

**LOVELAND CITY COUNCIL MEETING
TUESDAY, APRIL 2, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING APRIL 9, 2013, AS "NATIONAL SERVICE RECOGNITION DAY"

PROCLAMATION DECLARING APRIL 21-27, 2013, AS "NATIONAL CRIME VICTIMS' RIGHTS WEEK"

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

- CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the March 19, 2013 regular meeting
This is an administrative action to approve the Council minutes.

2. **DEVELOPMENT SERVICES** (presenter: Bethany Clark)
HISTORIC DESIGNATION LOVELAND ELKS LODGE-ORDINANCE AMENDMENT
A motion to approve on second reading an Ordinance amending Ordinance #5743 and designating as a Historic Landmark the Loveland Elks Lodge/Loveland Hotel located at 103 East 4th Street in Loveland, Colorado
A public hearing to consider a legislative action to adopt an ordinance on first reading amending Ordinance #5743 and designating as a Historic Landmark the "Loveland Elks Lodge" at 103 East 4th Street. This ordinance modifies the name under which the historic structure located at 103 East 4th Street is designated. The first reading of the ordinance was approved unanimously by City Council at the March 19, 2013 meeting.
3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
PUBLIC NOTICE REQUIREMENTS
A motion to approve an ordinance repealing and reenacting chapter 18.05, repealing section 16.16.070, and enacting a new chapter 16.18 regarding public notice requirements for land use and zoning matters
A legislative action to consider first reading of an ordinance to approve a staff-initiated text amendment to the Subdivision and Zoning Codes to modify requirements related to provisions for public notices. The notice requirements for oil and gas development will be established in a separate amendment, which is scheduled for Planning Commission on April 22nd and Council on May 21st.
4. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
EXCEPTION TO THE ADEQUATE COMMUNITY FACILITIES ORDINANCE FOR THE BRINKMAN NORTH CATALYST PROJECT
A motion to approve a resolution #R-24-2013 for an exception to the adequate community facilities ordinance pursuant to Section 16.16.050(c) of the Loveland Municipal Code for a proposed building to be constructed at 541 N. Lincoln Ave., Loveland, Colorado
This is an administrative action. The resolution would approve an exception from the Adequate Community Facilities (ACF) ordinance. The exemption would allow for the final approval of the Site Development Plan on the Brinkman North Catalyst project. The ACF exemption is required because the parking will be accessed from the public alley. The current standard for alleys are twenty trips per day at peak hour, the project increases the peak trips to thirty. The slight increase in traffic will not cause significant impact to the alley or require additional capital improvements by the City.
5. **PUBLIC WORKS** (presenter: Dave Klockeman)
PUBLIC HEARING
IGA WITH CDOT MADISON AVENUE PEDESTRIAN IMPROVEMENTS
 1. **A motion to approve a resolution #R-25-2013 for an Intergovernmental Agreement Between the City of Loveland, Colorado and the State of Colorado, Acting By and Through the Department of Transportation, For Design and Construction of new sidewalk, curb and gutter, and street lights along the east side of Madison Avenue from the intersection of East 29th Street and Madison Avenue north to Seven Lakes Drive**
 2. **Public Hearing and consideration of an ordinance on first reading enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for a state grant to construct sidewalk, street and gutter improvements and street**

lights along the east side of Madison Avenue from 29th Street north to Seven Lakes Drive

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

**6. PUBLIC WORKS (presenter: Keith Reester)
RECYCLEBANK AGREEMENT FOR SOLID WASTE PROGRAM**

A motion to approve Recyclebank Agreement for Solid Waste Program

This is an administrative action. Costs and benefits of partnering with Recyclebank were discussed during the September 2013 study session. City Council directed staff to prepare an agreement with Recyclebank for the City Manager's signature, under the terms presented during the study session. This agenda item formalizes that Council direction. This partnership is designed to increase community recycling tonnages and divert more recyclable materials from the landfill, by rewarding citizens for their recycling efforts. The program includes a sophisticated marketing and education program encouraging city residents to do business with local merchants who choose to partner with Recyclebank at no cost. Net annual cost will be \$62,000. No rate impact is anticipated to occur as a result of this change.

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

7. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF COUNCIL MINUTES

Motion to approve minutes from the March 12, 2013 study session.

This is an administrative action to approve the Council minutes. This item is on the

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regular agenda as not all Councilors were present at the meeting. Councilor Shaffer was absent.

8. **WATER AND POWER** (presenter: Jackie Sargent)
PLATTE RIVER POWER AUTHORITY PRESENTATION
Introduction of new Platte River Power Authority (PRPA) General Manager, Jackie Sargent and her presentation on PRPA
This is an information only item. The purpose of this item is to introduce the new PRPA General Manager, Jackie Sargent. Ms. Sargent will give a presentation about PRPA.
9. **DEVELOPMENT SERVICES** (presenter: Karl Barton)
LOVELAND/JOHNSTOWN INTERGOVERNMENTAL AGREEMENT
This study session item is an informative presentation on a conceptual outline draft of an IGA between Loveland and Johnstown. The IGA would establish a process for the two municipalities to cooperate on matters regarding annexation in the area along the I-25 corridor and to agree on a common Growth Management Area (GMA) boundary. The agreement would establish a process for determining which municipality would annex land within an area that would remain within the GMA boundaries of both municipalities, referred to as the "overlap area". The IGA also contains terms committing the two municipalities to cooperate in the future in infrastructure planning and preserving development opportunities in the Overlap Area.
10. **FINANCE** (presenter: Brent Worthington)
ADMINISTRATIVE FEE FOR NO PROOF OF INSURANCE (NPOI)
Information related to an administrative fee for cases where there was a failure to provide proof of insurance (NPOI) that is later dismissed
This is an information only item. Following Citizen Comment at the Council meeting February 5, 2013, Council requested a review of the fee for failure to provide proof of insurance or No Proof of Insurance (NPOI). This item describes the fee imposed on motorists cited with NPOI, and provides background on the development of the fee and a comparison of processes used by other Colorado municipalities.
11. **FINANCE** (presenter: Brent Worthington)
FEBRUARY 2013 FINANCIAL REPORT
This is an information only item. No 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 February 28, 2013.
12. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR FEBRUARY 2013
This is an information only item. No action is required. The budget estimate for investment earnings for 2013 is \$2,760,560. Through February, the amount posted to the investment account is \$363,425 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$77,620. Based on the monthly statement, the estimated annualized 1.01% yield on the securities held by US Bank was down from last month and under the annual target rate of 1.20% for 2013. Reinvestment rates have been near record low levels, much lower than the budget projection.

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