

Commissioners

- **Appoint Emilee Mendoza, Gibb Charron, Mattea Wabeke, Tory Hass, Anna Kirk, Lauren Howard, Emma Pattison, Alexandra McKenna, and Dylan McNally as YAC Commissioners.**
- **Appoint Sophia Beall, Payton Buhler, Kyle Brinkman, and Billie Anna Runions as YAC Alternates.**

**2. DEVELOPMENT SERVICES (presenter: Noreen Smyth)
KENDALL BROOK UTILITY EASEMENT VACATION**

A motion to approve and order published on second reading an Ordinance Vacating a Portion of a Utility Easement on Lot 5, Block 21, Kendall Brook First Subdivision, City of Loveland

This is a legislative action to adopt an ordinance on second reading vacating a portion of a utility easement for a single family residential lot in the Kendall Brook First Subdivision, located at 1670 Tennessee Street. The applicant is R + R Homes on behalf of property owners Ronald and Gail Ferguson. The side yard utility easement is not needed to accommodate existing or future utilities. This ordinance was approved unanimously by Council on May 21, 2013.

**3. DEVELOPMENT SERVICES (presenter: Bob Paulsen)
OIL & GAS MAILED NOTIFICATION AMENDMENT**

A motion to approve and order published on second reading an Ordinance Amending Sections 18.05.030 and 18.05.060 of the Loveland Municipal Code to Establish Mailed Notification Distances for Neighborhood Meetings and Public Hearings Associated with Oil and Gas Permit Applications under Chapters 18.77 and 18.78

This legislative item was approved unanimously by the City Council on May 21, 2013 as a public hearing matter. The ordinance establishes mailed notification distances for oil and gas permit applications. With the City's recent adoption of oil and gas regulations, it is necessary to establish mailed notification distances for neighborhood meetings and public hearings that are required as part of the oil and gas permitting process. Mailed notices are provided by applicants to all property owners within the specified distance at least 15 days in advance of required neighborhood meetings and public hearings. As specified in the ordinance, the recommended distance for mailed notice is 2,200 feet as measured from the boundary of property on which the oil and gas use will occur. This distance was derived by starting from a baseline distance of 1,200 feet (a notice distance that applies to several other types of applications in the Municipal Code) and adding 1,000 feet to account for the maximum setback distance that oil or gas operations require for certain buildings and outdoor uses. The purpose of the distance is to ensure that property owners that are potentially impacted by the surface activities associated with oil and gas development are notified.

**4. DEVELOPMENT SERVICES (presenter: Alison Hade)
REALLOCATION OF CDBG FUNDS TO HABITAT FOR HUMANITY**

A motion to approve a Resolution #R-35-2013 Approving the Grant Funding Recommendation of the Loveland Affordable Housing Commission for the Reallocation of Certain 2011 and 2012 Community Development Block Grant Funds

This is an administrative action to consider a resolution reallocating \$22,770.15 of 2011-2012 Community Development Block Grant funding and \$35,000 of 2012-2013 Community Development Block Grant (CDBG) funding for a total of \$57,770.15. Funds

were allocated by the U.S. Department of Housing and Urban Development and were initially appropriated in both the 2011 and 2012 City Budgets. Unspent funding in 2011 was rolled into and appropriated in the 2012 City Budget for a total of \$57,770.15 in unspent funds.

5. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
INCENTIVE AGREEMENT FOR “ROUGHING IT IN STYLE”
A motion to approve a Resolution #R-36-2013 Approving an Incentive Agreement for “Roughing It In Style”

This is an administrative action to consider a resolution authorizing an incentive agreement. “Roughing It In Style” is a family owned custom furniture manufacturer and retailer. The ownership group is considering a Loveland location on Byrd Drive immediately north of the Thunder Mountain Harley Davidson dealership. The company is asking the City Council to consider a request for a sales tax rebate of one third of the municipal sales taxes over a period of 36 months, not to exceed a total of \$150,000. The estimated sales tax to be generated in 36 months of operation is \$450,000.

6. **PUBLIC WORKS** (presenter: Kevin Gingery)
TEMPORARY EASEMENT TO PUBLIC SERVICE COMPANY
A motion to approve a Resolution #R-37-2013 Granting a Temporary Easement to Public Service Company of Colorado

This is an administrative action to approve a resolution granting a temporary easement to Public Service Company of Colorado (PSCo) to facilitate construction of a new 16” high pressure natural gas main along the west side of Wilson Avenue. There is no budget impact associated with this item.

7. **WATER & POWER** (presenter: Greg Dewey, Lindsey Bashline)
WATER CONSERVATION PLAN
A motion to approve a Resolution #R-38-2013 Adopting the City of Loveland Water Conservation Plan

This is a legislative action to approve a resolution adopting the City of Loveland Water Conservation Plan. Both the Construction Advisory Board (CAB) and the Loveland Utilities Commission (LUC) unanimously recommend the adoption. The City Council also reviewed the Plan at its May 14, 2013 Study Session and indicated conceptual approval.

8. **WATER & POWER** (presenter: Greg Dewey)
DROUGHT MANAGEMENT PLAN
A motion to approve a Resolution #R39-2013 Adopting the City of Loveland Drought Management Plan

This is a legislative action to adopt the City of Loveland Drought Management Plan. The Construction Advisory Board (CAB) and the Loveland Utilities Commission (LUC) unanimously recommend the adoption. The City Council also reviewed the Plan at its May 14, 2013 Study Session and indicated conceptual approval.

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

9. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF COUNCIL MINUTES

This is an administrative action to approve the Council minutes.

- A. A motion to approve Council minutes from the May 14, 2013 Study Session. Councilor Shaffer was not present for the entire meeting.**
- B. A motion to approve Council minutes from the May 21, 2013 Council Meeting. Councilor McKean was absent.**

10. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)

CRUNCHY GROCER, LLC TAX WAIVER

Refund of City Sales Tax and Fee & Materials Use Tax Waiver for Crunchy Grocer, LLC

This is an information only item. Staff is looking for City Council direction. Crunchy Grocer, LLC is seeking a refund of 1/3 of City sales tax for a period of five years not to exceed \$175,000, in and fee and materials use tax waivers estimated at \$7,500. The Crunchy Grocer is a natural and organic food grocer that will be located at 1461 East Eisenhower in Loveland. According to the City's approved Economic Development Incentive Policy, any agreement that exceeds \$20,000 is required to go before Council as an informational item prior to final consideration. Pending Council review, the item is expected to be returned for final consideration at the regular meeting on Tuesday, June 18, 2013. If approved, the City will refund 1/3 of the sales tax collected for five years and waive \$7,500 in fees.

11. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)

LEED FABRICATION DEFERRAL AND WAIVER

Fee Deferral and Waiver Agreement for Leed Fabrication (LEED)

This is an information only item. Staff is looking for City Council direction. LEED, located at 5100 Boyd Lake Avenue is seeking a deferral of the cash-in-lieu payment for the required street improvements to Boyd Lake Avenue. Further, the City is offering a \$75,000 waiver of building permit fees and construction materials use tax. The street improvements are required as part of the City's site development standards, which were triggered by the proposed 40,200 square foot addition to the existing facility and the

proposed construction of an additional 28,100 square foot building.

According to the City's approved Economic Development Incentive Policy, any agreement that exceeds \$20,000 is required to go before Council as an informational item prior to final consideration. Pending Council review, the item is expected to be returned for final consideration at the regular meeting on Tuesday, June 18, 2013. If the final agreement is approved by the City Council, the City will waive \$75,000 in fees and materials use tax.

12. FINANCE (presenter: Brent Worthington)
APRIL 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 April 30, 2013.

13. FINANCE (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR APRIL 2013

This is an information only item. No action is required. The budget estimate for investment earnings for 2013 is \$2,760,560. Through April, the amount posted to the investment account is \$641,255 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$244,174. Based on the monthly statement, the estimated annualized 1.04% 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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