

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 Taylor read the proclamation which was accepted by Mike Knight.
Proclamation

WHEREAS The City of Loveland recognizes the importance of assisting Loveland families and individuals living in or near poverty in 2013; and

WHEREAS More than 50% of our homeless neighbors in Loveland are families in need of emergency services throughout the year; and

WHEREAS Funding to help our Loveland families living in poverty has actually decreased for 2013; and

WHEREAS We're grateful to the generous people of Loveland who take pride that the Loveland Salvation Army Red Kettle Campaign in an all volunteer effort that insures that 90% of all donations are directly allocated to our Loveland human service agencies in their efforts to reach out to those in greatest need; and

WHEREAS Our primary goal is to continue assisting local programs like the House of Neighborly Service, Neighbor to Neighbor Rental Assistance, Loveland Police Chaplains, Back to School backpacks, Christ's Church of the Rockies Front Porch Meal Ministry, Boys and Girls Club, Disabled Resource Service, Alternatives to Violence, the Community Kitchen and Salvation Army Special Needs Request Fund.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim Friday, the 16th of November, 2012 as
LOVELAND SALVATION ARMY RED KETTLE KICKOFF DAY

In Loveland, Colorado, and in so doing, urge all citizens to join us by volunteering to ring bells for two hours between Thanksgiving and Christmas Eve in a citywide effort to help us reach our goal of \$100,000 to aid and assist needy families and individuals in 2013.

Signed this 6th day of November, 2012

Cecil A Gutierrez
Mayor

PROCLAMATION Councilor Trenary read the proclamation which was accepted Ruth Hale.
Proclamation

WHEREAS, Music, the universal language of peace, is one of the great arts and an outstanding feature of our culture; and

WHEREAS, The National Federation of Music Clubs, having as a foremost objective, the promotion of American music, will stage its annual "Parade of American Music" throughout the month of November; and

WHEREAS, The Colorado Federation of Music Clubs and Loveland join in encouraging and stimulating interest in American music and the enjoyment and appreciation thereof; and

WHEREAS, The "Parade of American Music" is designed to give our own worthy United States composers recognition, encouragement and support, and to impress upon the public of the United States that it has creative as well as performing musical artists and a musical culture equal to that of other countries.

NOW, THEREFORE, we, the City Council of Loveland, in recognition of the American Composer and in order to encourage native creative musical art, do hereby proclaim November, 2012 as

AMERICAN MUSIC MONTH

and urge all our citizens to join in the observance and share the joy of music.

Signed this 6th day of November, 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. Mayor Gutierrez revised the Agenda to not hear items 19 and 20. Any questions that Councilor may have of Staff should be directed to all of Council.

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 removed Item 16. Councilor Shaffer moved to approve the Consent Agenda without item 16. 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 following meetings were approved: October 8, October 9, October 10 and October 16, 2012.

2. PUBLIC WORKS

Municipal Code Amendment – Construction in Floodplains
Ordinance #5717

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT CHAPTER 15.14 AND CHAPTER 18.45 REGARDING CONSTRUCTION IN FLOODPLAINS" was approved and ordered published on second reading.

3. DEVELOPMENT SERVICES

Municipal Code Amendment – Historic Preservation Commission Membership
Ordinance #5718

Legislative Action: "AN ORDINANCE AMENDING SECTION 2.60.130 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO THE HISTORIC PRESERVATION COMMISSION" was approved and ordered published on second reading.

4. CITY MANAGER

Appointment to Historic Preservation Commission
Motion

Administrative Action: A motion appointing Mike Perry to serve as the Loveland Historical Society's member of the Historic Preservation Commission was approved.

5. HUMAN RESOURCES

Compensation of the City Attorney and City Manager

a) Resolution #R-71-2012

Administrative Action: Resolution #R-71-2012 of the Loveland City Council regarding the compensation of the City Attorney was approved.

RESOLUTION #R-71-2012

A RESOLUTION OF THE LOVELAND CITY COUNCIL REGARDING THE COMPENSATION OF THE CITY ATTORNEY

WHEREAS, on April 23, 2001, the City of Loveland ("the City") and John Duval entered into an Agreement appointing John Duval ("Duval") as Loveland's City Attorney effective May 8, 2001 (the "Agreement"); and

WHEREAS, on March 2, 2004, the City and Duval entered into that certain "First Addendum to Employment Agreement" (the "First Addendum") in which paragraph 6.B. of the Agreement was amended to provide a severance payment after Duval's initial three years of employment with the City; and

WHEREAS, in January of 2005, the City and Duval entered into that certain "Second Addendum to Employment Agreement" (the "Second Addendum") in which paragraph 4.B. of the Agreement was amended to provide that the City's contribution to Duval's 401a plan was increased from two and one-half percent (2.5%) of Duval's annual salary to three percent (3%) of Duval's annual salary; and

WHEREAS, on March 3, 2009 City Council adopted Resolution #R-20-2009 increasing the compensation of Duval based on its annual evaluation of Duval in his capacity as City Attorney; and

WHEREAS, on November 3, 2009, City Council adopted Resolution #R-107-2009 that decreased the compensation of Duval through the use of four furlough days based on the economic downturn and to be consistent with the 2010 budget which reduced pay to most city employees through the implementation of four furlough days; and

WHEREAS, on December 7, 2010, City Council adopted Resolution #R-107-2009 that increased Duval's vacation benefits by 5 days annually, increased the annual maximum vacation accrual carryover from 480 hours to 520 hours, as reflected in the "Third Addendum to Employment Agreement" (the "Third Addendum") and excluded furlough days from Duval's compensation; and

WHEREAS, on May 17, 2011, City Council adopted Resolution #R-35-2011 that increased Duval's compensation for 2011 with a one-time, merit-based payment of 2.5 percent (2.5%) of Duval's current annual base salary as reflected in the "Fourth Addendum to Employment Agreement" (the "Fourth Addendum"); and

WHEREAS, on November 1, 2011, City Council adopted Resolution #R-72-2011 Increasing the compensation of Duval based on its annual evaluation of Duval in his capacity as City Attorney; and

WHEREAS, on October 10th and 16th, 2012, pursuant to the terms of the Agreement and Loveland City Charter Section 9-1(g), City Council conducted its annual evaluation of Duval for 2012, and determined that Duval's compensation for 2013 should be increased by three and one half percent (3.5%) of Duval's current annual base salary.

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

Section 1. Duval's compensation for 2013 should be increased by three and one half percent (3.5%) of Duval's current annual base salary.

Section 2. Except as amended by this Resolution and the First Addendum, Second Addendum, Third Addendum and Fourth Addendum, Duval's compensation and benefits as set forth in the Agreement shall remain unchanged and in full force and effect.

Section 3. The Agreement, as amended by the First Addendum, Second Addendum, Third Addendum and Fourth Addendum is hereby reaffirmed and ratified.

Section 4. Adequate cash reserves have been and shall be placed Irrevocably in the City budget to be held for any severance payment made necessary pursuant to the terms of the Agreement.

Section 5. This Resolution shall take effect on the date and at the time of its adoption.

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

b) Resolution #R-72-2012

RESOLUTION #R-72-2012

A RESOLUTION OF THE LOVELAND CITY COUNCIL REGARDING THE COMPENSATION OF THE CITY MANAGER

WHEREAS, on September 14, 2010, the City of Loveland ("the City") and William D. Cahill entered into an Agreement appointing William D. Cahill ("Cahill") as Loveland's City Manager effective November 1, 2010 (the "Agreement"); and

WHEREAS, on November 1, 2011, City Council adopted Resolution #R-71-2011 increasing the compensation of Cahill based on its annual evaluation of Cahill in his capacity as City Manager; and

WHEREAS, on October 10th and 16th, 2012, pursuant to the terms of the Agreement and Loveland City Charter Section 8-1(d), City Council conducted its annual evaluation of Cahill for 2012, and determined that Cahill's compensation for 2013 should be increased by three and one half percent (3.5%) of Cahill's current annual base salary.

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

Section 1. Cahill's compensation for 2013 should be increased by three and one half percent (3.5%) of Cahill's current annual base salary.

Section 2. Except as amended by this Resolution, Cahill's compensation and benefits as set forth in the Agreement shall remain unchanged and in full force and effect.

Section 3. The Agreement is hereby reaffirmed and ratified.

Section 4. Adequate cash reserves have been and shall be placed irrevocably in the City budget to be held for any severance payment made necessary pursuant to the terms of the Agreement.

Section 5. This Resolution shall take effect on the date and at the time of its adoption.

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

6. PUBLIC WORKS

IGA – TRAFFIC SIGNAL INTERCONNECT SYSTEM

Resolution #R-73-2012

Resolution #R-72-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Colorado Department of transportation, for design and construction of a Traffic Signal Interconnect System expansion along regionally-significant corridors was approved.

RESOLUTION #R-72-2012

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR DESIGN AND CONSTRUCTION OF A TRAFFIC SIGNAL INTERCONNECT SYSTEM EXPANSION ALONG REGIONALLY-SIGNIFICANT CORRIDORS

WHEREAS, the City of Loveland desires to design and construct a traffic signal interconnect system expansion along regionally-significant corridors within the City of Loveland (the "Project"), which is to be funded, in part, by federal-aid funds administered and made available through the State of Colorado, acting by and through the Colorado Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of Eight Hundred and Eighty-three Thousand Dollars (\$883,000); and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the "State of Colorado Department of Transportation Agreement with City of Loveland," attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

7. PUBLIC WORKS

IGA – Pass thru grant assistance for Berthoud Rural Transit

Resolution #R-74-2012

Administrative Action: Resolution #R-74-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Town of Berthoud, Colorado for 2012 Rural Larimer County Transit Services was approved.

RESOLUTION #R-74-2012

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE TOWN OF BERTHOUD, COLORADO FOR 2012 RURAL LARIMER COUNTY TRANSIT SERVICES

WHEREAS, in 2012, the City of Loveland became the designated recipient of federal funds made available by the Federal Transit Administration to support public transportations in rural areas ("5311 Funds"); and

WHEREAS, the City of Loveland and the Town of Berthoud desire to cooperate with one another to use the 5311 Funds made available to Loveland to support public transportation services provided by Berthoud to rural residents who reside within a designated area of Larimer County; and

WHEREAS, as governmental entities in Colorado, the City and Berthoud are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement for 2012 Rural Larimer County Transit Services, attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

8. PUBLIC WORKS

Agricultural Farming Lease

Resolution #R-75-2012

Administrative Action: Resolution #R-75-2012 approving an Agricultural Farming Lease with Dennis Orback for real property owned by the City of Loveland near the intersection of State Highway 402 and Interstate 25 was approved.

RESOLUTION #R-75-2012

A RESOLUTION APPROVING AN AGRICULTURAL FARMING LEASE WITH DENNIS ORBACK FOR REAL PROPERTY OWNED BY THE CITY OF LOVELAND NEAR THE INTERSECTION OF STATE HIGHWAY 402 AND INTERSTATE 25

WHEREAS, the City of Loveland is the owner of certain real property located within the City of Loveland near the Intersection of State Highway 402 and Interstate 25 and legally described as set forth in Exhibit A to the attached Agricultural Farming Lease ("Property"); and

WHEREAS, Dennis Orback desires to lease the Property from the City for the purposes of agricultural farming; and
WHEREAS, the City Council desires to lease the Property to Mr. Orback on the terms and conditions set forth in the
Agricultural Farming Lease.

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

Section 1. That the Agricultural Farming Lease, attached hereto as Exhibit A and incorporated herein by reference ("Lease"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Lease in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Lease on behalf of the City.

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

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

9. AIRPORT

Supplemental Appropriation & Authorization for Grant Agreement

a) **Resolution #R-76-2012** Administrative Action: Resolution #R-76-2012 authorizing the City Manager to execute a grant agreement with the State of Colorado Division of Aeronautics (CDAG #13-FNL-S01) for equipment, improvements and funding pertaining to the Fort Collins-Loveland Municipal Airport was approved.

RESOLUTION #R-76-2012

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF COLORADO DIVISION OF AERONAUTICS (CDAG #13-FNL-S01) 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 2009 ("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 have applied for a grant (CDAG #13-FNL-S01) attached hereto as Exhibit A and incorporated by reference (the "Grant Agreement"), from the Division which provides additional funding for such Airport projects of nine thousand dollars (\$9,000.00), subject to the Cities providing matching funds of nine thousand dollars (\$9,000.00).

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 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

b) 1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET FOR THE PURCHASE OF SNOW REMOVAL EQUIPMENT" was approved and ordered published on first reading.

10. FINANCE

Supplemental Appropriation Finalize 2012 City Budget

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 CITY OF LOVELAND BUDGET" was approved and ordered published on first reading.

11. FINANCE

Supplemental Appropriation 2012 Special Improvement District #1

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO LOVELAND SPECIAL IMPROVEMENT DISTRICT #1 2012 BUDGET AND AUTHORIZING DISTRICT BOND PREPAYMENT" and approved and ordered published on first reading.

At 6:17 p.m. the City Council adjourned and convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

12. FINANCE

Supplemental Appropriation Loveland Urban Renewal Authority

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY" was approved and ordered published on first reading.

At 6:17 p.m. the Board of Commissioners for the Loveland Urban Renewal Authority adjourned and convened as the Board of Directors for the Loveland General Improvement District #1 (GID)

13. FINANCE

Supplemental Appropriation General Improvement District #1

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2012 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 BUDGET FOR DOWNTOWN PARKING IMPROVEMENTS" was approved and ordered published on first reading.

At 6:17 p.m. the Board of Directors for the Loveland General Improvement District #1 adjourned and reconvened as City Council.

14. HUMAN RESOURCES

2013 Pay Plan Amendment – Police Department Step Plan

1st Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE AMENDING ORDINANCE 5709 TO REMOVE FROM THE 2013 PAY PLAN AND ADOPT A REVISED POLICE DEPARTMENT STEP PLAN FOR NINE (9) DESIGNATED POLICE DEPARTMENT POSITIONS" was approved and ordered published on first reading.

15. WATER & POWER

Municipal Code Amendment – Water Rights for Service Outside City Limits

1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 19.04.023 REGARDING WATER RIGHTS FOR SERVICE OUTSIDE THE CITY LIMITS" was approved and ordered published on first reading.

16. CITY MANAGER

Amend City of Loveland Investment Policy

1st Rdg Ord. & P.H. This item was removed from the consent agenda.

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

Brian Uhlenbrock, 245 W. 8th spoke to Council regarding a broken water main that he believes caused damage to a porch on his property. Council referred this matter to the City Manager who directed staff to review and resolve and provide an update to Council.

b) Business from Council

Trenary Councilor Trenary encouraged citizens to apply for a position one of the City's Boards and Commissions. He announced the next Larimer County Workforce Center Employers' Roundtable will be at the Police Institute on November 9th and the topic is "A General Overview of Employer law". The 6th Annual Northern Colorado Veterans Stand

Down will be held Friday, November 9th, 2012 from 9:00 AM – 1:00 PM at Catholic Charities Northern-The Mission at 460 Linden Center Drive, Fort Collins. Information and many services will be available to assistance veterans. This Friday is "A Night on the Town" event in downtown Loveland. On Saturday, Councilor Trenary is attending his high school alma mater and taking swing dance lessons. Sunday is Veteran's Day in Loveland with many activities throughout the day. Pathways Hospice, 305 Carpenter Rd, Fort Collins, is hosting a Veterans Day Ceremony on November 12th from 3-4 pm.

Shaffer Councilor Shaffer attended the McKee Medical Center Foundation – Gatsby Gala at the Embassy Suites in Loveland on November 3rd. Proceeds help fund the Stepping Stone Adult Day program. She participated, on Friday, in the interview process for the Executive Director for the North Front Range Metropolitan Planning District. "Fall into Jewels", the sixth annual jewelry benefit for House of Neighborly Service, is Thursday, Nov. 8, at Fountains of Loveland (La Quinta), 1480 Cascade Avenue from 5:30-8:30 p.m.

Fogle Councilor Fogle mentioned the Loveland Historical Society now has a representative serving on the Historic Preservation Commission. He also attended the McKee Medical Center Foundation Gala event. The Rotary Club had a used/recycled art auction benefitting Stepping Stones.

Farley Councilor Farley mentioned a new show is opening this weekend at the Museum, called "Dave Yust 40+ Years of Printmaking: A Retrospective". A presentation and book signing by Loveland author, David Jessup, for his book "Mariano's Crossing", will be at the Library (Gertrude Scott Room) on Friday, November 9th.

Gutierrez Mayor Gutierrez mentioned Group Publishing gave out \$61,000 dollars to 28 organizations this past month. The Mayor gave out the award to Habitat for Humanity Construction and Geometry Class at Loveland High School. He mentioned he attended CSU's Everett School of Real Estate forum last week. The First Annual Loveland Homeless Connect was held on November 2nd at Truscott Elementary. This event was a one-stop shop for the homeless or near homeless in the community and offered housing services, eye exams, medical screenings, bike repair, haircuts and more. The Mayor thanked Leah Johnson, Alison Hade and Glorie Magrum for their work on this event. He mentioned the Loveland High School Crimson Regiment Band took the bronze medal at the state championships.

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

16. CITY MANAGER

Amend City of Loveland Investment Policy

1st Rdg Ord. & P.H.

Legislative Action: Executive Fiscal Advisor Alan Krcmarik introduced this Item to Council. This is a legislative action to adopt an ordinance on first reading that will provide for more discretion in the management of the City's investment portfolio. The proposed ordinance implements a change to the City's Investment Policy Section VIII regarding prohibited investments. The specific provisions currently in place provide that investments that fall in a credit rating below the required level for acquisition are to be sold as soon as practical. The proposed change allows the City to conduct analysis of the downgraded investment to determine the risk of default prior to maturity and sets up a procedure to allow downgraded securities to be held to maturity or to a more profitable time. The purpose is to reduce realized losses to the City's portfolio. The impetus for the policy change is a series of downgrades by rating agencies of securities issued by highly rated banks and financial institutions. All corporate securities held by the City are high quality investment grade. The Mayor opened the public hearing 7:17 pm and hearing no comments closed the meeting at 7:17 pm. Councilor Shaffer moved to approve and ordered published on first reading "AN ORDINANCE AMENDING THE CITY OF LOVELAND INVESTMENT POLICY". Councilor Trenary seconded the motion and a roll call vote was held with all Councilors present voting in favor thereof

17. DEVELOPMENT SERVICES

Amend Mirasol Community General Development Plan

Ordinance #5719

Councilor Fogle recused himself from hearing this item because his wife is an employee of Mirasol.

Quasi-judicial Action: This is a quasi-judicial action to consider an ordinance on second reading that would amend the density, maximum number of units and off-street parking ratios established in the Mirasol Community General Development Plan. The Mirasol PUD consists of 24 acres located south of 4th Street SE, east of S. Madison Avenue and west of S. St. Louis Avenue. The applicant is the Housing Authority of the City of Loveland. Councilor Shaffer move to approve and ordered published on second reading "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR PROPERTY LOCATED IN THE "MIRASOL FIRST SUBDIVISION" TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO", subject to the Planning Commission conditions set forth in Section III of the City Council staff memorandum dated October 16, 2012. Councilor Farley seconded the motion and a roll call vote was taken with all Councilors present voting to approve.

Conditions (Section II of the City Staff Memo dated October 16, 2012)

Transportation Development Review

1. Prior to the issuance of any building permit within Lots 1 and 2, Block 2 of the Mirasol Second Subdivision, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal code, the Developer shall design and construct the ultimate adjacent improvements to Saint Louis Avenue, unless designed and constructed by others.
2. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

Water/Wastewater

3. St. Louis Avenue Improvements; Prior to issuance of any building permits within Block 2, Lot 1 of the Property, the Developer shall install that portion of the 24-inch waterline located in South St. Louis Avenue.

18. WATER & POWER

**IGA – High Park Fire Reclamation Work
Resolution #R-77-2012**

Administrative Action: Larry Howard with the Water & Power Department introduced this item. This is an administrative action to adopt a resolution approving an intergovernmental agreement with Greeley to share in the cost of reclamation work along Buckhorn Creek, which is tributary to the Big Thompson River, necessitated by damage resulting from the High Park Fire this summer. This work benefits Loveland's residents by protecting river flows and reservoirs within the city from potentially high levels of ash filled "black water" pollution as a result of runoff and erosion in the burn area. The work does not serve to protect the city's sources of drinking water from the Big Thompson River, which fortunately were not affected by the High Park Fire. Councilor Shaffer moved to approve Resolution #R-77-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the City of Greeley, Colorado for High Park fire reclamation work on Buckhorn Creek. Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting to approve.

RESOLUTION #R-77-2012

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE CITY OF GREELEY, COLORADO FOR HIGH PARK FIRE RECLAMATION WORK ON BUCKHORN CREEK

WHEREAS, the City of Greeley entered into a contract with Western States Reclamation for reclamation work along areas of Buckhorn Creek affected by the High Park Fire; and

WHEREAS, the reclamation work performed by Western States Reclamation was necessary to protect Greeley's water sources from pollution caused by the fire and fire-related runoff, and to protect the Big Thompson River from ash-filled "black water" flows; and

WHEREAS, although Loveland's water source on the Big Thompson River is not affected by the High Park Fire because Loveland's diversion point is above the Big Thompson River's confluence with Buckhorn Creek, Loveland nevertheless benefited from the reclamation work because Greeley stores some of its water diverted from this area in reservoirs located within Loveland, and the Big Thompson River flows through Loveland; and

WHEREAS, Loveland desires to acknowledge this benefit by reimbursing Greeley a portion of the total cost of the reclamation work; and

WHEREAS, as governmental entities in Colorado, Loveland and Greeley are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the Mayor and the City Manager are hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the Mayor, the City Manager, and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 6th day of November, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

Items 19 and 20 were not heard.

19. FINANCE

September 2012 Financial Report

Information Only

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves year to date, ending September 30, 2012.

20. CITY MANAGER

Investment Report for September 2012


Information Only

The budget estimate for investment earnings for 2012 is \$2,729,560. Through September 2012, the amount posted to the investment account is \$2,087,650 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$36,838. Based on the August monthly statement, the estimated annualized yield on the U.S. agencies and corporates was to 1.27%, well under the annual target rate of 1.7% for 2012. Reinvestment rates are still near record low levels, much lower than the budget projection.

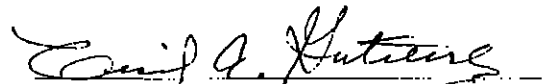
ADJOURNMENT

Having no further business to come before Council, the November 6, 2012 Regular Meeting was adjourned at 8:02 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor