

BOARD & COMMISSION APPOINTMENTS

Motion to approve the following appointments:

- Appoint Richard Zlamany as a regular member of the Senior Advisory Board for a partial term effective until December 31, 2012
- Appoint Anne Brown to the Senior Advisory Board as the representative for Senior Singles for a two-year term effective until February 19, 2015
- Appoint Bob Massaro to the Planning Commission for a partial term effective until December 31, 2013

This is an administrative action recommending the appointment of members to the Senior Advisory Board and Planning Commission.

3. DEVELOPMENT SERVICES (presenter: Bethany Clark)

HISTORIC DESIGNATION – ELKS LODGE/LOVELANDER HOTEL

Motion to approve and order published on second reading an ordinance designating as a Historic Landmark the Elks Lodge/Loveland Hotel located at 103 East 4th Street in Loveland, CO.

This is a legislative action to adopt an ordinance on second reading designating as a Historic Landmark the “Elks Lodge/Loveland Hotel” at 103 East 4th Street, per Chapter 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff reviewed the benefits and obligations of historic designation with the property owner. The first reading of the ordinance was approved unanimously by City Council at the February 5, 2013 meeting.

4. PUBLIC WORKS (presenter: John Hartman)

TRAFFIC SIGNAL REPLACEMENT – U.S. 34 & BOYD LAKE AVENUE

Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland Budget for signal replacement and other improvements at the intersection of U.S. 34 and Boyd Lake Avenue

This is an administrative action. The City has received a federal grant with state matching funds through the Federal Hazard Elimination program for the signal replacement and other improvements at the US 34 and Boyd Lake Avenue intersection. This item consists of consideration of the second reading of an ordinance to appropriate the federal and state funds for the project. The first reading of the Ordinance was approved unanimously by City Council at the February 5, 2013 meeting.

5. PUBLIC WORKS (presenter: Dave Klockeman)

RAILROAD CROSSING REPAIR – U.S. HWY 287

Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland Budget for railroad crossing repairs on U.S. 287

This is an administrative action. The ordinance appropriates the grant funds. Council approved the first reading unanimously on February 5, 2013.

6. PARKS & RECREATION (presenter: Rob Burdine)

AWARD OF CONSTRUCTION CONTRACT – RIVER’S EDGE NATURAL AREA

Motion to approve and award a services contract to Taylor Kohrs, LLC for a lump sum cost of \$1,373,834, and authorize the City Manager authority to sign the contract. The lump sum cost is the base bid amount of \$1,343,241.58 along with an addition of \$30,592.42 for an increase in the amount of rock/boulder work not included in the request for bids

This is an administrative action for authorization to enter into a contract to retain the

services of Taylor Kohrs, LLC as the general contractor to complete the construction of the River's Edge Natural Area Project.

7. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
VACATING PORTION OF DRAINAGE EASEMENTS- MINERAL FIRST SUBDIVISION
Motion to make the finding in Section V of the staff memorandum dated February 19, 2013 and based on those findings, approve and order published on first reading an ordinance vacating a portion of drainage easements on Lots 5 and 6, Block 1, Mineral First Subdivision, City of Loveland
This is a public hearing and legislative action to adopt an ordinance on first reading vacating portions of two drainage easements on Lots 5 and 6, Block 1, Mineral First Subdivision. The applicant is Boulder Creek Builders.
8. **FINANCE** (presenter: John Hartman)
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION-FLEET AND POLICE FUNDS
Motion to approve and order published on first reading an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for expenses related to the cost of fuel and parts for the operation of the city fleet and for police overtime expenses for special investigations
This is an administrative action. The ordinance appropriates revenues received in 2012 and fund balance to the 2012 budget for vehicle maintenance expenses and police overtime costs. The appropriation is necessary so that 2012 expenses do not exceed the appropriated amount in the Vehicle Maintenance Fund and the Police Seizure and Forfeiture Fund.
9. **PUBLIC WORKS AND FINANCE** (presenter: Dave Klockeman)
AWARD CONSTRUCTION CONTRACT – COULSON EXCAVATING COMPANY
Motion to award a construction contract for the 2013 Street Resurfacing Program, Asphalt Paving Contract (Schedule AP) to Coulson Excavating Company of Loveland, CO in the amount of \$1,550,000 and authorize the City Manager to execute the contract
This is an administrative action to award the 2013 Street Resurfacing Program, Asphalt Paving Contract (Schedule AP) to Coulson Excavating Company of Loveland, CO in the amount of \$1,550,000 and Authorization for City Manager to execute the contract.
10. **PUBLIC WORKS AND FINANCE** (presenter: Dave Klockeman)
AWARD CONSTRUCTION CONTRACT- JAG'S ENTERPRISES, INC.
Motion to approve the extension of the 2013 Street Resurfacing Program-Concrete Rehabilitation Project Schedule TA to JAG's Enterprises, Inc. of Greeley, CO in the amount of \$650,000 and to authorize the City Manager to execute the contract
This is an administrative action to approve extending the existing 2011 Street Resurfacing Program-Concrete Rehabilitation Project to JAG's Enterprises, Inc. of Greeley.
11. **PUBLIC WORKS** (presenter: Ken Cooper)
PUBLIC HEARING
SALE OF CITY PROPERTY – 905, 915, 925, 933 AND 935 N. TAFT AVENUE.
Motion to approve and order published on first reading an ordinance authorizing the sale of 905, 915, 925, 933 and 935 Taft Avenue

This is an administrative action approving the sale of approximately 5.2 acres of City-owned property located at 905, 915, 925, 933 and 935 N. Taft Avenue, which were parcels acquired for the Taft Avenue widening project.

12. **DEVELOPMENT SERVICES** (presenter: Greg George)
PUBLIC HEARING

CONVEYANCE OF PROPERTY – BUCK FOURTH SUBDIVISION

Motion to approve and order published on first reading an ordinance authorizing the conveyance of real property located in Lots 1 and 2, Block 1 and Tract C, Buck Fourth Subdivision, City of Loveland, Larimer County, Colorado

This is an administrative action to approve an ordinance on first reading authorizing the conveyance of a parcel of real property owned by the City and used as a part of an existing regional detention pond to the current owner of Lots 1 and 2, Block 1 and Tract C, Buck Fourth Subdivision in return for a permanent exclusive easement over such property to permit continued operation of the regional detention pond and a new utility easement. The conveyance and the new easement are intended to clean up title defects resulting from modifications made in the Buck 4th Subdivision plat for a development that has never occurred and preserve the City's right to maintain the detention pond and sewer line in their existing locations.

13. **WATER & POWER** (presenter: Steve Adams)
INTERGOVERNMENTAL AGREEMENT – JOINT COMPENSATION STUDY

Motion to approve Resolution #R-17-2013, of the Loveland City Council approving an intergovernmental agreement between the City of Loveland, Colorado, Platte River Power Authority, the Town of Estes Park, the City of Fort Collins, and the City of Longmont for participation in a Joint Compensation Study

This is an administrative action to approve an intergovernmental agreement with Platte River Power Authority, Estes Park, Fort Collins and Longmont for participation in a joint compensation study for certain power utility positions.

14. **CITY MANAGER** (presenter: Bill Cahill)
PUBLIC HEARING

AMENDMENT TO MUNICIPAL CODE PERTAINING TO SENIOR ADVISORY BOARD

Motion to approve and order published on first reading an ordinance amending Section 2.60.240 of the Loveland Municipal Code pertaining to the Senior Advisory Board

This is a legislative action to adopt an ordinance on first reading amending Section 2.60.240 relating to the Senior Advisory Board membership.

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

15. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the January 22, 2013 study session
This is an administrative action. This item is on the regular agenda as not all Councilors were present at the meeting.

16. **WATER & POWER** (presenter: Jim Lees)
PUBLIC HEARING
WATER ENTERPRISE FUNDING
Motion to approve on first reading Resolution #R-16-2013, concerning funding for the Water Enterprise to improve the Water Treatment Plant and undertake a comprehensive water line replacement program
This is an administrative action to adopt a resolution on first reading that provides funding mechanisms for the Water Enterprise through external and internal loans, a series of rate increases, and an annual transfer of funds from the General Fund to the Water Enterprise. This funding will be used to improve the Water Treatment Plant and undertake a comprehensive water line replacement program.

17. **CITY MANAGER** (presenter: Rod Wensing)
EXTENSION OF COMCAST FRANCHISE AGREEMENT
Motion to approve and order published on second reading and ordinance amending the Cable Franchise Agreement between the City of Loveland, Colorado and Comcast of Colorado II, LLC to extend the term of the existing Franchise Agreement
This is an administrative action. The ordinance moves the expiration of the current cable franchise from April 30, 2013 to December 31, 2013. Council approved this ordinance on February 5, 2013 with eight voting in favor and one against.

18. **FINANCE** (presenter: Brent Worthington)
DECEMBER 2012 PRELIMINARY FINANCIAL REPORT
This is an information only item. No Council action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending December 31, 2012.

19. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR DECEMBER 2012
This is an information only item. No Council action is required. The budget estimate for investment earnings for 2012 was \$2,729,560. Through December 2012, the amount

posted to the investment account is \$2,520,033 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$209,525. Based on the monthly statement, the estimated annualized 1.22% yield on the securities held by USBank was down from last month and under the annual target rate of 1.70% for 2012. Reinvestment rates are near record low levels, much lower than the budget projection.

**20. CITY MANAGER
Proposed Executive Session concerning *Bierwaltes v. City of Loveland litigation***

**21. CITY MANAGER
SETTLEMENT OF THE *KLEN V. CITY OF LOVELAND* LAWSUIT
Motion to adopt Resolution #R-18-2013, approving the settlement of the *Klen v. City of Loveland* lawsuit**

This is an administrative matter to consider a resolution approving the Material Terms of Settlement Agreement (“Agreement”) pertaining to the Klen Lawsuit against the City and several City employees, on the condition that the settlement payment under the Agreement will be made by the City’s insurer, the Colorado Intergovernmental Risk Sharing Agency (“CIRSA”). The resolution also authorizes the City Manager, in consultation with legal counsel appointed by CIRSA, to enter into a formal “Final Settlement Agreement” on the City’s behalf.

ADJOURN