

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, McKean, Shaffer, Fogle, Taylor and Clark.

PROCLAMATION Mayor Gutierrez read the proclamation declaring April 9, 2013 as "National Service Recognition Day" which was accepted by Crystal Yates-White, Amanda Helfer, and Chloe Leipzig.

PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim April 9, 2013, as **NATIONAL SERVICE RECOGNITION DAY**

and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

Signed this 2nd day of April, 2013
Cecil A. Gutierrez, Mayor

PROCLAMATION

Mayor Pro Tem Klassen read the Proclamation declaring April 21-27, 2013, "National Crime Victims' Rights", which was accepted by Audra Montoya.

PROCLAMATION

WHEREAS, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co-workers; and

WHEREAS, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities, and of all economic, racial, and social backgrounds; and

WHEREAS, in addition to these challenges, crime victims face a criminal justice system that, at times, ignores their rights and treats them with disrespect; and

WHEREAS, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims; and

WHEREAS, the nation heeded this call to action and promoted victims' rights initiatives, effective and compassionate victim services, and just compensation and financial support; and

WHEREAS, today thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk-driving crashes; and victims of domestic, dating, and sexual violence and other crimes; and

WHEREAS, the victim assistance community faces new challenges to reach and serve all victims, including victims of new crimes like cybercrime and terrorism and victims who have not always trusted the criminal justice system, including immigrant victims, urban youth, and victims who are lesbian, gay, bisexual, transgender, or questioning; and

WHEREAS, now is the time to embrace new solutions that involve new partnerships with underserved communities and a greater emphasis on learning what works in meeting victims' needs; and

WHEREAS, the U.S. Department of Justice, through the *Vision 21* initiative, calls for a renewed commitment to serving all victims of crime in the 21st century; and

WHEREAS, National Crime Victims' Rights Week, April 21-27, 2013, provides an opportunity to celebrate the energy, creativity, and commitment that launched the victims' rights movement, inspired its progress, and continues to advance the cause of justice for crime victims; and

WHEREAS, the City of Loveland is joining forces with victim service providers, criminal justice agencies, and concerned citizens throughout our community and America to raise awareness of victims' rights and observe National Crime Victims' Rights Week.

NOW THEREFORE, we the City Council do hereby proclaim the week of April 21-27, 2013, as

NATIONAL CRIME VICTIMS' RIGHTS WEEK

and reaffirm this City's commitment to respect and enforce victims' rights and address their needs during National Crime Victims' Rights Week and throughout the year; and express our appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community.

Signed this 2nd day of April, 2013.
Cecil A. Gutierrez, Mayor

**PROCEDURAL
INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these

items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. The motion was seconded by Councilor Trenary and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY MANAGER

Approval of Council Minutes Motion

Administrative Action: The minutes from the March 19, 2013 regular meeting were approved.

2. DEVELOPMENT SERVICES

Amendment to Ordinance for Historic Designation Loveland Elks Lodge Ordinance #5754

Legislative Action: 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" was approved and ordered published on second reading.

3. DEVELOPMENT SERVICES

PUBLIC HEARING Public Notice Requirements P.H. & 1st Rdg. Ord.

Legislative Action: A Public Hearing was held and "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" was approved and ordered published on first reading.

4. ECONOMIC DEVELOPMENT

Exception To The Adequate Community Facilities Ordinance For Brinkman North Catalyst Project

Resolution #R-24-2013

Legislative Action: Resolution #R-24-2013 regarding ACF for Brinkman North Catalyst Project was approved.

RESOLUTION #R-24-2013

A RESOLUTION APPROVING AN EXECEPTION 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

WHEREAS, 541 N. Lincoln, L.L.C., a Utah limited liability company (the "Applicant"), has filed an application for approval of a site development plan ("SDP") in connection with construction of a 70-unit mixed-use building containing four live-work units and 66 residential apartments (the "Project") as a use by right in the BE district at 541 N. Lincoln Avenue, Loveland, Colorado, which is legally described as Lots 1-8, inclusive, Block 12, Original Plat of the City of Loveland, County of Larimer, State of Colorado (the "Property") and

WHEREAS, Planning Commission held a public hearing on March 11, 2013 and adopted Planning Commission Resolution #13-02 approving the proposed Project, which contains more than 25,000 square feet of gross floor area in the core area of the BE District, as required by Loveland Municipal Code Section 18.24.050(B); and

WHEREAS, in order to obtain approval of the SDP, the Applicant must comply with, or obtain an exception from, the requirements of the Adequate Community Facilities Ordinance set forth in Chapter 16.41 of the Code ("ACF Ordinance"); and

WHEREAS, the Project is forecast to generate traffic on the adjacent alleyways in excess of the alley level of service standard adopted under the Section 16.41.110 of the ACF Ordinance and the Applicant is requesting that City Council grant an exception to the ACF Ordinance for this excess traffic generation; and

WHEREAS, City engineering staff have determined that granting the ACF exception requested by Applicant would not create an unsafe condition on City streets (including alleyways); and

WHEREAS, City Council is authorized by the provisions of Code Section 16.16.050(C) to grant exemptions to the regulations set forth in Title 16 of the Code upon a showing:

1. That there are special circumstances or conditions affecting said property which creates practical difficulties upon the applicant, or the development for which exceptions are sought is of such extraordinary commercial, social or cultural merit that the potential benefits to the community outweigh the tangible and intangible costs to the community created by the exception; and
2. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the area in which the Project is situated or in conflict with the purposes and objectives of the Comprehensive Master Plan.

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

Section 1. That the City Council hereby finds and determines that an exception to the requirements set forth Code Section 16.41.110 with respect to the forecast traffic levels on the alleyways adjacent to the Property is warranted for the following reasons:

- A. there are special circumstances and conditions affecting the Property which creates practical difficulties upon the Applicant in that the Project involves the redevelopment of a small site in the historic Downtown area with limited opportunities for direct ingress and egress to parking areas on the Project site consistent with the City's preferred design constraints in the Downtown district;
- B. the Project is of significant commercial, social, and cultural merit in that it is forecast to attract residents to the Downtown area, thereby enhancing the potential for additional redevelopment and economic development in the area;
- C. the tangible and intangible costs to the community created by this exception are minimal and outweighed by the anticipated social, commercial and cultural merit; and
- D. the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the area in which the Project is situated and does not conflict with the purposes and objectives of the City's Comprehensive Master Plan.

Section 2. That pursuant to Code Section 16.16.050(C), the City Council hereby grants to the Applicant the following exception to the provisions of Section 16.41.110 of the Loveland Municipal Code: for the purposes of the SDP, the transportation level of service requirements applicable to the east-west and north-south alleyways adjacent to the Property shall not apply to the Project and the Project shall be entitled to generate alleyway trips to the levels anticipated in the Traffic Impact Study for the Project dated January 28, 2013, prepared by Eugene G. Coppola P.E., and submitted by the Applicant.

Section 3. That the ACF exception set forth herein shall expire if the Project is not developed in accordance with the SDP and a certificate of occupancy issued on or before December 31, 2014.

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

ADOPTED this 2nd day of April, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G Andrews, City Clerk

5. PUBLIC WORKS

PUBLIC HEARING

IGA with CDOT Madison Avenue Pedestrian Improvements

Legislative Action: A public hearing was held.

1) Resolution #R-25-2013

Resolution #R-25-2013 regarding IGA with CDOT for Madison Avenue Pedestrian Improvements was approved.

RESOLUTION #R-25-2013

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 PEDESTRIAN IMPROVEMENTS ALONG MADISON AVENUE BETWEEN 29TH STREET AND SEVEN LAKES DRIVE

WHEREAS, the City of Loveland maintains that portion of Madison Avenue between 29th Street and Seven Lakes Drive, which is located outside of the City of Loveland but within the City's Grown Management Area, by agreement with Larimer County; and

WHEREAS, the City desires to design and construct a new sidewalk, curb, and gutter and install new street lights along the east side of Madison Avenue between 29th Street and Seven Lakes Drive (the "Project"); and

WHEREAS, Larimer County has expressed its support for the Project in a letter dated November 22, 2011, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, federal funds administered and made available through the State of Colorado, acting by and through the Colorado Department of Transportation ("CDOT"), are available for the Project in the amount of Ninety Thousand Dollars (\$90,000); 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 Intergovernmental Agreement with City of Loveland, Colorado," attached hereto as Exhibit B 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 2nd day of April, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G Andrews, City Clerk

2)Ord. 1st Rdg

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" was approved and ordered published.

6. PUBLIC WORKS

Recyclebank Agreement for Solid Waste Program

Administrative Action. A motion to approve Recyclebank Agreement for Solid Waste Program was approved.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

None

b) Business from Council

Trenary

Announced that April is the month of the Military Child.

Taylor

Cautioned the public, now that the weather is warmer to watch out for children at play.

Shaffer

Attended the Housing Authority Meeting; Attended the Highway 287 Coalition Meeting regarding the use of "FASTER" funds for bussing routes on I-25, operating vs. capital improvement.

Gutierrez

Attended the "Heroes Among Us" award ceremony; interviewed Ponderosa Elementary First Graders; Emceed "Stars of Tomorrow" competition, the regional event will be held at Loveland High School on April 28th; Announced the Senior Advisory Board will be hosting a seminar on "Silver Tsunami" May 2nd; Requested Fire Chief Mirowski say a few words in remembrance of prominent citizen, Wayne Tennant, who passed away this week.

c) City Manager Report

Cahill

Announced the Water & Power Dept received national recognition as a "Platinum" public utility system, from American Public Power Association (APPA).

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

7. CITY CLERK

APPROVAL OF COUNCIL MINUTES

Administrative Action: Correction: Councilor Shaffer and Klassen were not present at the study session. Councilor Shaffer moved to approve the March 12, 2013 Study Session minutes as amended. Councilor Trenary seconded the motion which carried with all councilors voting in favor and Councilors Shaffer and Klassen abstained.

8. WATER AND POWER

PLATTE RIVER POWER AUTHORITY PRESENTATION

Information Only Item: Water and Power Director, Steve Adams introduced Platte River Power Authority (PRPA) General Manager, Jackie Sargent to Council. Ms. Sargent gave a presentation about PRPA.

9. DEVELOPMENT SERVICES

LOVELAND/JOHNSTOWN INTERGOVERNMENTAL AGREEMENT

Information Only Item: Karl Barton introduced this item to Council. 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. There was discussion regarding the Low Point Sanitation District. Staff will continue to have discussion with Johnstown and bring information back to Council.

10. FINANCE

ADMINISTRATIVE FEE FOR NO PROOF OF INSURANCE

Information Only Item: City Manager, Bill Cahill introduced this item to Council. 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. Discussion ensued. Municipal Judge, Bill Starks, was available to answer questions. Consensus of Council was not to change or remove the fee at this time.

11. FINANCE

FEBRUARY 2013 FINANCIAL REPORT

Informational Only Item: Finance Director, Brent Worthington introduced this item to Council. 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
INVESTMENT REPORT FOR FEBRUARY 2013

Informational Only Item: Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. 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.

ADJOURNMENT

Having no further business to come before Council, the April 2, 2013 Regular Meeting was adjourned at 10:53 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor