising the money and getting the volunteer labor necessary to build the Chamber of Commerce building on West 51st Street in Downtown Loveland; and

WHEREAS Kenneth Weedin's involvement in economic development brought Alco, the first major discount store, to Loveland; and  
WHEREAS Kenneth Weedin served two terms on the Loveland City Council 1961 to 1962 and served as Mayor Pro-Tem 1970 to 1971, and was in the 1 vote majority that voted to extend utilities to Highway 402 in order to ensure that Hewlett Packard would locate their first facility outside California in Loveland; and  
WHEREAS Kenneth Weedin's service and commitment to the citizens of Loveland has made the City of Loveland a better community.

NOW, THEREFORE, I, Cecil A. Gutierrez, Mayor of the City of Loveland, Colorado do hereby proclaim Kenneth Weedin as an 'Honored Citizen' of the City of Loveland and express the City's appreciation and gratitude for his leadership and the contributions he has made toward making Loveland the 'masterpiece' of Northern Colorado.

Signed this 17th day of July, 2012

Cecil A. Gutierrez, Mayor  
City of Loveland

**PRESENTATION** Mayor Gutierrez presented the Distinguished Budget Presentation Award for the 2012 Budget to Budget Officer, John Hartman and Adam Dorritie from the Budget Department.

**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 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. Councilor McKean abstained from voting on Item 1 as he was not in attendance at the Council meetings referenced in Item 1 "Approval of Council Minutes".

#### 1. CITY CLERK

**Approval of Council Minutes  
Motion**

Administrative Action: The minutes from the June 26, 2012 study session; the June 26, 2012 special meeting and the July 3, 2012 regular meeting were approved.

## **2. CITY MANAGER**

### **Appointments to the Community Marketing Commission**

#### **Motion**

Administrative Action: A motion reappointing Kurt Albers and Tom Dwyer to the Community Marketing Commission for a term effective until June 30, 2015 was approved.

## **3. WATER & POWER**

### **Municipal Code Amendment – Chapter 19.04 concerning water rights in accordance with the 2012 Raw Water Master Plan**

#### **Ordinance #5691**

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 19.04 CONCERNING WATER RIGHTS IN ACCORDANCE WITH THE 2012 RAW WATER MASTER PLAN" was approved and ordered published on second reading.

## **4. CITY CLERK**

### **Change to City of Loveland Ward Boundaries**

#### **a) Ordinance #5692**

Legislative Action: "AN ORDINANCE AMENDING CHAPTER 1.24 OF THE LOVELAND MUNICIPAL CODE CHANGING THE BOUNDARIES OF THE CITY'S FOUR WARDS" was approved and ordered published on second reading.

#### **b) Resolution #R-50-2012**

Legislative Action: A resolution changing the boundaries of the City of Loveland's four wards and establishing the City's voter precincts was approved.

#### **RESOLUTION #R-50-2012**

#### **A RESOLUTION CHANGING THE BOUNDARIES OF THE CITY OF LOVELAND'S FOUR WARDS AND ESTABLISHING THE CITY'S VOTER PRECINCTS**

WHEREAS, Loveland Charter Section 6-4(a) provides that the City shall be divided into four wards, the boundaries of which may be changed by resolution adopted by a vote of the majority of the entire City Council; and

WHEREAS, Loveland Charter Section 6-4(b) provides that the boundaries of the wards shall be changed as necessary to conform to constitutional apportionment requirements; and

WHEREAS, as a result of the Federal 2010 Census, it is necessary to change the boundaries of the wards to conform to the constitutional apportionment requirements; and

WHEREAS, CRS Section 31-10-502 provides that each of the City's voter precincts shall not contain more than one ward; and

WHEREAS, traditionally the City's voter precincts have corresponded to the voter precincts established by Larimer County as they are located within the City; and

WHEREAS, on January 10, 2012, the Board of County Commissioners of Larimer County adopted Resolution No. 01102012R010 establishing the boundaries of the new voter precincts for all of Larimer County based on the Federal 2010 Census; and

WHEREAS, the City of Loveland Ward and Voter Precinct Map attached hereto as Exhibit "A" and incorporated by reference, represents the new boundaries of the City's wards which meet constitutional and statutory requirements and that establishes the City's new voter precincts which correspond with the new voter precincts within the City established by the Board of County Commissioners of Larimer County in its Resolution No. 01102012R010 ("the Ward and Precinct Map").

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

Section 1. That the Ward and Precinct Map is hereby approved changing and establishing the boundaries of the City's four wards as shown on the Map and establishing the City's voter precincts as shown on the Map. This Ward and Precinct Map shall supersede and replace in all respects all previous ward and precinct maps approved by the City Council, including, without limitation, those maps approved in Council's Resolution No. R-41-2003 and Resolution No. R-69-2007.

Section 2. That this Resolution shall go into effect on the date that the City Council Ordinance No.5692 becomes law as provided in Loveland Charter Section 4-8(b).

Dated this 17th day of July, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **5. PUBLIC WORKS**

### **Supplemental Appropriation – Grant Funds for Traffic Signal Interconnect System**

#### **Ordinance #5693**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET FOR A FEDERAL GRANT TO DESIGN AND CONSTRUCT A RELIABLE TRAFFIC SIGNAL/ITS DEVICES INTERCONNECT SYSTEM EXPANSION ALONG REGIONALLY SIGNIFICANT CORRIDORS IN LOVELAND" was approved and ordered published on second reading.

## **6. FINANCE**

### **Supplemental Appropriation – New PEG Fee fund Transfer**

#### **Ordinance #5694**

Administrative Action: "AN ORDINANCE ON FIRST READING ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET TO TRANSFER FUND BALANCE TO THE NEW PEG FEE FUND" was approved and ordered published on second reading.

## **7. DEVELOPMENT SERVICES**

### **Designation of Ray House/Hauseman House as Historic Landmark**

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

Legislative Action: A public hearing was held and "AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK THE RAY HOUSE/HAUSEMAN HOUSE LOCATED AT 524 NORTH HARRISON AVENUE IN LOVELAND, COLORADO" was approved and ordered published on first reading.

## **8. DEVELOPMENT SERVICES**

### **Rezone Property – HP/Agilent Open Space**

#### **1<sup>st</sup> Rdg Ord & 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 amended plat of: the amended plat of CMS Addition and the Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the amended plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett-Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado" was approved and ordered published on first reading.

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

**CITY COUNCIL**

a) Citizens' Reports

None

b) Business from Council

Klassen

Councilor Klassen attended an event at Heska with the Rocky Mountain Center for Innovation. He also attended the grand opening celebration for the SNAG and the mini-course at the Cattail Creek Golf Course. He praised former councilmember Cathleen McEwen and her service to Loveland. Councilor Klassen spoke on the issue of taxing internet sales.

Taylor

Councilor Taylor mentioned the many outstanding events occurring in Loveland this summer. Saturday, July 21, 2012 is the Cherry Pie & Street Dance Celebration in downtown Loveland. He expressed his appreciation to Cathleen McEwen for her service to the community.

McKean

Councilor McKean acknowledged former councilmember Cathleen McEwen contributions to the City and said he would miss her fairness and expertise.

Farley

Councilor Farley also acknowledged Cathleen McEwen contributions and wished her well.

Shaffer

Councilor Shaffer also thanked Cathleen McEwen for her service. She mentioned the North Front Range Metropolitan Planning Organization is continuing to move forward with their search for an Executive Director. She attended many community events over the weekend including the Robin Dodge exhibit at the Museum, dedication of four pieces of art at the Benson Sculpture Garden and the Loveland loves BBQ, Bands and Brews event.

Trenary

Councilor Trenary attended the Colorado Oil & Gas exploration event. He thanked all those involved with the Loveland Loves BBQ, Bands and Brews event. He mentioned the tourism brand launch is occurring at the Visitor's Center on July 18, 2012. He will be serving pie at the Cherry Pie & Street Dance Celebration next weekend. He thanked Cathleen McEwen for her service and wished her the best.

Fogle

Councilor Fogle thanked all those involved with the Loveland loves BBQ, Bands and Brews event especially Engaging Loveland. He wished Cathleen McEwen best of luck. He also thanked the Police Department for their service. Four councilors supported Councilor Fogle's request to look at the action the City of Greeley has taken which allows open consumption (of liquor) in a specific area downtown during their Friday Night Events.

Gutierrez

Mayor Gutierrez spoke about the many wonderful events occurring in Loveland and in particular he enjoyed the "rolling artwork-cars display" at Loveland Loves BBQ, Bands and Brews event. Another activity being held is the tourism brand launch at the Visitor's Center on Wednesday, July 18, 2012 at 3:00 pm. The Mayor also mentioned attending a meeting with local Chief Executive Officers about moving economic development forward within Loveland. The Mayor visited a Sculpture Park in Seattle recently with only four large sculptures and compared it to Benson Sculpture Garden where there are now 135 sculptures in there after the installation of four new pieces this week. An open house to meet the four finalists for the Platte River Power Authority General Manager position will be held at the Rio Theater Center on July 25, 2012 at 5:00 pm. Also, October 1-3,

2012, CSU will be hosting a natural gas and energy forum. Mayor Gutierrez also thanked Cathleen McEwen for her service to the City of Loveland. He also mentioned another event that occurred with the Collings' Foundation "Wings of Freedom Tour" on July 7 & 8 at the Loveland-Fort Collins Airport.

c) City Manager Report

Cahill City Manager Bill Cahill thanked Cathleen McEwen for her exemplary service to the City of Loveland.

d) City Attorney Report

City Attorney John Duval also expressed his best wishes to Cathleen McEwen.

**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**

**9. ECONOMIC DEVELOPMENT**

**Sales Tax Refund Agreement for Coffee Tree LLC**

**Resolution #R-51-2012**

This is an administrative action. City Planner Mike Scholl introduced this item to Council. The resolution would approve a 33 percent sales tax (one penny out of three collected) refund for the Coffee Tree LLC. The agreement is for 36 months and shall not exceed \$15,962.25. The agreement is performance based and their ability to collect the refund is based entirely on store sales. The amount is to help offset the cost of a grease interceptor and HVAC improvements to the building to facilitate a restaurant use. Discussion ensued. Councilor Shaffer moved to approve Resolution #R-51-2012 approving a sales tax refund agreement for the Coffee Tree LLC. Councilor Trenary seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**RESOLUTION #R-51-2012**

**A RESOLUTION APPROVING A SALES TAX REFUND AGREEMENT FOR THE COFFEE TREE LLC**

WHEREAS, the Coffee Tree LLC, a Colorado limited liability company ("Coffee Tree"), is a locally owned company specializing in fresh roasted coffee, coffee drinks, and baked goods; and

WHEREAS, the Coffee Tree operated a retail store in Anthology Book Store in Downtown Loveland at 422 E. Fourth Street for six years; and

WHEREAS, the Coffee Tree recently entered into a lease agreement for 210 E. Fourth Street in Downtown Loveland and completed substantial renovations at a cost of \$105,000 including a new internal grease collector and improvements to the HVAC system to make the building more functional; and

WHEREAS, the Coffee Tree intends to expand its offerings of baked goods, sandwiches, salads along with its signature fresh roasted coffee and coffee drinks in its new larger 3,500 square-foot location at 210 E. Fourth Street (the "Store") and plans to hire three new full time staff; and

WHEREAS, before leasing and renovating the Store, the Coffee Tree asked the City to assist with redevelopment costs for the Store by providing a refund of sales taxes in an amount equal to one-third (1/3) of all City sales taxes collected by the Coffee Tree and received by the City with respect to transactions in or from the Store during a thirty-six (36) month period, in accordance with the terms and conditions of the Sales Tax Refund Agreement attached hereto as "Exhibit A" and incorporated by this reference (the "Agreement"); and

WHEREAS, the City Council believes that granting the Coffee Tree a refund of sales taxes as provided in the Agreement, will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased sales and property tax revenues to the City, and, therefore, the Agreement is in the best interests of the public and the City.

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

Section 1. That the City Council hereby finds that granting the Coffee Tree a refund of sales taxes collected by Coffee Tree and received by the City with respect to transactions in or from the Store as set forth in the Agreement, will serve a public purpose because the Coffee Tree's expansion, renovation, and operation of the Store in Downtown Loveland will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased sales and property tax revenues to the City,

Section 2. That the Agreement attached hereto as Exhibit A and incorporated by reference is hereby approved.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to 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.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Loveland.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17<sup>th</sup> day of July 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **10. CITY MANAGER**

### **Ban on Certain Fires and Sale/Use Of Fireworks Within City Of Loveland**

Fire Chief Randy Mirowski introduced this item to Council and informed Council that this morning Larimer County lifted their ban on open burning and would now recommend that Council consider only the fireworks ban. This is a legislative action to consider two emergency ordinances or alternatively the same two ordinances as non-emergency ordinances, with one ordinance enacting a temporary ban in the City on certain types of outdoor fires until October 1, 2012, and the other temporarily prohibiting in the City the sale and use of permissible fireworks until October 1, 2012. This action would be similar in many respects to Larimer County's bans on "open fires" and on the sale and use of all fireworks, which were enacted by the County Commissioners by resolution on June 19, 2012. The mayor opened the public hearing at 8:24 p.m. and hearing no comments closed the hearing at 8:24 p.m. Discussion ensued. Council consensus supported the emergency ordinance for the temporary fireworks ban.

a) Ordinance This ordinance was not considered by Council: "AN EMERGENCY ORDINANCE TEMPORARILY BANNING CERTAIN OUTDOOR FIRES WITHIN THE CITY OF LOVELAND UNTIL OCTOBER 1, 2012".

b) Ordinance #5696 Councilor Shaffer moved to approve and ordered published on the first and only reading "AN EMERGENCY ORDINANCE TEMPORARILY PROHIBITING THE SALE AND USE OF PERMISSIBLE FIREWORKS IN THE CITY OF LOVELAND UNTIL OCTOBER 1,

2012". Councilor Trenary seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**11. CITY ATTORNEY**  
**SPECIAL MUNICIPAL ELECTION**  
**Resolution #R-52-2012**

City Attorney John Duval introduced this item to Council. This is an administrative action to adopt a resolution: (1) calling for a special election to be held on November 6, 2012, as a coordinated election with Larimer County; (2) allowing this special election to be governed by the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election with Larimer County; and (3) directing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to conduct its special election on November 6, 2012 as a coordinated election with Larimer County. City Attorney Duval stated an ordinance to approve an IGA with the county will be brought to Council at a future date. Councilor Shaffer moved to approve Resolution #R-52-2012 calling for a special municipal election to be held on November 6, 2012, for the purpose of filling a Council vacancy in Ward 4 and to authorize the Loveland City Clerk to notify the Larimer County Clerk and recorder of the City of Loveland's intention to conduct this special election as a coordinated election with Larimer County. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**RESOLUTION #R-52-2012**

A RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, FOR THE PURPOSE OF FILLING A COUNCIL VACANCY IN WARD 4 AND TO AUTHORIZE THE LOVELAND CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO CONDUCT THIS SPECIAL ELECTION AS A COORDINATED ELECTION WITH LARIMER COUNTY

WHEREAS, on July 10, 2012, Cathleen A. McEwen, a Ward 4 councilmember and Mayor Pro Tem, submitted her written resignation as a councilmember, thus creating a vacancy on the City Council; and

WHEREAS, Loveland Charter Section 3-7(d) provides that when a vacancy occurs in the office of a councilmember, it shall be filled for the remainder of the term at a special election to be scheduled and held as provided in Charter Section 6-3; and

WHEREAS, Charter Section 3-7(f) provides that if a general statewide election will be held within one hundred eighty (180) days of when a Council vacancy occurs, the vacancy must be filled at a special election held on the date of that upcoming statewide election; and

WHEREAS, a general statewide election is currently scheduled to occur on November 6, 2012, which is within one hundred eighty (180) days of Councilmember McEwen's resignation on July 10, 2012 and, therefore, the Council is required by Charter Section 3-7(f) to call a City special election to be held on November 6, 2012; and

WHEREAS, Charter Section 6-3 provides that this special election must be called by resolution adopted by Council at least thirty (30) days prior to the election and that the resolution shall set forth the purpose of the election; and

WHEREAS, C.R.S. § 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder at least one hundred (100) days before the upcoming general statewide election of the City's intention to so participate with Larimer County in that election; and

WHEREAS, Charter Section 6-1 provides that City elections are to be governed by the provisions of the Colorado Municipal Election Code of 1965 (C.R.S. Section 31-10-101, et seq) ("the Municipal Election Code"), except as otherwise provided by the City Charter or by City ordinance; and

WHEREAS, C.R.S. §31-10-102.7 of the Municipal Election Code provides that any municipality may provide by ordinance or by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1



to 13 of Title 1 of the Colorado Revised Statutes, ("the Uniform Election Code") in lieu of the requirements and procedures of the Municipal Election Code for any election; and

WHEREAS, it is the intent of the City Council that a City special election shall be held on November 6, 2012, to fill this vacancy in Ward 4 and that it be conducted as a coordinated election with Larimer County in accordance with the applicable provisions of the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election and, in all other respects, the City's special election on November 6, 2012, shall be governed by applicable provisions of the Municipal Election Code, the City Charter, and City ordinances.

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

Section 1. That pursuant to Charter Sections 3-7(d) and 6-3, a special election of the City of Loveland, Colorado is hereby called and shall be held on November 6, 2012 as a coordinated election with Larimer County.

Section 2. That the purpose of this special election shall be to fill the council vacancy in Ward 4 for the remainder of former Councilmember McEwen's unexpired term.

Section 3. That the City's November 6, 2012, special election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with Larimer County and, in all other respects, the City's special election on November 6, 2012, shall be governed by the applicable provisions of the Municipal Election Code, the City Charter, and City ordinances.

Section 4. That pursuant to C.R.S. §1-7-116(5), the City Clerk is hereby directed to notify the Larimer County Clerk and Recorder of the City's intent to conduct its special election on November 6, 2012, as a coordinated election with Larimer County.

Section 5. That this Resolution shall become effective on the date and at the time of its adoption.

DATED and ADOPTED this 17th day of July, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

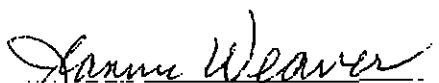
**12. CITY MANAGER  
ELECTION OF MAYOR PRO-TEM**

Mayor Gutierrez called for nominations for Mayor Pro-Tem. Councilor Taylor nominated Daryle Klassen. Councilor Shaffer nominated Ralph Trenary. A roll call vote was taken resulting in a 4 to 4 tie vote with Councilors Taylor, Klassen, McKean and Fogle voting for Daryle Klassen and Councilors Farley, Shaffer, Trenary and Gutierrez voting for Ralph Trenary. The position of Mayor Pro-Tem will be left open until after the Ward 4 council vacancy has been filled or until a councilmember contacts the Mayor and a new vote is requested. City Attorney Duval added that Council can appoint, as needed, a councilmember to conduct meetings and sign documents in the Mayor's absence.

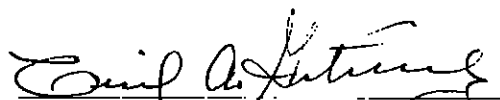
**ADJOURNMENT**

Having no further business to come before Council, the July 17, 2012 Regular Meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

  
Jeannie Weaver, Deputy City Clerk



  
Cecil A. Gutierrez, Mayor