

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: Councilors Farley, Klassen, Shaffer, Fogle, McKean, Taylor, and Trenary. Councilor Clark was absent.

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 CLERK

APPROVAL OF COUNCIL MINUTES

Administrative Action: Council minutes from the June 11, 2013 Study Session were approved.

2. CITY MANAGER

BOARDS & COMMISSION APPOINTMENTS

Administrative Action: The following appointments to the Human Services Commission, the Loveland Utilities Commission, and the Parks and Recreation Commission were approved:

The reappointment of Lorna Greené, Amy Olinger and Stan Taylor to the Human Services Commission, each for a term effective until June 30, 2016.

The appointment of Alex McKenna to complete a partial term as a high school member on the Human Services Commission for term effective until June 30, 2014.

The appointment of Marcy Yoder as an alternate member of the Human Services Commission for a term effective until June 30, 2016.

The reappointment of John Rust, Jr., David Schneider, and Randy Williams to the Loveland Utilities Commission, each for a term effective until June 30, 2016.

The appointment of Brian Steckelberg to the Parks and Recreation Commission for a partial term effective until December 31, 2014.

3. ECONOMIC DEVELOPMENT
SUNRISE COMMUNITY HEALTH CENTER

Ordinance # 5784

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR THE LOVELAND COMMUNITY HEALTH CENTER INCENTIVE AND FEE WAIVER AGREEMENT" was approved and ordered published on second reading.

4. CITY CLERK
NOTIFICATION OF PARTICIPATION IN STATEWIDE SPECIAL ELECTION

1. Resolution #R-50-2013

Administrative Action: A motion to adopt a Resolution #R-50-2013 Authorizing The City Clerk to Notify the Larimer County Clerk And Recorder Of The City Of Loveland's Intention to Participate in the Statewide Election to be Held on November 5, 2013, as a Coordinated Election with the County was approved.

RESOLUTION # R-50-2013

A RESOLUTION OF THE LOVELAND CITY COUNCIL AUTHORIZING THE CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 5, 2013, AS A COORDINATED ELECTION WITH THE COUNTY

WHEREAS, the City of Loveland intends to participate in the statewide election to be held on November 5, 2013, and to coordinate its regular election on November 5, 2013, with the Larimer County Clerk and Recorder; and

WHEREAS, C.R.S. Section 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder of its intention to so participate in this upcoming election; and

WHEREAS, this Resolution constitutes the City's formal decision to participate in the November 5, 2013, statewide election to be coordinated with the Larimer County Clerk and Recorder.

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

Section 1. That the City Clerk is hereby authorized and directed to notify the Larimer County Clerk & Recorder of the City's intention to participate in the November 5, 2013, statewide election and to coordinate its participation in that election with the Larimer County Clerk and Recorder with respect to the City's regular election on November 5, 2013, whether that coordinated election is conducted as a mail-ballot election or not.

Section 2. That this Resolution shall take effect as of the date and time of its adoption.

APPROVED this 2nd day of July, 2013.

ATTEST:

Cecil A. Gutierrez, Mayor

Teresa G. Andrews, City Clerk

Exhibit available in the Clerk's Office.

2. 1st Rdg Ord. & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2013, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN" was approved and ordered published on first reading.

5. FINANCE

**2014-2023 CAPITAL PROGRAM
Resolution #R-51-2013**

Administrative Action: A motion to adopt Resolution #R-51-2013 Approving the 2014-2023 Capital Program for the City of Loveland was approved.
Resolution #R-51-2013

A RESOLUTION APPROVING THE 2014-2023 CAPITAL PROGRAM FOR THE CITY OF LOVELAND

WHEREAS, Section 11-4 of the City of Loveland Charter pertaining to Capital Budget Estimates requires that, as a part of the annual proposed budget or as a separate report attached thereto, the City Manager shall also present a program of proposed capital projects for the ensuing fiscal year and the four (4) fiscal years thereafter; and

WHEREAS, the 2014-2023 Capital Program for the City of Loveland, which includes all the planned capital projects for the City in the next 10-year period, was presented to the City Council at its regular study session on June 11, 2013; and

WHEREAS, the City Council desires to accept and approve the 2014-2023 Capital Program, understanding that except to the extent that funding for capital projects or portions of projects are included in approved annual budgets and appropriations (including those for 2014) or are otherwise specifically approved by City Council, approval of the projects included in the 2014-2023 Capital Program is conceptual in nature only and capital projects not included in the 2014 City Budget shall require such further approval and authorization as may be required in accordance with the Loveland Municipal Code and City policies and procedures.

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

Section 1. That the 2014-2023 Capital Program for the City of Loveland, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That except to the extent that funding for capital projects or portions of projects are included in approved annual budgets and appropriations (including those for 2014) or are otherwise specifically approved by City Council, approval of the projects included in the 2014-2023 Capital Program is conceptual in nature only and capital projects not included in the 2014 City Budget shall require such further approval and authorization as may be required in accordance with the Loveland Municipal Code and City policies and procedures.

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit available in Clerk's Office.

6. DEVELOPMENT SERVICES

MILLENNIUM SOUTHWEST FIFTH SUBDIVISION PUBLIC RIGHT-OF-WAY VACATION

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and a motion to adopt "AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY FOR OBERON DRIVE AND A PORTION OF A PUBLIC RIGHT-OF-WAY FOR JANUS DRIVE LOCATED IN THE MILLENNIUM SOUTHWEST FIFTH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

7. ECONOMIC DEVELOPMENT

LEED FABRICATION SERVICES, INC. FEE DEFERRAL AND WAIVER AGREEMENT

Resolution #R-52-2013

Administrative Action: A motion to adopt a Resolution #R-52-2013 Approving the LFS Loveland, LLC and LEED Fabrication Services, Inc. Fee Deferral and Waiver Agreement was approved.

Resolution #R-52-2013

A RESOLUTION APPROVING AN INCENTIVE AGREEMENT FOR LFS LOVELAND, LLC AND LEED FABRICATION SERVICES, INC.

WHEREAS, LFS Loveland, LLC ("LFS") owns certain real property located in the City of Loveland, Colorado and known as 5100 Boyd Lake Avenue, Loveland, Colorado (the "Property"); and

WHEREAS, LEED Fabrication Services, Inc. ("LEED") operates a specialized production facility on the Property engaging primarily in the manufacturing of oil and gas well head production and related equipment (the "Business"); and

WHEREAS, LFS is in the process of completing a lot merger, combining Parcels 1 and 2 of the Property into a single parcel, for the purposes of constructing a new building and expanding the existing building on the Property, adding approximately 68,300 square feet of space (the "Addition"); and

WHEREAS, in connection with the Addition, the Loveland Municipal Code ("City Code") and Larimer County Urban Area Street Standards ("LCUASS") require LFS to design and construct public improvements to Boyd Lake Avenue adjacent to the Property, including necessary improvements for curb, gutter, pavement, widening, detached sidewalk and required storm drainage improvements as set forth therein (the "Roadway Improvements"), or, in the alternative, provide a "cash-in-lieu" payment for the Roadway Improvements if approved by the City Engineer (the "Cash In-Lieu Payment"); and

WHEREAS, in connection with the Addition, LFS is obligated, pursuant to the City Code, to pay the City certain capital expansion fees, building permit fees, construction materials use taxes, and other fees imposed on new development in the City (the "Fees") as a precondition to receiving from the City a building permit and/or final certificate of occupancy for the Addition; and

WHEREAS, LFS and LEED have asked the City to waive a portion of the Fees and to allow LFS to defer payment of the Cash-in-Lieu Payment for the Roadway Improvements for a period of five (5) years from the issuance of the Site Development Permit for the Addition with a possible extension for an additional five (5) years, which waiver and deferral are authorized under City Code Sections 16.38.071, as to Fees, and 3.16.590, as to construction materials use tax, to aid it in constructing the Addition to facilitate expansion of the Business operations on the Property, which is anticipated to include relocation of fifteen (15) employees and addition of up to two hundred and twenty (220) full-time employees over the next five (5) years; and

WHEREAS, the City Council believes the assistance in the form of a waiver of a portion of the Fees, including City materials use tax, and deferral of the Cash-In-Lieu Payment as set forth in the "LFS Loveland, LLC and LEED Fabrication Services, Inc. Fee Deferral and Waiver Agreement," attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), is in the best interests of the City and the public and serves the public purposes of producing significant economic benefits to the citizens of Loveland, primarily in the form of economic development, high-quality jobs, and increased property tax revenues to the City.

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

Section 1. That the City Council hereby finds that granting the assistance in the form of a waiver of a portion of the Fees, including City materials use tax, and deferral of the Cash-In-Lieu Payment as set forth in the Agreement is in the best interests of the City and the public and serves the public purposes of producing significant economic benefits to the citizens of Loveland, primarily in the form of economic development, high-quality jobs, and increased property tax revenues to the City.

Section 2. That the Agreement is hereby approved, subject to an appropriation by the City Council, in its discretion, of the funds required to fulfill the financial obligations of the City set forth therein, including but not limited to backfill of the capital expansion fees waived in the Agreement, all as more fully set forth in the Agreement.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to modify the Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit is available in the Clerk's Office

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

8. DEVELOPMENT SERVICES

LOVELAND ELKS LODGE #1051 FAÇADE GRANT

Resolution #R-53-2013

Administrative Action: A Resolution #R-53-2013 of the Loveland Urban Renewal Authority (LURA) Awarding Façade Matching Grant Program Grants for 2013 and Authorizing Façade Matching Grant Agreements was approved.

Resolution #R-53-2013

A RESOLUTION OF THE LOVELAND URBAN RENEWAL AUTHORITY AWARDING FAÇADE MATCHING GRANT PROGRAM GRANTS FOR 2013 AND AUTHORIZING FAÇADE MATCHING GRANT AGREEMENTS

WHEREAS, on September 15, 2009, the City Council, acting as Board of Commissioners ("Board") of the Loveland Urban Renewal Authority ("LURA"), approved Resolution #R-89-2009 creating the Façade Matching Grant Program; and

WHEREAS, the Façade Matching Grant Program is available to applicants who own property or businesses located on property that lies within the boundaries of the Downtown Urban Renewal Plan Area ("Plan Area") and Historic Downtown Loveland; and

WHEREAS, in accordance with the Colorado Urban Renewal Act, C.R.S. § 31-25-102, et seq. ("Act"), LURA has a substantial interest in the development, redevelopment, and renovation of property within the Plan Area; and

WHEREAS, the Façade Matching Grant Program provides matching funds, on a dollar-for-dollar basis, up to a maximum grant of \$12,500, in reimbursement for eligible costs of improving, refurbishing, and/or reconstructing building facades within the Plan Area, pursuant to a competitive grant process; and

WHEREAS, applications for the Façade Matching Grant Program have been received and evaluated; and

WHEREAS, LURA desires to award Façade Matching Grants in the amounts ("Grants") to the recipients ("Grant Recipients") for the façade improvement projects ("Projects") to the properties ("Properties") identified on Exhibit A, attached hereto and incorporated herein by reference, and authorize the City Manager to enter into a façade matching grant agreement with each Grant Recipient in the form attached hereto as Exhibit B and incorporated herein by reference ("Façade Matching Grant Agreement"); and

WHEREAS, each of the Façade Matching Grant Agreements will provide partial funding for the Projects that include improvements of a public nature at least equal in value to the Grants provided by LURA, eliminate blight and prevent the development or spread of blight in the Plan Area, and further the redevelopment of the Properties in a manner benefitting the public interest and consistent with the Urban Renewal Plan adopted by LURA for the Plan Area and, therefore, the Grants are in the best interests of the public, the City, and LURA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, ACTING AS THE BOARD OF COMMISSIONERS OF THE LOVELAND URBAN RENEWAL AUTHORITY:

Section 1. That the Board of Commissioners hereby finds that the Projects: (a) include improvements of a public nature at least equal in value to the Grant provided by LURA under the Façade Matching Grant Agreements for each Property; (b) eliminate blight and prevent the development or spread of blight in the Plan Area; and (c) further the redevelopment of the Properties in a manner benefitting the public interest and consistent with the Urban Renewal Plan adopted by LURA for the Plan Area.

Section 2. That the Board of Commissioners hereby approves the Grants to the Grant Recipients in the Grant Amounts and for the Projects identified on Exhibit A.

Section 3. That the Board of Commissioners hereby approves the form of the Grant Agreement attached hereto as Exhibit B and delegates to the City Manager, on behalf of LURA, the authority to administer the terms and conditions of the Grant Agreement, including, without limitation, the power to grant extensions of Commencement Dates and Completion Dates as set forth therein.

Section 4. That the Board of Commissioners hereby authorizes the City Manager, on behalf of LURA, to enter into the Grant Agreements with the Grant Recipients for the Grant Amounts. The City Manager, in consultation with the City Attorney, may amend the Grant Agreements in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City and LURA.

Section 5. That each Grant Recipient shall have thirty (30) calendar days from the effective date of this Resolution in which to sign the Grant Agreement. If a Grant Recipient fails to sign the Grant Agreement on or before said date, the approval granted in Section 2 above as to that Grant Recipient shall automatically be rescinded; provided, however, that the City Manager may, prior to said date, extend the date for signature upon written request of the Grant Recipient for good cause shown.

Section 6. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

ADJOURN AS THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND RECONVENE AS CITY COUNCIL

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Shaffer Attended Colorado Municipal League Conference.

Trenary Attended Colorado Municipal League Conference; Will be participating in the Governor's Veteran's Resource Fair; wished everyone a safe Independence Day.

Klassen Attended Colorado Municipal League Conference.

McKean Attended Colorado Municipal League Conference

Farley Attended Colorado Municipal League Conference' Recognized First Responders.

Gutierrez Attended Colorado Municipal League Conference; Acknowledged Fire Chief Randy Mirowski, as one of the top 12 finalists for Fire Chief of the Year; Foote Lagoon concerts; Loveland loves bbq.

 Larimer County Sheriff, Justin Smith gave Council an update of the Fire restrictions for Larimer County.

Discussion regarding a request from Colorado Youth Outdoors for a letter requesting Governor Hickenlooper stay the enforcement of HB-1229 until the impacts were fully understood and mitigated where necessary. The following people spoke:

Representing the not-for profit: Bob Hewson, Colorado Youth Outdoors and Stan Barthlemay, Pheasants Forever.

Representing the local businesses: Buddy Smith, Tall Guns, Inc. and Steve Klen, Front Range Gun Club.

Sheriff Justin Smith and Representative Brian Del Grosso also spoke regarding this issue.

City Council Discussion ensued. Mayor Gutierrez called for a break at 8:48 p.m. the meeting reconvened at 9:01 p.m. to allow Staff to compose a letter based on the discussion and direction of Council.

Attorney John Duval read the following letter into the record:

John W. Hickenlooper, Governor
136 State Capitol
Denver, CO 80203-1792

Dear Governor Hickenlooper:

We, the City Council of Loveland, Colorado write you to ask that you stay the enforcement of a recent House Bill that you signed into law, House Bill 13-1229, concerning the transfer of firearms.

This bill will have a detrimental impact on two Loveland charitable organizations, Colorado Youth Outdoors and Pheasants Forever. Bob Hewson, Executive Director of Colorado Youth Outdoors, has informed us that the result of compliance with this law will severely limit the ability of Colorado Youth Outdoors to carry out its important mission of connecting youth and their parents with the time honored sports of target shooting and hunting. Pheasants Forever's program will be similarly affected. The new requirements for background checks on persons being loaned firearms and the subsequent requirement for background checks when returning them to the original owner create an undue burden upon these charitable organizations. In addition, the personal liability for the actions of others created by this misguided legislation is an unreasonable encumbrance for such individuals and organizations.

This will have a very detrimental effect this summer on the children and parents who receive great benefit from Colorado Youth Outdoors, Pheasants Forever, and similar charitable organizations across Colorado.”

In addition, there are many small business owners that will be adversely affected by this bill. The future of their businesses are put in jeopardy by HB 13-1229.

We believe that HB 13-1229 imposes restrictions that are detrimental to the livelihood and well-being of the citizens of Loveland and the state of Colorado as a whole. Therefore, we ask you to consider implementing immediately, in concert with the Attorney General, a stay to the enforcement of HB 13-1229 until the Colorado General Assembly can amend the bill in its next session. Thank you for your review of this matter which is important to Colorado youth and businesses.

Respectfully,
Cecil A. Gutierrez, Mayor
Daryle Klassen, Mayor Pro Tem
Chauncey Taylor, Councilor
Joan Shaffer, Councilor
Phil Fariey, Councilor
John Fogle, Councilor
Hugh McKean, Councilor
Ralph Trenary, Councilor
Dave Clark, Councilor

Councilor McKean moved to approve the letter and to have staff place on letterhead for Council to each sign. The motion seconded by Mayor Pro-Tem Klassen, carried with all Councilors present voting in favor thereof.

Council directed Staff to bring a similar letter for HB-1224 with supporting information from the local for-profit businesses, to the July 16, 2013 Regular Meeting for Council Consideration.

- 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

9. CITY CLERK

APPROVAL OF CITY COUNCIL MEETING MINUTES

Ordinance

Administrative Action: Councilor Shaffer moved to approve the minutes from the City Council meeting on June 18, 2013. Councilor Klassen seconded the motion, which carried with all Councilors voting in favor thereof and Councilors Trenary and Taylor abstaining.

10. PUBLIC WORKS

SALE OF NORTH TAFT PROPERTIES

Ordinance # 5785

Administrative Action: Keith Reester, Director of Public Works introduced this item to Council. Councilor Shaffer motioned to approve and order published on second reading. Councilor Klassen seconded the motion. The motion carried with seven councilors voting in favor and Councilor Shaffer voting against.

11. PUBLIC WORKS

SALE OF THE BISHOP HOUSE AND CITY OWNED REAL ESTATE

Ordinance #5786

Administrative Action: Keith Reester, Director of Public Works introduced this item to Council. Councilor Shaffer motioned to approve and order published on second reading. Councilor Klassen seconded the motion. The motion carried with seven councilors voting in favor and Councilor Shaffer voting against.

12. ECONOMIC DEVELOPMENT

DATATRAKS, INC INCENTIVE AGREEMENT

A. Resolution #R-54-2013

Administrative Action: Business Development Specialist, Marci Erion introduced this item to Council. DataTraks is requesting an incentive of \$19,500 to offset expenditures that will arise as part of their company expansion and relocation from Downtown to Rocky Mountain Center of Innovation and Technology (RMCIT). The City of Loveland will fund \$19,500 from the Economic Development Incentive Fund contingent upon the execution of a five-year lease. Councilor Shaffer moved to approve Resolution #R-54-2013. The motion, seconded by Councilor Klassen carried with all councilors present voting in favor thereof.

RESOLUTION #R-54-2013

A RESOLUTION APPROVING AN INCENTIVE AGREEMENT FOR DATATRAKS, INC.

WHEREAS, DataTraks, Inc., a Colorado corporation ("DataTraks"), is a technology firm that specializes in software and sensor system development for a variety of industries including railroads, mining, and manufacturing; and

WHEREAS, DataTraks has been operating in Loveland since 2000 and moved to its current location at 213 E. 4th Street in 2005 with just two (2) employees; and

WHEREAS, DataTraks now has eight (8) employees and is seeking a new location for its offices and facilities that will accommodate and encourage future growth; and

WHEREAS, for this reason, DataTraks desires to relocate to the Rocky Mountain Center for Innovation and Technology (the "RMCIT"); and

WHEREAS, DataTraks has requested from the City certain economic incentives to help defray some of its costs to relocate to the RMCIT; and

WHEREAS, specifically, DataTraks has asked the City to pay to DataTraks, in accordance with the terms and conditions of the "DataTraks, Inc. Economic Incentive Agreement," attached hereto as Exhibit A and incorporated herein by this reference (the "Incentive Agreement"), up to Nineteen Thousand Five Hundred Dollars (\$19,500) to be used by DataTraks to help pay some of its estimated costs to relocate to the RMCIT; and

WHEREAS, the City Council believes that the relocation of DataTraks' offices and facilities to the RMCIT will serve the public purposes of providing significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues and, therefore, the monetary incentives granted in the Incentive Agreement are in the best interests of the public and the City.

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

Section 1. That the City Council hereby finds that the monetary incentives granted to DataTraks in the Incentive Agreement are in the best interests of the public and the City as this will serve the public purposes of providing significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the Incentive 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 Incentive Agreement on behalf of the City.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit is available in the Clerk's Office.

CITY COUNCIL ADJOURNED AND CONVENE AS THE BOARD OF THE WATER ENTERPRISE AT 9:50 P.M.

13. CITY MANAGER

THE BOARD OF THE WATER ENTERPRISE AUTHORIZING THE WATER REVENUE BOND

Ordinance # 5787

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. The rate was announced as not to exceed 3.5%. Councilor Shaffer moved to approve and order published on second reading "AN ORDINANCE OF THE CITY OF LOVELAND, COLORADO, WATER ENTERPRISE AUTHORIZING THE ISSUANCE AND SALE OF WATER ENTERPRISE REVENUE BOND, SERIES 2013, PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DETERMINED FROM THE OPERATION OF THE CITY'S WATER ENTERPRISE; AND PROVIDING OTHER DETAILS CONCERNING THE BOND, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH, with the addition of 3.5% inserted on page 20." The motion was seconded by Councilor Klassen, and carried with all councilors present voting in favor thereof.

ADJOURN AS THE BOARD OF THE WATER ENTERPRISE AND RECONVENE AS CITY COUNCIL AT 10:00 P.M.

14. CITY MANAGER

CITY AUTHORIZING TERMS AND PROVISIONS OF THE WATER ENTERPRISE REVENUE BOND

Ordinance# 5788

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik, Executive Economic Advisor, presented this item to Council. Councilor Shaffer moved to approve and order published on second reading AN ORDINANCE OF THE CITY OF LOVELAND, AUTHORIZING THE TERMS AND PROVISIONS RELATING TO THE WATER ENTERPRISE REVENUE BONDS, SERIES 2013, TO BE ISSUED BY THE CITY OF LOVELAND, COLORADO, WATER ENTERPRISE, THE FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENT OF THE CITY IN CONNECTION THEREWITH. The motion was seconded by Councilor Farley and carried with all councilors present voting in favor thereof.

15. WATER & POWER

INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE

1st Rdg & P.H.

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. Mayor Gutierrez opened the public hearing at 10:00 and asked for public comment. Hearing no comment Mayor Gutierrez closed the public hearing at 10:00 and Councilor Shaffer moved to approve and order published on first reading AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR AN INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE FOR INFRASTRUCTURE IMPROVEMENTS. The motion was seconded by Councilor Klassen carried with seven councilors voting in favor and Councilor Trenary voting against.

16. FINANCE

MAY 2013 FINANCIAL REPORT This item was removed from the regular agenda.

17. FINANCE

MAY 2013 INVESTMENT REPORT

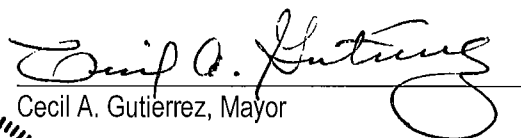
This item was removed from the regular agenda.

ADJOURNMENT

Having no further business to come before Council, the July 2, 2013 Regular Meeting was adjourned at 10:05 pm.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

