

A Motion to Approve and Order Published on Second Reading an Ordinance Vacating a Portion of a Utility Easement Across Lot 3, Block 3, Loch Mount Addition, City of Loveland, County of Larimer, State of Colorado

This is a legislative action to adopt an ordinance on second reading vacating a portion of a utility easement. The easement is within a single family residential property located at 1101 Loch Mount Drive, west of the intersection of Loch Mount Drive and West Eisenhower Boulevard. The applicants are Kelly and Anne Kramer. This ordinance was approved unanimously on first reading by Council at the May 6, 2014 regular meeting.

**3. DEVELOPMENT SERVICES (presenter: Alison Hade)
CDBG REALLOCATION**

A Motion to Adopt Resolution #R-35-2014 Approving the Grant Funding Recommendation of the Loveland Affordable Housing Commission for the Reallocation of Certain Community Development Block Grant Funds

The Affordable Housing Commission reallocated \$74,970 to the House of Neighborly Service for the rehabilitation of new office space. The original funding was returned to HUD by the Loveland Housing Authority when it was determined that the funding was used for an ineligible project. Funds were allocated by the U.S. Department of Housing and Urban Development (HUD) and were initially appropriated in the 2006 City Budget.

**4. CITY MANAGER (presenters: Rod Wensing & Sharon Citino)
PUBLIC HEARING**

COMCAST FRANCHISE AGREEMENT EXTENSION

A Motion to Approve and Order Published on First Reading an Ordinance Amending the Cable Franchise Agreement Between the City of Loveland, Colorado and Comcast of Colorado II, LLC to Extend the Term of the Franchise Agreement

This is an administrative action. The ordinance moves the expiration of the current cable franchise from June 30, 2014 to December 31, 2014. This will be the third extension since April 30, 2013. Existing operational requirements and City revenue from the existing cable franchise agreement stay intact.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

1. Report on Business Flood Assistance Program from the Chamber of Commerce (presenter: Mindy McCloughan)

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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

5. **DEVELOPMENT SERVICES** (presenter: Bethany Clark)
PUBLIC HEARING
HISTORIC LANDMARK FOR HOWARD'S SINCLAIR SERVICE STATION
A Motion to Approve and Order Published on First Reading an Ordinance Designating as a Historic Landmark the Howard's Sinclair Service Station Located at 123 North Lincoln Avenue in Loveland, Colorado
 This is a legislative action. The Owner of the Art Deco historic gasoline station at First Street and Lincoln Avenue is requesting Loveland Historic Landmark designation to recognize the building's significance to Loveland's community character. The Historic Preservation Commission acknowledges the building's significance and recommends that City Council designate the building to the Loveland Historic Register.
6. **CITY ATTORNEY** (presenter: Judy Schmidt)
RESOLUTION OPPOSING THE BALLOT QUESTION
A Motion to Approve Resolution #R-36-2014 Opposing Question No. 1: Citizen-Initiated Ordinance To Place A Two-Year Moratorium On The Use Of Hydraulic Fracturing Within The City Of Loveland To Fully Study The Impacts Of Hydraulic Fracturing On Property Values And Human Health, Which Is On The Ballot For The June 24, 2014 City Of Loveland Special Election
 This is a legislative action to consider a resolution opposing Ballot Question No. 1, a citizen-initiated ordinance enacting a two-year moratorium on the use of hydraulic fracturing within the City to study the impacts on property values and human health. If the Initiative passes, the costs to the City are unknown, but may include the potential costs of completing studies called for by the Initiative and for litigation arising from various sources such as mineral rights owners, oil and gas developers, and the State of Colorado, which governs oil and gas drilling under the auspices of the Colorado Oil & Gas Conservation Commission.

BUSINESS FROM CITY 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.*

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN



CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
 (970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620
www.cityofloveland.org

PROCLAMATION

- WHEREAS,** public works services provided in our community are an integral part of our citizen's everyday lives; and
- WHEREAS,** having the support of an understanding and informed citizenry is vital to the efficient operations of the various public works systems and programs such as stormwater, streets, transit, solid waste, fleet, development review, traffic, facilities and public buildings; and
- WHEREAS,** the health and safety and comfort of this community greatly depends on these facilities and services; and
- WHEREAS,** the quality and effectiveness of these facilities and services, as well as their planning, design, construction, is vitally dependent upon the efforts and skill of public works officials; and
- WHEREAS,** this year's observance of Public Works Week celebrates the theme, "Building for Today, Planning for Tomorrow", recognizing the valuable work carried out by our highly capable and reliable public works professionals, engineers and administrators and acknowledging their contributions to an improved quality of life in this community.

NOW, THEREFORE, we, the City Council of the City of Loveland do hereby proclaim May 18-24, 2014 as

NATIONAL PUBLIC WORKS WEEK

in the City of Loveland, and we call upon all citizens to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Signed this 20th day of May, 2014

Cecil A. Gutierrez, Mayor





PROCLAMATION

- WHEREAS** Colorado's climate and scenery make motorcycle riding an attraction in the beautiful state of Colorado, and riders consider our roadways to be some of the best for riding; and,
- WHEREAS** motorcycles are increasingly used as a regular means of transportation; and,
- WHEREAS** the motorcycle is an energy-efficient vehicle that reduces fuel consumption, traffic and parking congestion; and,
- WHEREAS** the motorcycle is an important form of transportation for commuting, touring and recreation; and,
- WHEREAS** as a matter of safety, it is necessary to develop appropriate driving habits to handle these vehicles on Colorado roadways; and
- WHEREAS** to prevent injuries and deaths on Colorado's roadways, motorcyclists and motorists must be vigilant in their efforts to share the road and ensure the safety of everyone; and,
- WHEREAS** Motorcycle Safety Awareness Month raises public awareness for a lifetime of safe motorcycle riding; and,
- WHEREAS** the International Women's Motorcycle Club, Leather & Lace Motorcycle Club, is committed to increasing the safe operation of motorcycles by promoting rider safety education programs; their goal is to alert the motorists of the town of Loveland, Colorado to: SHARE THE ROAD; and
- WHEREAS** Motorcycle Safety Awareness Month is designed to increase public awareness about motorcycles and to encourage their safe and proper use among motorcycle riders.

NOW, THEREFORE, we, the Loveland City Council, in the great state of Colorado, in recognition of over 9,477,243 registered motorcyclists nationwide, and in recognition of the continued role of Leather & Lace Motorcycle Club as a promoter of motorcycle safety, education and awareness, do hereby proclaim the month of May 2014 as

MOTORCYCLE SAFETY AWARENESS MONTH

in the City of Loveland, Colorado and ask all citizens to join in a concerted effort to promote awareness, mutual respect, and safety on our roads.

Signed this 20th day of May, 2014

Cecil A. Gutierrez, Mayor



MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, MAY 6, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was taken and the following responded: Gutierrez, Farley, Shaffer, Trenary, Taylor, Fogle, McKean and Krenning. Councilor Clark arrived at 7:20p.m.

Councilor Shaffer read **PROCLAMATION DECLARING May 4-10, 2014 AS MUNICIPAL CLERKS' WEEK** and City Clerk, Terry Andrews received the proclamation on behalf of the Municipal Clerk Services Department.

Councilor McKean read the **PROCLAMATION DECLARING MAY 11-17, 2014 AS POLICE WEEK** and Officer Garret Osilka received the proclamation on behalf of the Police Department.

Councilor Farley read the **PROCLAMATION DECLARING MAY 2014 AS FOSTER AND KINSHIP CARE MONTH** and resident Foster Parent Steve Dozier received the proclamation.

Councilor Fogle read the **PROCLAMATION DECLARING MAY 2014 AS ARCHAEOLOGY & HISTORIC PRESERVATION MONTH** and HPC Chair David Berglund received the proclamation.

Mayor Gutierrez announced the City received the **CERTIFICATE PRESENTATION TO THE CITY OF LOVELAND DESIGNATING THE MILNER-SCHWARZ HOUSE TO THE NATIONAL REGISTRY** on behalf of the city. Mike Perry made an announcement regarding the Milner- Schwarz house.

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. Members of the public 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 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 asked to remove Item #3 to the Regular Agenda after Item #12. The Mayor indicated that Council would be considering item #15 before item #14 on the Regular Agenda. Councilor Shaffer moved to approve the Consent Agenda with the exception of Item #3. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL MEETING MINUTES
 1. **A Motion to Approve the Council Meeting Minutes for the April 8, 2014 Special Meeting & Study Session was approved.**
This is an administrative action to approve the City Council meeting minutes for the April 8, 2014 Special Meeting & Study Session.
 2. **A Motion to Approve the Council Meeting Minutes for the April 15, 2014 Regular Meeting was approved.**
This is an administrative action to approve the City Council meeting minutes for the April 15, 2014 Regular Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENTS TO THE YOUTH ADVISORY COMMISSION
A Motion to Approve Appointments to the Youth Advisory Commission was approved.
This is an administrative action recommending appointments of members to the Youth Advisory Commission.
Reappointments:
 - Wesley Walton, Payton Buhler, Billie Anna Runions, Emilee Mendoza, Gibb Charron, Mattea Wabeke, Anna Kirk, Lauren Howard, Alexandra McKenna and Dylan McNally**Appointments:**
 - Elijah Solt and Jack Crowley**Alternate Appointments:**
 - Hattie Volk, Oliver Byles, Lorenzo Scalise and Caitlin Parets

3. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENT TO THE HOUSING AUTHORITY
This item was removed and placed on the Regular Agenda after Item 12.

4. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENTS TO THE PLANNING COMMISSION
 1. **A Motion to Appoint Jeremy Jersvig as a Member of the Planning Commission for a Full Term Effective Until December 31, 2016 was approved.**
 2. **A Motion to Appoint Bob Massaro as an Alternate Member of the Planning Commission for a Term Effective Until December 31, 2014 was approved.**
These are administrative actions to adopt two motions appointing a regular member and an alternate member of the Planning Commission.

5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PEAKVIEW GDP AMENDMENT
A Motion to Approve and Order Published on Second Reading Ordinance #5864 Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for “Peakview Commercial Park Addition PUD (#P-95) – Amendment #1,” and Approving an Amendment to the General Development Plan

for the Peakview Commercial Park Addition PUD was approved.

This is a quasi-judicial action to consider adopting an ordinance on second reading amending the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP). The amendment would to allow the use "vehicle minor repairs, servicing and maintenance" within the PUD. This ordinance was approved unanimously on first reading by Council at the April 15, 2014 regular meeting.

6. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
LOCH MOUNT UTILITY EASEMENT VACATION
A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating a Portion of a Utility Easement within Lot 3, Block 3, Loch Mount Addition of the City of Loveland, Larimer County, Colorado was approved.
 This is a legislative action to consider adoption of an ordinance on first reading vacating a portion of a water utility easement. The easement is on a lot currently occupied by a single family dwelling located at 1101 Loch Mount Drive, west of the intersection of Loch Mount Drive and West Eisenhower Boulevard. The applicants are the property owners, Kelly and Anne Kramer.
7. **PUBLIC WORKS** (presenter: Dave Klockeman)
FIBER OPTIC CONTRACT AWARD
A Motion to Award Project TS1201 Loveland Fiber Optic Interconnect (Federal Aid Project No. AQC M830-065, 19289) to Paonia Inc. of Colorado Springs, Colorado, in the Amount of \$745,861.63 and Authorize the City Manager to Execute the Contract was approved.
 This is an administrative action to award Project TS1201 Loveland Fiber Optic Interconnect (Federal Aid Project No. AQC M830-065, 19289) to Paonia Inc. of Colorado Springs, Colorado in the amount of \$745,861.63 and authorize the City Manager to execute the contract. Funding is available in the Adopted 2014 Budget and includes Federal Funds awarded through the North Front Range Metropolitan Planning Organization ("MPO").
8. **CITY MANAGER** (presenter: Alan Krcmarik)
ASHLEY ESTATES PRIVATE ACTIVITY BOND
A Motion to Approve Resolution #R-32-2014 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2014 to the Housing Authority of the City of Loveland, Colorado; Providing Other Details in Connection Therewith; and Providing an Effective Date was approved.
 This is an administrative action. This Resolution will authorize the assignment of all of the City's 2014 private activity bond allocation in the amount of \$3,521,800 to the Housing Authority of the City of Loveland ("HACOL" or the "Authority") for the purpose of issuing bonds for the Ashley Estates Apartment Homes Project (the "Project") to be developed by Pedcor Investments LLC. The Project is an affordable housing project and meets the federal and state requirements for the use of Private Activity Bond financing. Council approved fee waivers for the Project on April 15, 2014, with a unanimous vote. The HACOL will be the issuer of the bonds and will also have bond allocations from Larimer County, the Colorado Housing and Finance Authority ("CHFA") and an allocation from the prior year statewide allocation. The City of Loveland will not incur any costs due to the assignment of the private activity bond 2014 allocation.
9. **POLICE** (presenter: Luke Hecker)
JAG GRANT
A Public Hearing was held and a Motion for Approval of Staff Application for a

Federal Justice Assistance Grant (JAG Grant) was approved.

This is an administrative action. The Federal JAG grant of \$13,980 for the Police Department will fund overtime for Detectives in the Special Investigations Unit at the Northern Colorado Drug Task Force. There is no match.

10. FINANCE (presenter: Brent Worthington)
MARCH 2014 FINANCIAL REPORT

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending March 31, 2014.

11. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MARCH 2014

This is an information only item. According to the 2014 budget projections, the budget estimate for investment earnings for 2014 is \$2,025,920. The annual target earnings rate (determined by the revenue projection for 2014 divided by the 2013 ending market value of \$215.1 million) is 0.94% for 2014. For March, the amount posted to the investment account is \$100,067. For the year-to-date, the amount posted is \$463,699. Actual earnings are now below the year-to-date budget projection by \$60,945. Based on the monthly statement, the estimated annualized 1.02% yield on the securities held by US Bank is exactly the same as last month's reading. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, the portfolio currently has a significantly lower fund balance than it would otherwise. More funds are liquid (cash and short term) now than a month ago; the City is waiting on reimbursements for flood damage.

END OF CONSENT AGENDA**CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

PUBLIC COMMENT *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

Ed Klen, 6909 Shannon Court, expressed concern regarding the joint venture with Ft. Collins and other law enforcement entities for a possible training facility.

John Chilson, asked Council to spend time educating themselves on the whole issue of hydraulic fracturing.

Linda Sandal, 4170 Garfield Ave. agreed with the previous speaker that residents need to work together.

John Clark, LEAP, advised Council to inform the public of the impacts, should the measure pass.

Kaye Fissinger, cautioned City Council against campaigning for or against a measure on the ballot per the Campaign Practices Act.

Rob Pride, President Loveland Fraternal Order Police, legislative matter. Post Traumatic Stress Disorder bill to be passed by the legislature. Asked for support of this bill. Get in touch if you support the bill after you review. Calling for a Task Force HB13413 will forward bill to City Council.

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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

12. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL SPECIAL MEETING MINUTES
 This is an administrative action to approve the City Council meeting minutes for the April 10, 2014 Special Meeting. Councilors Taylor and Krenning were absent.
Councilor Shaffer moved to Approve the Council Meeting Minutes for the April 10, 2014 Special Meeting. Councilor Trenary seconded the motion which carried with all councilors voting in favor. Councilors Taylor and Krenning abstained.
3. **CITY MANAGER** (presenter: Bill Cahill)
BOARDS & COMMISSIONS APPOINTMENT TO THE HOUSING AUTHORITY
 This is administrative action recommending the appointment of Gary Waaler to the Housing Authority for a partial term effective until June 30, 2014. Councilor Shaffer indicated this term was only for two months and then the recruitment and interview process would need to be conducted to fill the new term effective until June 30, 2019. Councilor Shaffer asked if the appointment could be modified to a term beginning May 6, 2014 to June 30, 2019, which includes the two months left on the current vacant term and the five year full term beginning July 1, 2014.
Councilor Krenning moved to appoint Gary Waaler to the Housing Authority for term effective until June 30, 2019. Councilor Shaffer seconded the motion which carried with all Councilors voting in favor thereof.
13. **CITY CLERK** (presenter: Terry Andrews)
BOARDS & COMMISSION HANDBOOK CHANGES
 City Clerk, Terry Andrews introduced this item to Council. This is an administrative action to adopt a resolution amending the City of Loveland Handbook for Boards and Commissions ("Handbook"). The proposed amendments to the Handbook address the process for selecting and appointing members, and remove references to the Creative Sector Development Advisory Commission, which expired on December 31, 2013, in accordance with City Code Section 2.60.290. This item was removed from the Consent Agenda on April 15, 2014, and due to the lateness of the meeting it was carried forward to this meeting and placed on the Regular Agenda.
Councilor Clark moved to approve Resolutions #R-33-2014 Amending the City of Loveland Handbook for Boards and Commission with the following additional amendment to the handbook: page 9 paragraph 4 "...resignation, (insert: with approval of the interview committee) the Council-appointed alternate shall (strike: automatically) be recommended....." Councilor Krenning seconded the motion, which carried with five voting in favor and Councilors Farley, Gutierrez, Shaffer and Trenary voting against.
15. **CITY ATTORNEY** (presenter: Judy Schmidt)
RELEASE OF PROPOSED SETTLEMENT ANALYSIS - SARNER V CITY OF LOVELAND
 Acting City Attorney, Judy Schmidt introduced this item to Council. This is an administrative action. At Council's regular meeting on April 15, 2014, the Acting City Attorney presented to Council members a document titled "Pro/Con Analysis of Proposed Settlement" in connection with the *Sarner v. City of Loveland* lawsuit. More than four Council members have indicated a desire to waive the attorney-client privilege and release this document to the public, so the motion is presented for Council's

consideration.

Councilor Shaffer moved to Waive the Attorney-Client Privilege and Release to the Public the “Pro/Con Analysis of Proposed Settlement” Document Provided by the Acting City Attorney to City Council at its Regular Meeting on April 15, 2014. Councilor Farley seconded the motion which carried unanimously with all councilors present voting in favor thereof.

**14. CITY CLERK (presenter: Terry Andrews)
SPECIAL ELECTION DATE**

City Clerk, Terry Andrews introduced this item to Council. This is an administrative action to consider a resolution calling a Special Election for the purpose of considering an ordinance submitted to the City of Loveland by Citizen Initiative petition. Sharon Muer, 2016 N. Dotsero, spoke regarding the study. Dick Mullot, 2765 McKenzie talked about property values. Kaye Fissinger, 2199 Creekside, Longmont spoke regarding the issue. Mayor Gutierrez closed the public hearing at 9:08 p.m.

Councilor Shaffer moved to Approve Resolution #R-34-2014 of the Loveland City Council Calling a Special Election to be Held on June 24, 2014 for the Purpose of Submitting a Citizen-Initiated Ordinance to a Vote of the City’s Registered Electors and Setting the Ballot Title. Councilor Farley seconded the motion which carried unanimously with all councilors present voting in favor.

BUSINESS FROM CITY 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.*

- Fogle Announced the Rah Rah Historic Preservation Committee; Thanked the Mayor for attending the Tour de Pants Bicycle Event.
- Shaffer North I-25 Elected Coalition Meeting at the Weld County Community Center on May 7, 2014; Announced Bus Rapid Transit in Ft. Collins on May 10, 2014.
- Trenary Attended the Alliance for Innovation on April 22-25, 2014 in Denver; Announced the Daughters of the American Revolution Namaqua Chapter will be hosting their Annual Celebration of the Washington Elm Tree Fundraiser Event on Saturday, May 3, 2014.
- Clark Offered Visitor's Guide and Magazine "Hemispheres" advertising Loveland.
- Farley Thanked the volunteers at the River Cleanup at Rossum Drive; Announced Governor's Art Show open through June 14th or 15th; Announced Art Show for 2nd place displayed throughout Downtown this Thursday and Friday, May 8th & 9th.
- Krenning Asked about Study Session for Restorative Justice Teen Court request, July 8-29th; Asked about Priority Based Budgeting Study; Asked about the status for the Public Works Director and Fire Chief positions.
- Gutierrez Announced the Visitor's Center Open House last Saturday; Announced the Northern Colorado Bike Tour, Friday, May 9, 2014 at 1 p.m; Sunday, May 11, 2014 is Mother's Day.

CITY MANAGER REPORT

None.

CITY ATTORNEY REPORT

None.

ADJOURNMENT

Having no further business to come before Council, the May 6, 2014, Regular Meeting was adjourned at 9:51 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 5/20/2013
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Noreen Smyth, Current Planning

TITLE:

An Ordinance on Second Reading Vacating a Portion of a Utility Easement Across Lot 3, Block 3, Loch Mount Addition, City of Loveland, County Of Larimer, State Of Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adoption a motion continuing the item to a future Council meeting

SUMMARY:

This is a legislative action to adopt an ordinance on second reading vacating a portion of a utility easement. The easement is within a single family residential property located at 1101 Loch Mount Drive, west of the intersection of Loch Mount Drive and West Eisenhower Boulevard. The applicants are Kelly and Anne Kramer. This ordinance was approved unanimously on first reading by Council at the May 6, 2014 regular meeting.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The applicants propose to vacate a 34.1 square foot triangular-shaped portion of a 20-foot wide water utility easement that crosses through an R3-zoned lot at 1101 Loch Mount Drive. The vacation request was submitted in conjunction with an application for a minor subdivision to divide the property in two. The subdivision would situate the existing single family residence on

a 0.331-acre lot and create a 0.271-acre vacant lot for future single family residential development.

The easement was dedicated to the City of Loveland in 1925. The existing residence was originally built in 1938. Subsequent additions to the original residence were made by others prior to the purchase of the property by the current applicant. During a survey of the property conducted in advance of submitting the application for a minor subdivision, it was discovered that the northeast corner of the existing residence encroaches within the water utility easement.

According to the Water Department, water lines are not located in the area for which the vacation is requested and this area will not be needed in the future for water utility purposes. Because the easement area proposed to be vacated serves no public benefit, staff is supportive of the vacation. The associated application for a minor subdivision has completed the staff review process, and can be administratively approved if and when the utility easement vacation is approved.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance with Exhibit A
2. Staff Memorandum

FIRST READING May 6, 2014

SECOND READING May 20, 2014

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ACROSS LOT 3, BLOCK 3, LOCH MOUNT ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the utility easement described below (the “Utility Easement”) and located across **Lot 3, Block 3, Loch Mount Addition, City of Loveland, County of Larimer, State of Colorado**; and

WHEREAS, the City Council finds and determines that no land adjoining the portions of the Utility Easement to be vacated is left without an established public or private easement connecting said land with another established public or private easement; and

WHEREAS, the City Council further finds and determines that the portion of the Utility Easement to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed with the City’s Current Planning Division was signed by the owners of more than fifty percent of the property abutting the portion of the Utility Easement to be vacated.

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

Section 1. That the City Council hereby adopts and makes the findings set forth above.

Section 2. That based on the City Council’s findings set forth above, the following portion of the Utility Easement be and the same is hereby vacated:

That portion of that certain parcel of land as described in deed recorded at Reception No. 2002006289, records of the Larimer County, Colorado Clerk and Records Office, being a portion of Lot 3, Block 3, LOCH-MOUNT ADDITION, situate in the Northwest Quarter of Section 14, Township 5, North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the Westerly line of said certain parcel of land as described in deed recorded at Reception No. 2002006289 as bearing North 00°48’05” East and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of said certain parcel of land as described in deed recorded at Reception No. 2002006289; thence along the Westerly line of said certain parcel of land as described in deed recorded at Reception No. 2002006289, North 00°48'05" East 143.69 feet, more or less, to a point on the Southerly line of a 20-foot Easement and Right Of Way for a Water Main as described in Book 512 at Page 26, said records of the Larimer County, Colorado Clerk and Records Office; thence departing said Westerly line and along said Southerly line of a 20-foot Easement and Right Of Way for a Water Main, South 52°45'26" East 33.79 feet and again South 55°30'39" East 1.65 feet to the TRUE POINT OF BEGINNING; thence departing said Southerly line, North 87°17'24" East 9.48 feet; thence South 02°42'36" East 7.20 feet, more or less, to a point on said Southerly line of a 20-foot Easement and Right Of Way for a Water Main; thence along said Southerly line, North 55°30'39" West 11.90 feet to the TRUE POINT OF BEGINNING.

The above-described easement vacation contains 34.1 square feet, more or less, and is subject to any existing easements and/or rights-of-way of record.

A depiction of the above-described easement vacation is attached hereto as Exhibit A and incorporated herein by reference.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 4. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

ADOPTED this 20th day of May, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

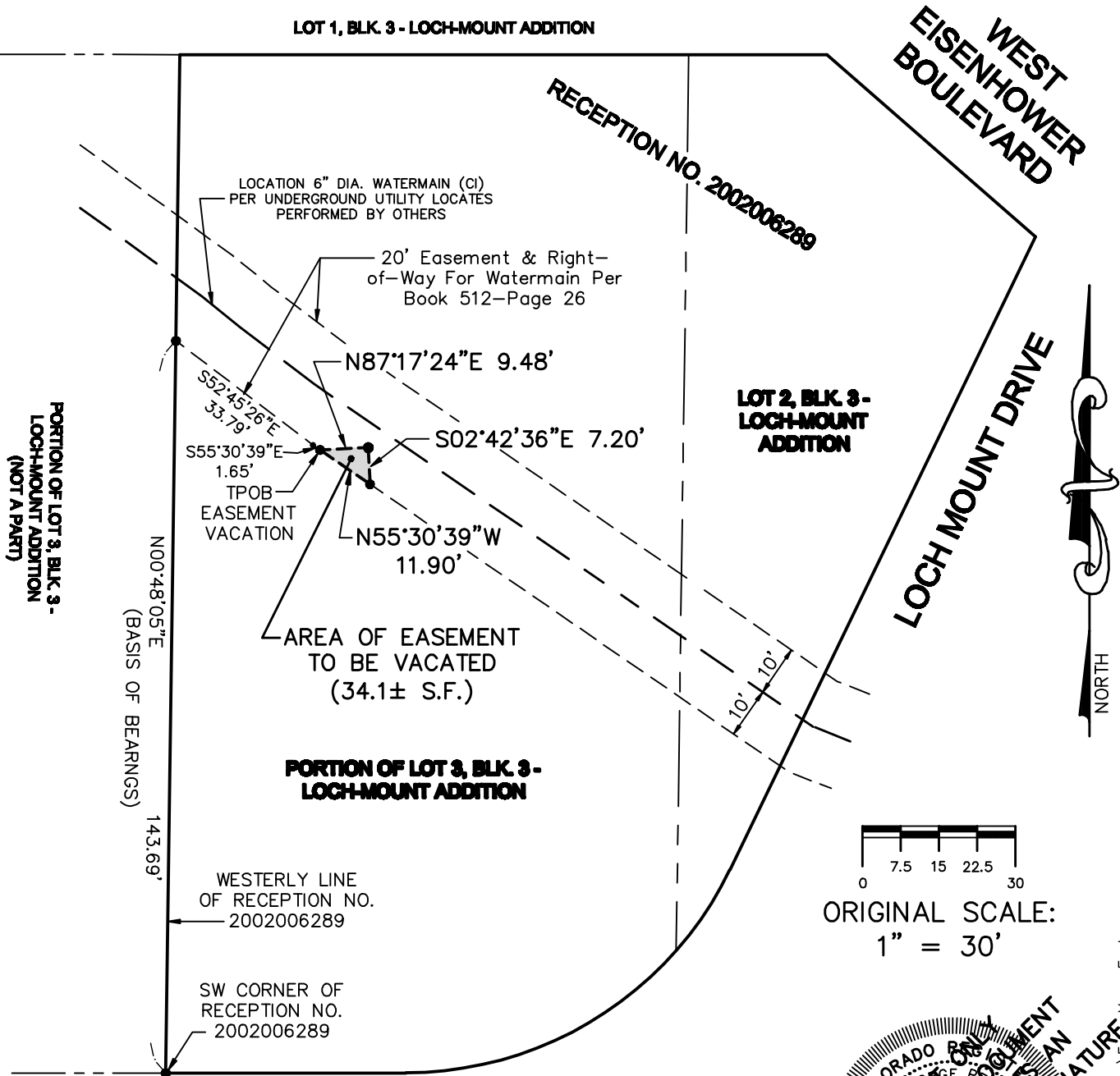


Assistant City Attorney

EASEMENT VACATION EXHIBIT

VACATING A PORTION OF AN 20-FOOT EASEMENT & RIGHT OF WAY FOR A WATERMAIN ON A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED AT RECEPTION No. 2002006289, RECORDS OF LARIMER COUNTY, COLORADO SITUATE IN LOT 3, BLOCK 3, LOCH-MOUNT ADDITION, TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOT 1, BLK. 3 - LOCH-MOUNT ADDITION



Project No.: P-13-7523
Date: 02/17/2014
REV.: 03-25-14 (RGP)
Drawn: JEB

Prepared By And On Behalf Of:
INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
(970) 669-0516

NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED FIELD SURVEY OF THE SUBJECT PROPERTY. IT IS INTENDED TO DEPICT THE ATTACHED EASEMENT DESCRIPTION FOR THE SUBJECT PROPERTY.

Robert George Persichitte
Colorado PLS 34174





Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
 (970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

TO: City Council

FROM: Noreen Smyth, Senior Planner, Current Planning Division

DATE: May 20, 2014

SUBJECT: 1101 Loch Mount - Utility Easement Vacation
PZ-14-29

I. EXHIBITS

None

II. KEY ISSUES

Staff believes that all key issues regarding the easement vacation have been resolved through the staff review process. The City Council voted unanimously to approve the first reading of the ordinance as part of the consent agenda at its May 6 meeting.

III. BACKGROUND

This application concerns a request to vacate a small portion of a water utility easement that runs through a single family residential lot at 1101 Loch Mount Drive. The lot contains a house in its southern portion, the 20-foot wide water easement in the center portion, and a large grassy area in the northern portion. The application was submitted in conjunction with a minor plat application, the Loch Mount Fifth Subdivision (PZ-14-18), to divide the property in two. The subdivision would situate the existing single family residence on a 0.331-acre lot and create a 0.271-acre vacant lot to its north for future single family residential development. A portion of the water easement would be situated on each new lot.

The easement was dedicated to the City of Loveland in 1925 and the existing residence constructed thereafter. Subsequent additions to the original residence were made by others

prior to the purchase of the property by the current applicant. During a survey of the property conducted in advance of submitting the application for a minor subdivision, it was discovered that a corner of the residence encroaches approximately 7 feet into the 20-foot wide water utility easement. According to the Water Department, water lines are not located in the particular area for which the vacation is requested.

The remainder of the water easement from which the triangular-shaped piece will be vacated will remain, as will all other existing easements, with certain additional easements to be established with the Loch Mount Fifth Subdivision plat.

IV. STAFF REVIEW & CITY COUNCIL REVIEW

Because the easement area proposed to be vacated serves no public benefit, and because it will not be needed in the future for water utility purposes, staff is supportive of the vacation. The associated application for a minor subdivision has completed the staff review process, and can be administratively approved if and when the utility easement vacation is approved.

The first reading of the ordinance took place at the Council meeting on May 6, at which time Council members voted unanimously to approve the ordinance as part of the consent agenda.

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on second reading.



CITY OF LOVELAND
 COMMUNITY PARTNERSHIP OFFICE
 Civic Center • 500 East Third Street • Loveland, Colorado 80537
 (970) 962-2517 • FAX (970) 962-9745 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 5/20/2014
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Alison Hade, Administrator

TITLE:

A Resolution Approving the Grant Funding Recommendation of the Loveland Affordable Housing Commission for the Reallocation of Certain Community Development Block Grant Funds

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution.

OPTIONS:

1. Adopt the action as recommended by the Affordable Housing Commission
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:

The Affordable Housing Commission reallocated \$74,970 to the House of Neighborly Service for the rehabilitation of new office space. The original funding was returned to HUD by the Loveland Housing Authority when it was determined that the funding was used for an ineligible project.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Funds were allocated by the U.S. Department of Housing and Urban Development (HUD) and were initially appropriated in the 2006 City Budget.

BACKGROUND:

In 2006, CDBG funding was allocated to the Loveland Housing Authority for water rights for the Mirasol project. In 2013, a portion of the allocation was returned to the U.S. Department of Housing and Urban Development because the purchased water rights were for market rate housing, which is an ineligible expense. The Affordable Housing Commission would like to allocate the \$74,970 to the House of Neighborly Service for their new property located at 1511 East 11th Street in Loveland.

On April 17, 2014, the Affordable Housing Commission originally agreed to allocate \$75,000 in CDBG funding for the House of Neighborly Service project. However, the burden that would be placed on the House of Neighborly Service for the additional \$30 in terms of grant management and reporting would have cost more than the \$30 allocation. Therefore, the amount of the allocation will be that amount returned to HUD by the Loveland Housing Authority.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

- 1. Resolution

RESOLUTION #R-35-2014

A RESOLUTION APPROVING THE GRANT FUNDING RECOMMENDATION OF THE LOVELAND AFFORDABLE HOUSING COMMISSION FOR REALLOCATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City receives federal Community Development Block Grant (“CDBG”) funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all “bricks and mortar” grant applications made to the City for CDBG funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, on June 6, 2006, the City Council adopted Resolution #R-51-2006 allocating CDBG funds to the Housing Authority of the City of Loveland (“Housing Authority”) for the Mirasol Senior Community affordable housing project (the “Project”); and

WHEREAS, a determination was made that \$74,970 of the CDBG funds allocated to the Housing Authority for the Project were expended on ineligible items, and \$74,970 was returned to the City for reallocation under the City’s CDBG fund distribution process; and

WHEREAS, the \$74,970 was not included in the 2013 CDBG fund allocation, which was approved on June 18, 2013 by Resolution #R-40-2013; and

WHEREAS, the Affordable Housing Commission has received and reviewed grant applications made to the City for the \$74,970 in CDBG funds and has made a recommendation to the City Council regarding reallocation of the funds; and

WHEREAS, the City Council desires to approve the grant funding recommendation of the Affordable Housing Commission.

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

Section 1. That the recommendation of the Affordable Housing Commission for the reallocation of the remaining \$74,970 in Community Development Block Grant funds is hereby approved as follows, subject to Agency execution of a subrecipient contract with the City of Loveland on or before July 31, 2014 and expenditure of the funds on or before September 30, 2014:

Agency	Total Grant Amount
House of Neighborly Service (Community Life Center)	\$74,970
Total Amount of CDBG funds	\$74,970

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 20th day of May, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 5/20/2014
TO: Mayor and City Council
PRESENTERS: Rod Wensing, Assistant City Manager
 Sharon Citino, Assistant City Attorney

TITLE:

An Ordinance on First Reading Amending the Cable Television Franchise Agreement Between the City of Loveland, Colorado and Comcast of Colorado II, LLC, to Extend the Term of the Existing Franchise

RECOMMENDED CITY COUNCIL ACTION:

Approve the attached ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:

This is an administrative action. The ordinance moves the expiration of the current cable franchise from June 30, 2014 to December 31, 2014. This will be the third extension since April 30, 2013.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Existing operational requirements and City revenue from the existing cable franchise agreement stay intact.

BACKGROUND:

As the Council is aware, on November 19, 2013, the City Council considered and unanimously rejected a proposed new cable franchise agreement and directed City staff not to finalize negotiations until Comcast has identified either a temporary or permanent customer service

office within the corporate limits of Loveland. Comcast was close to leasing a temporary site within the City a couple of months ago, but unfortunately those efforts got derailed when the landlord leased the building to another tenant.

Per the attached letter, Comcast has no concerns if the City moves to extending the current franchise expiration of June 30, 2014 to December 31, 2014.

As before, City staff believes that consenting to this franchise extension request is reasonable and will not negatively impact our negotiations going forward. In addition, Comcast will continue its efforts to site a local customer service office within Loveland, as well as operate under and comply with the terms of the current franchise, until such time a cable franchise renewal agreement can be reached. We have also invited Comcast representatives to be in attendance to answer any questions from City Council on this topic.

Please also note that the City's current and past franchise agreements have always been non-exclusive and do not limit the ability of other cable operators or other TV / communication companies to serve the Loveland market and receive equal access to City owned right-of-way and associated facilities.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance
2. Exhibit A to the Ordinance; Third Amendment to the Cable Franchise Agreement
3. Letter from Comcast Cable consenting to the extension of the current cable franchise

FIRST READING May 20, 2014

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CABLE FRANCHISE AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND COMCAST OF COLORADO II, LLC TO EXTEND THE TERM OF THE FRANCHISE AGREEMENT

WHEREAS, on April 3, 2007, the Loveland City Council adopted Ordinance No. 5178 approving the grant of a nonexclusive franchise to Comcast of Colorado II, LLC (“Comcast”) for its construction and operation of a cable television system within the City; and

WHEREAS, pursuant to Ordinance No. 5178, the City and Comcast entered into a Cable Franchise Agreement (“Franchise Agreement”) effective May 1, 2007 through April 30, 2013; and

WHEREAS, Comcast desires to renew the franchise and preserved its right of renewal by timely filing a request with the City to activate the formal process for renewing the franchise pursuant to the provisions of the Cable Communications Policy Act of 1984; and

WHEREAS, pursuant to Ordinance No. 5746, the City and Comcast entered into a First Amendment to the Cable Franchise Agreement dated March 25, 2013 to extend the term of the Franchise Agreement to December 31, 2013 in order to allow time for negotiations; and

WHEREAS, on November 19, 2013, the City Council considered but did not approve a proposed new franchise agreement with Comcast, and directed City staff to bring forward a request to extend the Franchise Agreement a second time in order to allow time for additional negotiations; and

WHEREAS, pursuant to Emergency Ordinance No. 5833, the City and Comcast entered into a Second Amendment to the Cable Franchise Agreement dated December 3, 2013 to extend the term of the Franchise Agreement to June 30, 2014 in order to allow time for additional negotiations; and

WHEREAS, negotiations have not been concluded, and the City desires to extend the term of the Franchise Agreement to December 31, 2014.

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

Section 1. That the “Third Amendment to the Cable Franchise Agreement,” attached hereto as Exhibit A and incorporated herein by reference (“Third Amendment”), is hereby approved.

Section 2. That the Mayor is hereby authorized, following consultation with the City Manager and the City Attorney, to modify the Third Amendment in form or substance as deemed necessary to effectuate the purposes of this Ordinance or to protect the interests of the City.

Section 3. That the Mayor and the City Clerk are hereby authorized and directed to execute the Third Amendment on behalf of the City.

Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ____ day of June, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Shawn L. Eltes

Assistant City Attorney

Exhibit A

**THIRD AMENDMENT
TO THE CABLE FRANCHISE AGREEMENT**

This Third Amendment to the Cable Franchise Agreement (“Third Amendment”) is made and entered into as of this _____ day of June, 2014, by and between the **City of Loveland**, a Colorado municipal corporation (“**City**”), and **Comcast of Colorado II, LLC (“Comcast”)**.

Whereas, on April 3, 2007, the Loveland City Council adopted Ordinance No. 5178 approving the grant of a nonexclusive franchise to Comcast of Colorado II, LLC (“**Comcast**”) for its construction and operation of a cable television system within the City; and

Whereas, pursuant to Ordinance No. 5178, the City and Comcast entered into a Cable Franchise Agreement (“**Franchise Agreement**”) effective May 1, 2007 through April 30, 2013; and

Whereas, Comcast desires to renew the franchise and preserved its right of renewal by timely filing a request with the City to activate the formal process for renewing the franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 (“**Cable Act**”); and

Whereas, pursuant to Ordinance No. 5746, the City and Comcast entered into a First Amendment to the Cable Franchise Agreement dated March 25, 2013 to extend the term of the Franchise Agreement to December 31, 2013 in order to allow time for negotiations; and

Whereas, on November 19, 2013, the City Council considered but did not approve a proposed new franchise agreement and directed City staff to bring forward a request to extend the Franchise Agreement a second time in order to allow time for additional negotiations; and

Whereas, pursuant to Emergency Ordinance No. 5833, the City and Comcast entered into a Second Amendment to the Cable Franchise Agreement dated December 2, 2013 to extend the term of the Franchise Agreement to June 30, 2014 in order to allow time for additional negotiations; and

Whereas, negotiations have not been concluded, and the City and Comcast desire to extend the term of the Franchise Agreement to December 31, 2014.

Now, therefore, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

- 1.** The term of the Franchise Agreement shall be extended to December 31, 2014.
- 2.** Except as specifically modified hereby, the Franchise Agreement shall remain in full force and effect.

3. Neither party waives any right it may have under law by execution of this Third Amendment, and Comcast shall not be required to file any additional request or document in order to preserve its right of renewal under Section 626 of the Cable Act.

In Witness Whereof, the parties have executed this Third Amendment as of the day and year first written above.

City of Loveland

By: _____
Cecil Gutierrez, Mayor

Attest:

City Clerk

Approved as to Form:

Assistant City Attorney

Comcast of Colorado II, LLC

By: _____

Title: _____



8000 E. Iliff Ave.
Denver, CO 80231

May 13, 2014

The Honorable Cecil Gutierrez
Mayor
City of Loveland
500 E. Third Street
Loveland, CO 80537

Dear Mayor Gutierrez:

As you know, we continue to communicate and coordinate with the City of Loveland's ("City") staff and consultants on the process to renew the cable franchise agreement we have with the City. The current extension of our existing franchise is due to expire at the end of the June.

We are hopeful that the renewal process will soon come to a conclusion, and believe we will be able to successfully conclude our franchise renewal in the City in the near future. However, City staff has requested an additional extension of our franchise, through the end of 2014, in order to ensure that we have sufficient time to finalize the franchise renewal.

This letter is to inform the City that Comcast has no concerns with the implementation of another franchise extension, through the end of 2014. Regardless of whether we enact an additional franchise extension or not, it is Comcast's position that, without waiving any rights we have under state or federal law, our existing franchise remains in effect during the informal negotiation process, in order to allow us to complete the negotiation process. Please be assured that we will continue to operate under and comply with the terms of the franchise until such time as a renewal agreement is reached.

Thank you for your continued attention to our franchise renewal process with the City. We hope to conclude it soon.

With best wishes, and

Sincerely,

A handwritten signature in blue ink that reads "Jeff Dolan".

Jeff Dolan
Vice President of Regulatory and Government Affairs



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 5/20/2014
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Bethany Clark, Community & Strategic Planning

TITLE:

An Ordinance on First Reading Designating as a Historic Landmark the Howard's Sinclair Service Station Located at 123 North Lincoln Avenue in Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and adopt the ordinance on first reading as presented.

OPTIONS:

1. Adopt the action as recommended by the Historic Preservation Commission
2. Deny the action. According to Section 15.56.030, City Council could not consider the same or substantially the same application for at least 1 year.
3. Adopt a modified action: Open the public hearing, take testimony and then continue the public hearing to a date certain.
4. Refer back to staff for further development and consideration

SUMMARY:

This is a legislative action. The Owner of the Art Deco historic gasoline station at First Street and Lincoln Avenue is requesting Loveland Historic Landmark designation to recognize the building's significance to Loveland's community character. The Historic Preservation Commission acknowledges the building's significance and recommends that City Council designate the building to the Loveland Historic Register.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

On April 21, 2014, a Public Hearing was held by the Historic Preservation Commission for the purposes of considering the nomination application. It is the Historic Preservation Commission's charge to review nomination applications for conformance with the established criteria for

designation and with the purposes of the historic preservation ordinance. The Commission determined that the nominated property had both the significance and the integrity to be designated as a Loveland Historic Landmark, as detailed in the attached staff report, and voted unanimously to recommend approval of the designation to City Council. Draft minutes from the April 21st meeting, attached, include the Commission's motion. It is anticipated that the minutes will be adopted at the May 19th meeting.

According to the Historic Building Inventory prepared by Cultural Resource Historians in 1999, the Howard's Sinclair Service Station is primarily significant as a locally rare example of pre-World War II gasoline station architecture in Loveland. Its architectural style that melds Art Deco and Mediterranean and Spanish Colonial Revival reveals the eclectic and creative approach often taken by architects towards this specialized building type prior to the industry's standardization of service stations movement beginning in the late 1930's. It is also significant as an example of Art Deco architecture in Loveland characterized by its angular, linear composition, stepped or set-back façade, broken cornice lines, and the use of polychromatic materials.

The building proposed for designation is currently an auto restoration business. A temporary mobile food trailer is located on the north side of the historic station and the owner wishes to open it as a 50's-style diner. The food trailer could be permitted as a temporary use for up to six months, and the City has been in discussions with the owner in an effort to permit the trailer.

To be considered eligible for designation as a historic landmark on the Loveland Historic Register, a property must be at least fifty (50) years old and must meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance as identified in Loveland Municipal Code Section 15.56.100. Based on the assessment by Cultural Resource Historians, the Howard's Sinclair Service Station meets the age requirement and additional criteria required for designation. Specific criteria for nomination are contained in the staff report.

REVIEWED BY CITY MANAGER:

William A. Cabell

LIST OF ATTACHMENTS:

1. Ordinance
2. April 21, 2014 Historic Preservation Commission staff report
3. April 21, 2014 Historic Preservation Commission minutes
4. PowerPoint Presentation

FIRST READING May 20, 2014

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING AS A HISTORIC LANDMARK THE HOWARD’S SINCLAIR SERVICE STATION LOCATED AT 123 NORTH LINCOLN AVENUE IN LOVELAND, COLORADO

WHEREAS, Chapter 15.56 of the Loveland Municipal Code provides that the City Council may designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and

WHEREAS, Code Section 15.56.100 further provides that landmarks must be at least fifty years old and meet one or more of the criteria for architectural, social/cultural, or geographic/environmental significance; and

WHEREAS, the owner of that real property legally described as **Lots 1 & 2, Block 24, Loveland Original Town Plat, Less Road as Per 2001053327, City of Loveland, County of Larimer, State of Colorado** (the “Property”), located at 123 North Lincoln Avenue, Loveland, Colorado, filed an application for designation of a structure located on the Property (the “Howard’s Sinclair Service Station”) as a historic landmark under Code Chapter 15.56; and

WHEREAS, upon designation of the Howard’s Sinclair Service Station as a historic landmark, the Property shall be subject to the provisions of Chapter 15.56 of the Code, as it may be amended from time-to-time by action of the City Council, which currently include, among other provisions, requirements for maintenance, requirements for prior approval of alteration, relocation, or demolition, and remedies for violation, which are binding upon the owner and subsequent purchasers of the Property; and

WHEREAS, on April 21, 2014, the Historic Preservation Commission (“Commission”) held a duly-noticed public hearing (“Commission Hearing”) at which it evaluated the application for designation of the Howard’s Sinclair Service Station as a historic landmark, considered the criteria for designation required in Code Section 15.56.100, and received and duly considered any public comments and testimony; and

WHEREAS, at the conclusion of the Commission Hearing, the Commission recommended to the City Council approval of the designation of the Howard’s Sinclair Service Station as a historic landmark; and

WHEREAS, as required by Code Section 15.56.030.D, the Commission has forwarded its written recommendation to the City Council that the Howard’s Sinclair Service Station be designated as a historic landmark; and

WHEREAS, on May 20, 2014, the City Council held a duly-noticed public hearing on the designation application at which it reviewed the application for conformance with the criteria for designation in and the with the purposes of Code Chapter 15.56 and considered the written views of owners of affected property, if any.

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

Section 1. That the preceding recitals contained in this Ordinance are hereby adopted and incorporated by reference as findings of fact of the City Council.

Section 2. That the City Council finds that the Howard’s Sinclair Service Station, located at 123 North Lincoln Avenue in Loveland, Colorado, satisfies the age requirement and meets the following significant criteria for designation as a landmark to the Loveland Historic Register:

- a. Architectural:
 - 1. Exemplifies specific elements of an architectural style or period.
 - 2. Demonstrates superior craftsmanship or high artistic value.
 - 3. Represents a built environment of a group of people in an era of history.
- b. Social/Cultural:
 - 1. Exemplifies the cultural, political, economic, or social heritage of the community.
- c. Geographic/Environmental:
 - 1. Enhances sense of identity of the community.
- d. Physical Integrity:
 - 1. Shows character, interest, or value as part of the development, heritage, or cultural characteristics of the community, region, state, or nation.
 - 2. Retains original design features, materials, and/or character.
 - 3. Retains its original location.

Section 3. That the Howard’s Sinclair Service Station is hereby designated as a historic landmark to the Loveland Historic Register.

Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 5. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with state statutes.

ADOPTED this _____ day of June, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



COMMUNITY & STRATEGIC PLANNING
 Civic Center • 500 East Third Street • Loveland, Colorado 80537
 (970) 962-2577 FAX (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Loveland Historic Preservation Commission
 Staff Report

From: Bethany Clark, Community and Strategic Planning
 Meeting Date: April 21, 2014
 Re: Application for Historic Landmark Property Designation, 123 N Lincoln Ave.

SITE DATA

Address: 123 N Lincoln
 Loveland, CO 80537

Request: Application for Historic Landmark Property Designation

Historic Name: Howard’s Sinclair Service Station

Architectural Style: Art Deco/ Mediterranean/Spanish Colonial Revival

Current Building Sq. Ft.: 1193 square feet
 (Source: Larimer Co. Assessor Property Information)

Construction Date: Circa 1937

Legal Description: LOTS 1 & 2, BLK 24, LOVELAND ORIGINAL TOWN PLAT; LESS RD AS PER 2001053327

Owner(s): Eugene Stires, Jr.

Applicant(s): Eugene Stires, Jr.

Attachments: A. Location Map
 B. Nomination Application submitted by Applicant

I. APPLICATION

At the March 17, 2014 Historic Preservation Commission meeting, Gene Stires, owner of the property at 123 N. Lincoln, requested assistance from the commission regarding his property. The City of Loveland had approached Mr. Stires through a real estate agent inquiring about the purchase of his property with the intention of developing the entire block. Mr. Stires informed the HPC that he does not want to sell his property and would like to protect it from potential demolition through historic landmark designation. The Commission advised that he submit a Nomination Application to them for their review. Ultimately, they explained, that the designation decision would be made by the Loveland City Council.

Mr. Stires submitted an incomplete application to City staff and was advised by staff to revise the application regarding the criteria that the property is significant under. Mr. Stires proposed the property was significant as the site of an historic event and associated with a notable person. Staff advised that the property is primarily significant for its architectural style and not for notable people or historic events as referenced in the application. Mr. Stires resubmitted an application on April 1, 2014 without observing staff's recommendations.

Staff mailed a notification letter announcing the date of a public hearing to the property owner of 123 N. Lincoln Avenue as required by ordinance. The Community and Strategic Planning Division also published notice of the public hearing for consideration of designation as a landmark property in the *Loveland Reporter-Herald*.

Larimer County Assessor records identify the property by the following address: 123 N. Lincoln Avenue, Loveland, Colorado.

II. SUMMARY

Excerpts from the 1999 Historic Building Inventory, Office of Archeology and Historic Preservation

History:

Howards Sinclair Service Station was built c. 1937, during the latter part of the Great Depression. The station was owned by Howard E. Mapps, who dispensed fuel and provided auto repair. It remained in business for approximately 30 years, from c. 1938 until c. 1968, under a series of different owners. In 1968-69, Floyd R. Street operated a rental service, offering tools, furniture, carpet shampooers, camping equipment, and more from the building. By 1971 Street's American Rental Center had either moved or failed, and the old gas station sat vacant for a few years in the early 1970s. For several years later in the decade (c. 1975-77), the building was put to use as a church. In 1975, it housed the All Nations Pentecostal Church, led by pastor Elder D. Weideman, and in 1976-77 it was called the Pentecostal Temple. In the 1979 and 1982 city directories no information was available about this address, suggesting that it was vacated. Recent uses include used car dealerships from c. 1984-1988, and in 1990 the property was occupied by Solar Shield and Detail, an automotive detailing shop that made use of the building's garage space. More recently, the building has been used as a medical marijuana dispensary and a foreign car repair garage.

Architectural Description:

This historic gasoline station is located on the west side of North Lincoln Avenue, between 1st and 2nd Streets in Loveland, and directly north of the Greeley-Loveland Canal. The gas station building is a single story, stuccoed brick structure with a combination of Art Deco and Mediterranean or Spanish Colonial Revival elements creating a distinctive appearance. The building is composed of a rectangular two-bay garage, to the north end of which is joined a narrower office wing with a canted corner containing the main entry. Among the distinctive features of this building are a series of vertical, square-sided piers

that rise above the roof and are capped by smaller square blocks resulting in a stepped appearance (a common Art Deco visual effect). These piers are placed at key points along the building, and serve to divide the visible sides (the east and north sides) into a series of bays. Piers flank two large garage bay openings as well as the window and door bays on the office. Other distinctive features include the use of semi-cylindrical red roof tiles to create sloped false roofs on the parapet walls spanning the vertical piers, and decoratively shaped window and door openings.

The building's main elevation faces east. The southernmost garage opening is slightly larger than the adjacent, northern garage opening; however, both are equipped with similar painted wooden multi-panel doors with six large rectangular lights. The northernmost garage bay is also equipped with a narrow personnel entry door which consists of a five panel door, the upper three panels of which are glazed. A similar door is installed in the main entry to the office on the building's canted northeast corner. The office features identical bays on either side of the canted entry - one facing east and the other north - each containing a large fixed display window as well as a peaked parapet. The south side of the building is dominated by two very large windows intended to admit plenty of natural illumination into the garage area. These windows are multi-light (8-over-8-over-4) steel sash units containing casement sashes for ventilation.

The building is in very good condition; however, the submission of a 1938 historic photograph during the public hearing revealed that there have been some minor alterations to the building's façade. The original terra cotta motifs that appear in the 1938 photograph seems to have been painted over and covered with synthetic modern decorative geometric designs set on the vertical piers. Additionally, the ornamental coins, exterior wainscoting, and exterior window/door mouldings were not part of the original design of the building. The owner has indicated that the original terra cotta ornamentation is underneath the faux ornamentation and the synthetic coins, wainscoting, and mouldings can be easily removed. The only other apparent alteration to the property was the removal of the gasoline pumps/pump islands sometime after the original use was discontinued c. 1967-68.

III. PHOTOGRAPHS



Figure 1: Northeast Corner



Figure 2: Southeast Corner



Figure 3: East (Front) Elevation



Figure 4: South Corner



Figure 5: West (Rear) Elevation



Figure 6: West (Rear) Elevation



Figure 7:1938 Historic Photograph



Figure 8: Circa 1969 Photograph



Figure 9: Circa 1976 Photograph

IV. FINDINGS AND ANALYSIS

Determination of Significance and Integrity

Significance

Significance should be used as the starting point in determining eligibility for placement on a historic register. Significance has two distinct attributes – the “area of significance” which answers the question of context, or **what** is significant about a resource, and its “period of significance” which answers the question of **when** a resource was significant.

The Howard’s Sinclair Service Station is a locally rare example of pre-World War II gasoline station architecture in Loveland. Its relatively ornate design, that melds Art Deco and Mediterranean or Spanish Colonial Revival attributes, reveals the eclectic and creative approach often taken by architects towards this specialized building type prior to the industry’s movement beginning in the late 1930s towards the standardization of service stations representing competing brands of automobile fuel.

The gas station is also significant as an example of Art Deco architecture in Loveland and for its high artistic value. As defined by the Colorado Historical Society’s Office of Archaeology and Historic Preservation, Art Deco is characterized by an angular, linear composition, stepped or set-back facade, broken cornice lines, stylized floral and geometric motifs, and the use of polychromatic materials. Popular during the 1930s and 1940s, apartment buildings, schools and commercial buildings all over Colorado exhibit elements of this style. The vertical piers (geometric piers) exhibit a good example of broken cornice lines and a stepped facade. The Mediterranean style often features a heavy tile roof as the dominant characteristic and has more restrained ornamentation (as opposed to the elaborate details on a Spanish Colonial structure). Common elements include tile roofs and stucco/plaster finishes which are distinct features of the structure.

The Howard’s Sinclair Service Station was built circa 1937, making it greater than 50 years old.

Integrity

Integrity refers to the ability of a structure to convey its original design or some later period of significance through the intactness of its historic form, original or historic use of materials, setting and site. Integrity has seven (7) particular aspects: location, setting, feeling, design, materials, workmanship, and association with some attribute of historic significance.

A historic building, for example, that retains its original or historically significant setting with little or no visible modifications that diminish the ability to relate its historic association demonstrates greater integrity than a building that has lost many of physical historical elements. A building with high physical integrity retains the following original or historically significant elements: massing; architectural detail; surface treatment; and windows and doors.

The structure overall has good integrity as its massing, architectural detail, significant elements, and windows remain unaltered, and the building retains its original location. However, the evidence presented at the Public Hearing revealed there have been some minor surface alterations to the façade that only somewhat diminish the building’s integrity. The treatments are minor and can be reversed so they do not severely diminish the building’s overall integrity.

Eligibility

To be considered eligible for designation as a historic landmark on the Loveland Historic Register, a property must be at least fifty (50) years old and must meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance as identified in Loveland

Municipal Code 15.56.090. The Howard's Sinclair Service Station satisfies the age requirement and meets the following criteria for designation as a Loveland Historic Register Landmark:

- a.) Architectural
 - 1. Exemplifies specific elements of an architectural style or period.
 - 2. Demonstrates superior craftsmanship or high artistic value.
 - 3. Represents a built environment of a group of people in an era of history.
- b.) Social/Cultural
 - 1. Exemplifies the cultural, political, economic or social heritage of the community.
- c.) Geographic/Environmental
 - 1. Enhances sense of identity of the community.
- d.) Physical Integrity
 - 1. Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
 - 2. Retains original design features, materials, and/or character.
 - 3. Retains its original location.

Given available information for the property at 123 N. Lincoln, staff has determined that the Howard's Sinclair Service Station exhibits both adequate *integrity* and *significance* to support its eligibility for designation as a Loveland historic landmark. This determination is based on the Colorado Historical Society's recommended framework for determining landmark eligibility.

V. STAFF RECOMMENDATION

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

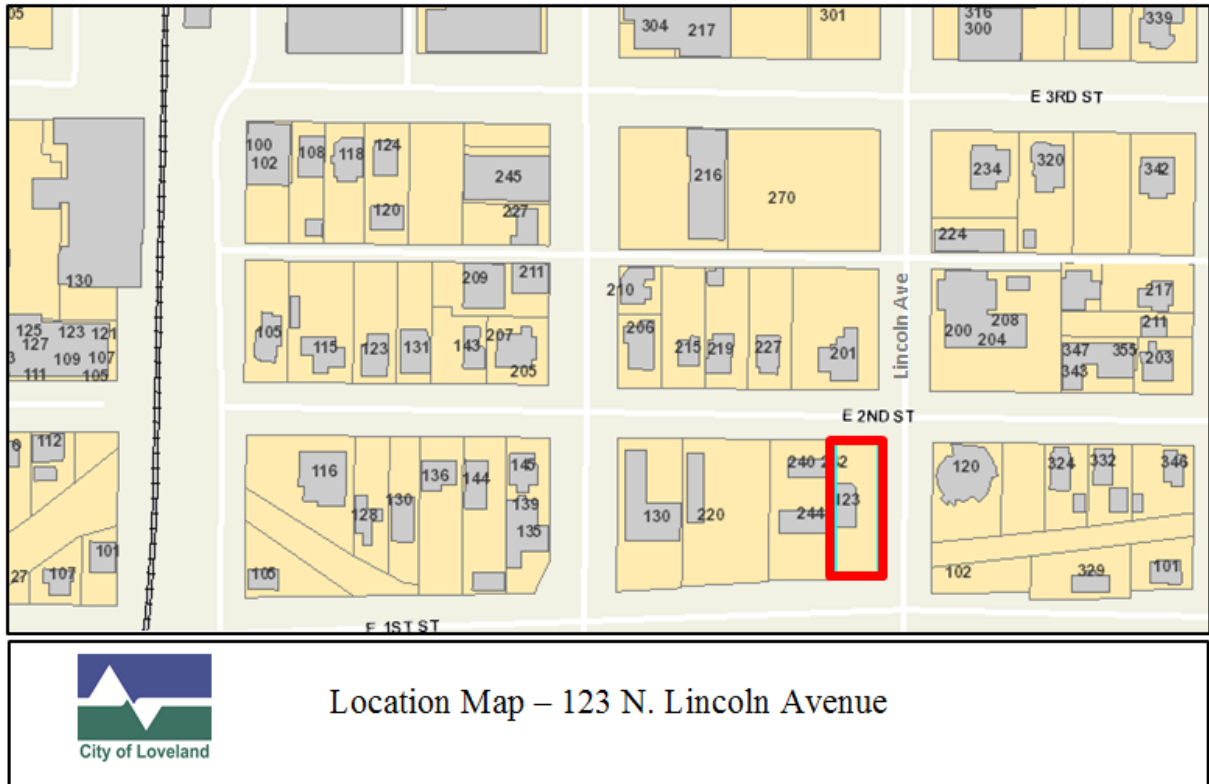
Move to make the findings listed in Section IV of the Historic Preservation Commission staff report dated April 21, 2014 stating that the Howard's Sinclair Service Station meets the criteria for designation.

Options

Section 15.56.030.D (4) provides the following options for commission action on an application for nomination:

- 1. Recommend approval
- 2. Recommend approval with modifications
- 3. Recommend disapproval

Attachment A



Designation Information

Historic Landmark Nomination

LOVELAND HISTORIC LANDMARK NOMINATION – Application Information

PREPARING AND FILING YOUR APPLICATION:

The Historic Preservation Commission thanks you for becoming involved in the important process of protecting the Loveland community's historic built environment. The following steps will guide you through the nomination process and designation procedures. *If you have any questions, please call the historic preservation staff. Our staff is here to help!*

Designation is a five step process that takes approximately 3-4 months from the time an application is submitted to the Historic Preservation Commission.

- Step 1 Pre-Application Conference.** Schedule a time to meet with the City Staff to determine the property's significance, review the designation process, and learn how to research the historic property. City Staff will also outline the privileges, obligations, and restrictions that apply to designated landmarks and districts.
- Step 2 Formal Application.** Complete the *Loveland Historic Landmark Nomination Application* and attach an officially recorded document containing the legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc. Contact the Larimer County Clerk's office for assistance. Applications can be submitted at the Planning window on the third floor of the Municipal Complex Annex, or mailed to City of Loveland Community & Strategic Planning, 500 E. Third Street, Suite 310, Loveland, CO 80537.
- Step 3 Staff Review.** Community and Strategic Planning staff will review the application to determine whether the application is complete and if the property meets the criteria for designation.
- Step 4 Historic Preservation Commission.** Once a complete application has been received, a public hearing is scheduled before the Historic Preservation Commission. All owners of record are notified by mail of the date, time, and place of the hearing. In addition, at least 15 days prior to the public hearing, the City shall post the property and publish a notice in the newspaper to indicate that a historic landmark designation has been applied for. The Commission will hear public testimony at the hearing and determine if the property meets the designation criteria. If the Commission determines that the property meets the criteria, the application is then forwarded to City Council.
- Step 5 City Council.** Upon recommendation of the Commission, the designation application is forwarded to the Loveland City Council. The City Council will review the application for conformance with the established criteria for designation. Due consideration will also be given to the written view of owners of affected property. The City Council designates a landmark by City Ordinance, which requires two readings before the Council. The first reading before City Council is a public hearing.



Application

Historic Landmark Nomination

LOVELAND HISTORIC LANDMARK NOMINATION – Application

1. NAME OF PROPERTY

Historic Name: Howards Sinclair Service Station 1937 *see Att.*
 Current Name: Honda Dr. / Papa ~~W~~ Wheelie

2. LOCATION

Address: 123 N. Lincoln Lots 1+2 B1K 24 Lot
 Legal Description (attach additional sheets if necessary): _____

3. OWNER INFORMATION

Name: Gene Ottes Jr.
 Street Address: 1202 W. Eisenhower Blvd.
 City: Loveland State: CO. Zip: 80537
 Phone: 970-581-3099 Email (optional): lovelandgene@aol.com

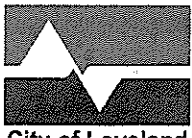
4. APPLICANT

- Property Owner
- City Council (attach meeting minutes initiating action)
- Commission Designees (pursuant to 15.56.170)
- Historic Preservation Commission (attach meeting minutes initiating action)

5. PROPOSED LANDMARK INFORMATION

Construction Date: 1935-37
 Source of Information: L.C.A. See Att.
 Architect/Builder: Carl Hoff
 Source of Information: Harry Leifheit Jr.
 Original Owner: Harry Leifheit
 Source of Information: L.C.A. See Att.
 Building Materials: Brick

Is the structure on its original site? Yes No If No, Date moved: _____



Application

Historic Landmark Nomination

Original Use: Gas station
 Present Use: Auto Restoration
 Architectural Style: SEE ATT. #2

6. SIGNIFICANCE

To qualify as a Loveland Historic Landmark, a property must be at least 50 years old and meet at least one criterion below. The property must also have historic and physical integrity. Please identify which criterion you believe the property qualifies under. **You must provide a statement explaining how the structure meets the criterion and therefore qualifies as a Loveland Historic Landmark.**

Architectural

- Exemplifies specific elements of an architectural style or period.
- Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.
- Demonstrates superior craftsmanship or high artistic value.
- Represents an innovation in construction, materials, or design.
- Represents a built environment of a group of people in an era of history.
- Exhibits a pattern or grouping of elements representing at least one of the above criteria.
- Is a significant historic remodel.

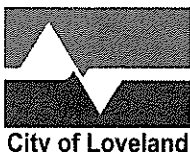
Social/Cultural

- Is a site of an historic event that had an effect upon society. *One of the first mmj dispensary of colorado.*
- Exemplifies the cultural, political, economic, or social heritage of the community.
- Is associated with a notable person(s) or the work of a notable person(s). *Gene Stires car customizer and car collector. Preservation of automotive art for over 20 years.*

Geographic/Environmental

- Enhances sense of identity of the community.
- Is an established and familiar natural setting or visual feature of the community.

Statement of Significance: (attach additional sheets, if necessary) See Attachment.



7. ARCHITECTURAL DESCRIPTION

Please provide a narrative describing the architectural characteristics of the property using the following guides:

- a. Describe the structure and its surroundings. Include building size, shape, number of stories, materials, etc.
- b. Describe any major architectural features, uncommon or unique design features, ancillary structures, and important landscape or site features. Describe interior spaces with extraordinary design features, if desired.
- c. Describe character-defining features that comprise the appearance of the structure.
- d. Describe the structure's location and setting, including physical context and relationship to the neighborhood and other historic structures.
- e. Describe major alterations to the exterior of the structure and the dates of each alteration, if known.
- f. Include a statement describing how the building conveys its historic integrity. For example, does it retain its original location, design, materials, workmanship, setting, historic associations and feelings?

Architectural Description: (attach additional sheets if necessary)

See Att.
Only changes was the entry doors which will be replaced to the original style doors.

8. HISTORICAL DESCRIPTION

Please provide a narrative describing the property's history using the following guides:

- a. Describe the history of the structure and its associations with important individuals, groups, events, or historical trends. *Automobile transportation, church, automotiv art and*
- b. Describe specific historical associations including why this structure has direct association with the individual, group, event, or historical trend. *Dispenser. Same as above.*

Historical Description: (attach additional sheets if necessary)

See Att.



9. PHOTOGRAPHS

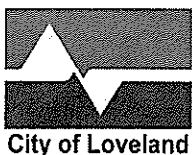
Attach 5x7 or larger color photographs* showing each elevation of each building and structure on the property. Include photographs that depict important features or details. If available, attach copies of historic photographs of the structure.

* Computer printouts on standard printer paper will not be accepted. Applicant may provide a CD or flash drive with digital images (750 pixels x 1050 pixels minimum) in .jpg or .tiff format, in lieu of providing photo prints

10. RESOURCES

Provide a list of research sources used in compiling this application. (attach additional sheets if necessary)

See Attachments




11. AGREEMENT


The Property Owner, by signature below and submittal of this application, acknowledges and agrees that if the Property is designated as a historic landmark, the Property will be subject to the provisions of Chapter 15.56 of the Loveland Municipal Code, as they may be amended from time to time by action of the Loveland City Council. The provisions of Chapter 15.56 of the Loveland Municipal Code are available to the Property Owner at <http://www.cityofloveland.org/historicpreservation> and currently include, among other provisions:

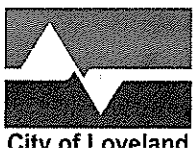
- Requirements for maintenance of a historic landmark as set forth in Code Section 15.56.150; and
- Requirements that any proposed alteration, relocation or demolition of a designated historic landmark is subject to approval, which may include application, public notice and hearing, and decision by the Historic Preservation Commission and/or City Council, prior to undertaking such actions, as more fully set forth in Code Sections 15.56.60-.80, 15.56.110-.140 and 15.56.170; and
- Remedies for violation as set forth in Code Section 15.56.090, including but not limited to provisions that moving or demolishing a designated landmark or a structure without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location, and that altering a designated landmark without an approved landmark alteration certificate will result in a one year moratorium on all building permits for the property.

Further, the Property Owner authorizes the recording of any Ordinance designating the Property as a historic landmark in the real property records of the Larimer County Clerk and Recorder and agrees to disclose to any purchaser of the Property the designation of the Property as a historic landmark subject to the benefits and obligations of Chapter 15.56 of the Loveland Municipal Code.

Signature of Property/Site Owner(s):  Date: 2014 3-31

The Property Owner has read and agrees with all that is contained in Section 15.56.090 of the Loveland Municipal Code and understands all the benefits and obligations of said code. The Property owner specifically understands and agrees that once the property is a designated landmark, any proposed alterations must receive an approved Landmark Alteration Certificate prior to construction. The Property owner also understands and agrees that unauthorized alterations will result in a one-year moratorium on all permits for the property and may result in rescission of the landmark designation, and moving or demolishing a designated landmark or a structure without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location. Additionally, the Property owner will disclose to future owners of the property all the benefits and obligations of Section 15.56.090 of the Loveland Municipal Code.

Signature of Property/Site Owner(s):  Date: 2014 3-31



500 East 3rd Street, Suite 310
Loveland, CO 80537
970-962-2525
www.cityofloveland.org/historicpreservation

COLORADO HISTORICAL SOCIETY
Office of Archeology and Historic Preservation
1300 Broadway Denver, CO 80203

HISTORIC BUILDING INVENTORY

COUNTY: Larimer CITY: Loveland

HISTORIC BUILDING NAME: Howard's Sinclair Service Station;
McFarland Service Station

CURRENT BUILDING NAME: Honda Doctor

ADDRESS: 123 North Lincoln Avenue
Loveland, CO 80537

OWNER(S) NAME AND ADDRESS: Eugene Patrick Stires
123 North Lincoln Avenue
Loveland, CO 80537

SITE NO: 5LR5037

Eligible for National Register yes no
date _____ initials _____

Contributes to a potential National Register District
 yes no

District Name: Loveland Downtown Historic District

Criteria A B C D

Eligible for State Register yes no
date _____ initials _____

Criteria A B C D E

Areas of Significance

Period of Significance

Needs Data date _____ initials _____

LOCAL LANDMARK DESIGNATION: No

P.M.: 6th Township: 5N Range: 69W
SW¼ of SW¼ section 13

UTM REFERENCE: ZONE: 13

EASTING: 493815

NORTHING: 4471180

USGS QUAD NAME: Loveland, Colo.

Year: 1962 (Photorevised 1984) 7.5'

Block: 24

Lots: 1-2

Addition: N/A



[x] original location

[] moved

Date(s) of move(s): N/A

HISTORIC USE: Gasoline
filling station

PRESENT USE: Automobile
repair garage

DATE OF CONSTRUCTION
estimate: 1934-1937
actual:

SOURCE OF INFORMATION
Loveland City Directories
Sanborn maps

REAL ES **CARD - COMMERCIAL PROPERTY**

2-1

EMERALD CORPORATION
704--1ST NAT BK BLDG
AMARILLO, TEXAS. 79105

95133-51-001

LOTS 1 & 2

LOVELAND

BLK 24

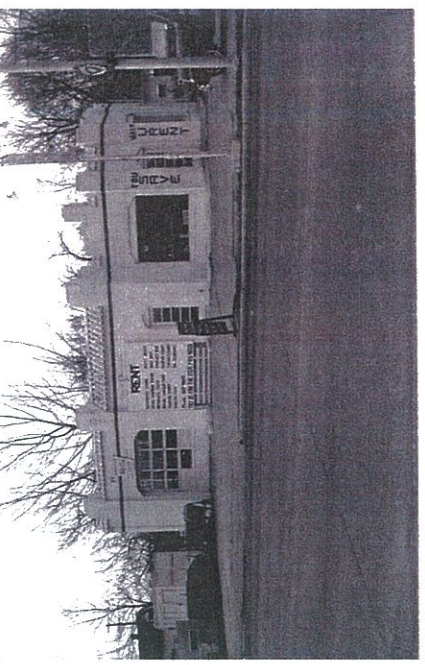
133 Lincoln

LOT OR ACREAGE DESCRIPTION *See Plat # 133 Lincoln* **LAND VALUE CALCULATION**

ZONING	STREET OR ROAD	IMPROVEMENTS	TOPOGRAPHY	SIZE	UNIT VALUE	FRONT FT. OR SQ. FT.	ACTUAL VALUE	%	ASSESSED VALUE
RESIDENTIAL <input type="checkbox"/>	PAVED <input type="checkbox"/>	SIDEWALK <input type="checkbox"/>	LEVEL <input type="checkbox"/>				12,260		3,910
APARTMENT <input type="checkbox"/>	HARD SURFACE <input type="checkbox"/>	CURB <input type="checkbox"/>	HIGH <input type="checkbox"/>						
COMMERCIAL <input type="checkbox"/>	OILED <input type="checkbox"/>	DRIVEWAY <input type="checkbox"/>	STEEP <input type="checkbox"/>						
LIGHT INDUSTRIAL <input type="checkbox"/>	GRAVEL OR STONE <input type="checkbox"/>	CITY WATER <input type="checkbox"/>	SOIL <input type="checkbox"/>						
HEAVY INDUSTRIAL <input type="checkbox"/>	UNIMPROVED <input type="checkbox"/>	WELL <input type="checkbox"/> SPRING <input type="checkbox"/>	LOW <input type="checkbox"/>						
	CONDITION:	SEWER <input type="checkbox"/>	SLOPING <input type="checkbox"/>						
	GOOD <input type="checkbox"/>	ELECTRICITY <input type="checkbox"/>	HILLY <input type="checkbox"/>						
REGULAR LOT SIZE <input checked="" type="checkbox"/>	AVERAGE <input type="checkbox"/>	GAS <input type="checkbox"/>	ROCK <input type="checkbox"/>						
IRREGULAR LOT SIZE <input type="checkbox"/>	POOR <input type="checkbox"/>	PAVED ALLEY <input type="checkbox"/>							
			1968						
CHANGE NOTICE									
TOTAL \$									

BUILDING PERMIT		ACTUAL VALUE			ANNUAL ASSESSMENT			ASSESSED VALUE		
DATE	AMOUNT	YEAR CHG.	%	LAND	BLDGS.	TOTAL	REASON	LAND	BLDGS.	TOTAL
1961		1961						3710	4650	8360
1968		1968		12260	7460	19820	Revised by <i>Revised by [unclear]</i>	3710	2240	5950
1968		1968		12360	3730	16090	Revised by <i>Revised by [unclear]</i>	3710	1120	4830
19		19								
19		19								
19		19								
19		19								
19		19								
19		19								
19		19								
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19		19								
19		19								
19		19								
19		19								
19		19								
19		19								

MEASURED BY _____ DATE _____ CLASSIFIED BY _____ CHECKED BY *DK* DATE *5-68*



(VAB) SUBDIVISION LoveLand (VAD) LOT(S) 1 & 2 (DAB) SEC. 1 (DAI) MAP NO. 24

(DAC) CITY NO. 123 Lincoln (DAD) SUB. NO. R83 (DAG) PLAN. DIST. QC

(CAA) PROPERTY ADDRESS 2411 N TAFT AVE (CAB) ZIP CODE 65108

(BAA) OWNERS NAME STONE, DONALD D (CAD) CITY & STATE LOVELAND MO (HAF) PAGE 511

(HAB) TYPE INSTR. 118 (HAI) TYPE INSTR. QC

(HAC) MO. YR. 2/72 (HAE) BOOK 348

(HAG) DATE 10-22-2000 (HAF) PAGE 511

(HAB) DOC. FEE 00

REMARKS: **DEAD FILE**

LAND ATTRIBUTES		DATE OF IMPROVEMENTS		TRENDS		LOCATION IN BLOCK		COMBINATION		HOTEL		APPRaiser's INTERVIEW		INCOME APPROACH							
SUBJECT PROPERTY	DATE	PERCENT BUILT UP	TREND	IMPROVING	STATIC	DECLINING	BRIGHTENING	APARTMENT	OFFICES	STORE	RESTAURANT-Tavern	Motel	Motor Motel	(WAB) APPRAISER DATE	(WAA) DATE	(IAC) OCCUPANCY FURNISHED	(IAA) OWNER/TENANT UNFURNISHED	DATE	DATA REFERENCE	INDICATED VALUE	
JBA Paved Street																					
JBB Graveled Street																					
JBC Unimproved																					
JBD Sidewalk																					
JBE Curb & Gutter																					
JBF Street Lights																					
JBG Alley																					
JCA Public Water																					
JCB Well Water																					
JCC Public Sewer																					
JCD Septic System																					
JCE Natural Gas																					
JCF Electricity																					
JDG Level																					
JDH Retaining Wall																					
JEA Representative																					
JEB Irregular																					
JEC Cut-De-Sac																					
JED Corner																					
JEE View																					
JEF Non-St. Front																					

95133-51-001
 STONE, DONALD D
 2411 N TAFT AVE
 LOVELAND MO 65108
 0388769
 2101
 2188-0571
 000.00A
 10782
 QC
 388769

APPROACH USED (Correlation)

FOR ACTUAL VALUE DETERMINATION

(WBA) DATE	(WBB) APPROACH USED	(WBF) ACTUAL VALUE	LAND/IMPS. RATIO	(WBC) DETERMINED BY
1970	3700	18430	1120	2230
1976	7260	21220	2120	4330
1977	11650	26680	2480	5610
1978	9530	21900	2860	6570

Reviewed by: _____ Date: _____

13231k5-76

ARCHITECTURAL DESCRIPTION

This historic gasoline station is located on the west side of North Lincoln Avenue, between 1st and 2nd Streets in Loveland, and directly north of the Greeley-Loveland Canal. The gas station building is a single story, stuccoed brick structure with a combination of Art Deco and Mediterranean or Spanish Colonial Revival elements creating a distinctive appearance. The building is composed of a rectangular two-bay garage, to the north end of which is joined a narrower office wing with a canted corner containing the main entry.

Among the distinctive features of this building are a series of vertical, square-sided piers that project that rise above the roof, and are capped by smaller square blocks resulting in a stepped appearance (a common Art Deco visual effect). These piers are placed at key points along the building, and serve to divide the visible sides (the east and north sides) into a series of bays. Piers flank two large garage bay openings as well as the window and door bays on the office. Other distinctive features include the use of semi-cylindrical red roof tiles to create sloped false roofs on the parapet walls spanning the vertical piers; decoratively shaped window and door openings; and the application of decorative geometric designs with tile pieces set into the stucco on the vertical piers and above window and door openings.

The building's main elevation faces east. The southernmost garage opening is slightly larger than the adjacent, northern garage opening, however, both are equipped with similar painted wooden multi-panel doors with six large rectangular lights. The northernmost garage bay is also equipped with a narrow personnel entry door which consists of a five panel door, the upper three panels of which are glazed. A similar door is installed in the main entry to the office on the building's canted northeast corner. The office features identical bays on either side of the canted entry - one facing east and the other north - each containing a large fixed display window as well as a peaked parapet. The south side of the building is dominated by two very large windows intended to admit plenty of natural illumination into the garage area. These windows are multi-light (8-over-8-over-4) steel sash units containing casement sashes for ventilation.

The service station building is set back from the street and surrounded on the east and north sides by pavement. The gasoline pump islands appear to have been removed. The building is in very good condition, and appears to be virtually unaltered.

PHOTOGRAPHS (include photographs showing each side of building and any associated buildings)

Film Roll No: **CM-2** Photographer **Carl McWilliams**
 Negative No(s): **30-33**
 Location of Negatives: **City of Loveland, Cultural Services Department**

CONSTRUCTION HISTORY (include description and dates of major additions, alterations, or demolitions)

Loveland City directory data indicates that this automotive service station was constructed in the mid 1930s, and most likely in 1937. The only apparent alteration to the property was the removal of the gasoline pumps/ pump islands sometime after the original use

ARCHITECT: **unknown**

SOURCE OF INFORMATION: **n/a**

BUILDER / CONTRACTOR:
unknown

SOURCE OF INFORMATION:
n/a

ORIGINAL OWNER:
Howard E. Mapps

SOURCE OF INFORMATION:
1938 Loveland city directory

ARCHITECTURAL STYLE:
Art Deco/ Mediterranean/ Spanish Colonial Revival

BUILDING TYPE:
Commercial - Gasoline Station

MATERIALS:
concrete foundation; stuccoed brick walls; red clay roof tiles

STORIES: **One**

SQUARE FOOTAGE: **approx. 1050-1100**

PLAN / SHAPE: **polygonal**

ASSOCIATED BUILDINGS: **no**

TYPE: **N/A**

HISTORICAL BACKGROUND

This distinctive gas station was built c. 1937, during the latter part of the Great Depression, replacing a dwelling that formerly stood in the same location. The station was first owned by Howard E. Mapps, who dispensed fuel and provided auto repair under the name Howard's Sinclair Service Station. The service station remained in business for approximately 30 years, from c. 1938 until c. 1968, under a series of different owners. Howard Mapps owned the station until sometime in the 1940s, and by 1947 it was being operated by C.W. McFarland.

The station may have been temporarily closed in 1950, when no entry appeared for this address in the city directory, however by 1954 it was again operating as Ray's Shamrock Service under the ownership of Raymon Swartz. The station had changed ownership again by 1956, when it was operated by Lester Dittmar and David L. Seevers under the name Seevers & Dittmar Shamrock Service Station. Seevers & Dittmar remained in business near the corner of First and Lincoln at least until 1960 but by 1962 the station sat vacant. Two more owners operated the station in the 1960s: In 1964, Duane Fox was managing Duane's Shamrock Service Station at 123 North Lincoln Avenue, and offered excavating and dump truck services as well. By 1966, Fox had sold the station to Manuel Adame, who renamed the station South Lincoln Shamrock.

Adame was the last to operate the property as a gas station, and in the years to follow, attempts were made to adapt the facility and location to other uses. In 1968-69, Floyd R. Street operated a rental service, offering tools, furniture, carpe shampooers, camping equipment, and more from the unusual building. However, by 1971 Street's American Rental Center had either moved or failed, and the old gas station sat vacant for a few years in the early 1970s. For several years later in the decade (c. 1975-77), the building was put to use as a church. In 1975, it housed the All Nations Pentecostal Church, led by pastor Elder D. Weideman, and in 1976-77 it was called the Pentecostal Temple. This use was relatively short-lived however, and in the 1979 and 1982 city directories no information was available about this address, suggesting that it was again vacated.

More recent uses include used car dealerships from c. 1984-1988, and in 1990 the property was occupied by Solar Shield and Detail, an automotive detailing shop that made use of the building's garage space. More recently the building has been used as a foreign car repair garage.

Even more recently owned and ran by Eugene P. Stires locally and nationally recognized for his automotive art and restorations, preservations and custom automobiles of all eras of time and history of our transportation to the present.

INFORMATION SOURCES (be specific):

Larimer County Assessor's property records for 123 North Lincoln Avenue, Loveland (1968, 1976).

Liebs, Chester H. *Main Street to Miracle Mile; American Roadside Architecture* (Boston: Little, Brown & Company 1985).

Loveland City Directory, 1908-1998 (various publishers).

Sanborn Fire Insurance Maps of Loveland, dated June 1886, December 1890, September 1893, November 1900, March 1906, May 1911, April 1918, August 1927, and August 1937.

SIGNIFICANCE (check appropriate categories)

Architectural Significance:

- represents the work of a master
- possesses high artistic value
- represents a type, period or method of construction

Historical Significance:

- associated with significant person(s)
- associated with significant event
- associated with a pattern of events
- contributes to a historic district

National Register Eligibility:

- Individual yes no
 Criteria: A B C D

Contributes to a potential district:

- yes no
 District Name: n/a

Area(s) of Significance: **Architecture**
 Period of Significance: **c. 1937-1950**

STATEMENT OF SIGNIFICANCE (briefly justify the significance checked above)

Constructed around 1937, Howard's Sinclair Service Station retains a remarkable degree of physical integrity, and is a local rare example of pre-World War II gasoline station architecture in Loveland. Its relatively ornate design, that melds Art Deco and Mediterranean or Spanish Colonial Revival attributes, reveals the eclectic and creative approach often taken by architects towards this specialized building type prior to the industry's movement beginning in the late 1930s towards the standardization of service stations representing competing brands of automobile fuel. The gas station at 123 North Lincoln Avenue is also significant as an extremely rare example of Art Deco architecture in Loveland. For these reasons, the property would qualify individually for inclusion in the National Register of Historic Places under Criterion C. The property is not situated within an existing or proposed historic district.

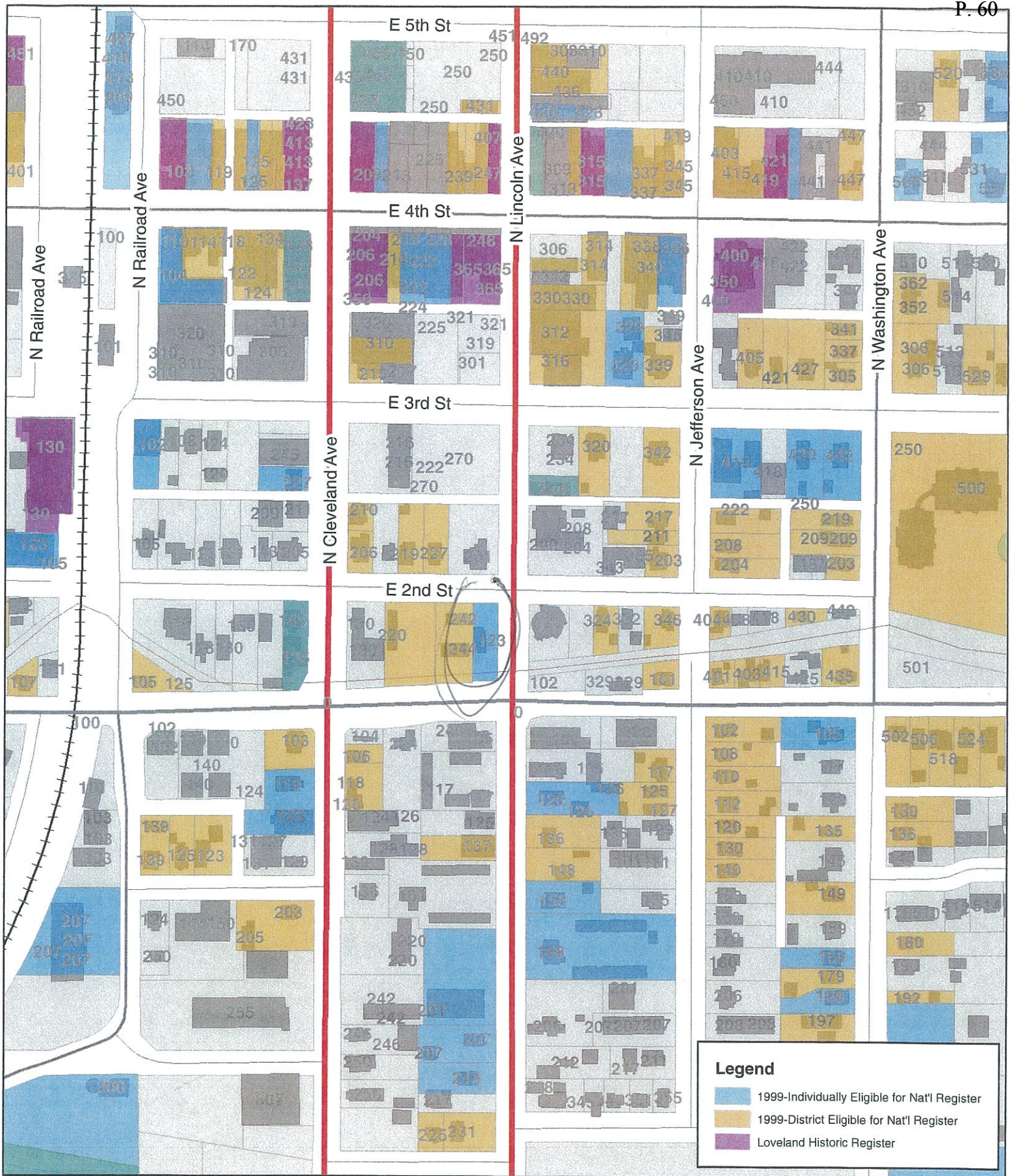
INVENTORY COMPLETED BY: **Jason Marmor and Carl McWilliams**

AFFILIATION: **Retrospect Cultural Resource Historians**

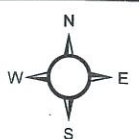
ADDRESS: **1512 Briarcliff Road 1607 Dogwood Court**
Fort Collins, CO 80524 Fort Collins, CO 80525

DATE: **13 October 1999**
 PHONE: **970/482-3115; 970/493-5270**

PROJECT NAME:
Loveland Historic Preservation Survey



Downtown Loveland Historic Properties



Search for people, places and things



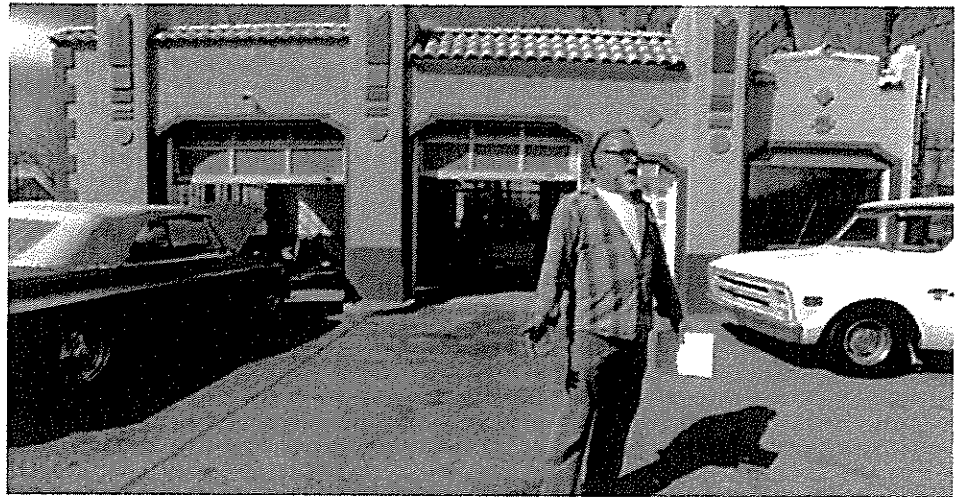
Loveland Re



Loveland Reporter-Herald

March 21 at 1:21pm ·

What would you rather see on the corner of First and Lincoln: the historic gas station that's been there for 75 years or a new development project?



New development meets 'old downtown' in Loveland

As the city of Loveland moves forward in partnership with a national developer, one property owner says he's prepared to fight for his prime, historic downtown location.

LOVELAND REPORTER-HERALD

Like · Comment · Share

Eugene P Stires, Deanna Nolda McCarty, Stires Jr Eugene Gene Top Comments and 35 others like this.

38 shares



Write a comment...



Georgina Ohline Minto Quit with the land grab! The old building is better!

Like · Reply · 21 · March 21 at 1:22pm



Kraig Warren Lorenzen Sick and tired of this SO called NEW DEVELOPMENT this building is what started this town,, its a fine looking building leave it alone. Tell me why @ Grafield and 287 theirs a building that has been sitting their EMPTY since I moved into this town in 2... See More

Like · Reply · 19 · March 21 at 2:03pm

2 Replies



Uncle Benny's Building Supplies We need to support Gene on this one. I am all behind the re-development project, but our downtown, the development company and local business need to find the balance of old and new, character and clean modern.... Please follow this situation and support Gene on this. I don't want to see his building in a dumpster!



Southwestern Coyote themed paint job can't we? What a lovely place for a hop or a bar where you could sit outside and soak up the sun.

Like · Reply · 11 · March 21 at 1:28pm

More
2 Replies

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Amanda Thompson The station. They tore down our family station right up the block for a now parking lot. A cool older historic building is better. Tearing down buildings will help people never know the history of this town.

Like · Reply · 10 · March 21 at 1:39pm



Diana Roberts McKinney If we are fighting to keep the old feed and grain building from being town down and this building is in a lot better shape. Plus it adds character to the area. I say leave it.

Like · Reply · 9 · March 21 at 3:24pm



Dawn Newcombe Cooley should be the land owners choice!

Like · Reply · 9 · March 21 at 1:30pm



Suzanne VanderBorgt Keep the old

Like · Reply · 8 · March 21 at 1:47pm



Marsha Jones The old historic building

Like · Reply · 8 · March 21 at 1:24pm



Paul VanderBorgt I like the old service station.

Like · Reply · 8 · March 21 at 1:23pm



Amanda Grabowski I agree with everyone that want to keep the building the way it is! Why change history, I love driving past the station, it has so much character. KEEP IT THE WAY IT IS

Like · Reply · 7 · March 22 at 8:53pm



Sandra Berger Why does the city need more new developments built before they even fill what they have already built. They are tearing down the small town feeling of the old town. I hope that block fights and fight hard.

Like · Reply · 7 · March 21 at 2:22pm · Edited



Desiraeh Garcia Historic old building

Like · Reply · 7 · March 21 at 1:32pm



Kimberly McClora Keep it as is!!!!

Like · Reply · 6 · March 22 at 9:40pm



Stires Jr Eugene Gene I want to thank everyone that supports saving My building and Lovelands history, I just want to say I'm. totally for progress ! But not at the cost of our history ! When we run out of all the huge vacant building's around town (HP buildings) and othe... See More

Like · Reply · 7 · March 22 at 1:13pm

2 Replies



Carol Parker Leave the historic building!

Like · Reply · 6 · March 21 at 1:51pm




Shay Elizabeth Marie Devous I think keeping it there would be awesome. History of a city is the coolest thing, and this is something that shouldn't just be heard about. It should be something people can actually see and enjoy. Historic buildings give cities a lot more character than that of new fancy buildings.

Like · Reply · 6 · March 21 at 1:42pm



Miesha Koala Collins Keep it the way it is there is so much family history

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 **Roxie Ellis** If the owner isn't ready to sell then leave him alone. Love how so
ink they know what is better for the community.

Like · Reply · 5 · March 21 at 2:25pm



Star D'Angelo Adaptive re-use of the old building, please, please, please! I
was horrified the last time I visited my home town. For a minute, I thought that I
made a mistake and got off the highway in NJ--same stores, same architecture.

Like · Reply · 5 · March 21 at 1:33pm



Jeri Rueff My Dad worked there when he was in College. He was born in
1919. We live in California now where buildings are torn down and "new" ones
put in there place as a matter of routine. How sad. Love old town Loveland with
it's historic buildings. Hoping this building will be saved from the developers.

Like · Reply · 4 · March 24 at 7:26am



Ashley Aguilar Keep it the way it is!! It is a part of the town's history!

Like · Reply · 4 · March 22 at 9:55pm



Juan M. Aguilar Jr. Keep the way it is. Don't change anything.

Like · Reply · 4 · March 22 at 9:53pm



Ashley Mygrant Keep it! Why mess with a good thing?

Like · Reply · 4 · March 22 at 9:41pm



Whitney Alexis Parker Keep it the way it is!!

Like · Reply · 5 · March 22 at 9:37pm



Sharon Baca I love coming into downtown Loveland and seeing the old
historic buildings its a great feeling. Having new buildings put in would just take
away the great feeling feeling I get and by reading all these comments I know I'm
not alone.

Like · Reply · 5 · March 22 at 8:22pm



Ross Hart The building can't be moved. Keep it there. It's not falling apart.
Who really cares about the color, It's his property. If you start to remove the cities
history one building at a time, then Loveland won't be the town we all
remembered as kids growing up. These old buildings need to stay to preserve
the city's history and culture. SAVE THE HONDA DR.

Like · Reply · 4 · March 21 at 5:53pm



Juliana Pickering Dahl I'm so tired of everything having to be "new". Let's
leave a little character in our downtown...If you want new, simply head out to
Centerra. There's a whole lot of cookie cutter newness there and, let's face it, it
will look tired a few years down the... See More

Like · Reply · 4 · March 21 at 4:18pm



DeAnn Gates Stenson Either move the building or work the new
development around the Historic buildings....look how the used the old
Washington School

Like · Reply · 4 · March 21 at 1:41pm




Douglas Crowl If he wants to keep his property, that's fine. It's a nice building
and it's his. I like the cars out there and it has good, funky character, which could
be maintained as we revitalize downtown. However, it's one of the few things
worth keeping around there. I would like to see 2nd street redone, one way or
another. It would be better for the community.

Like · Reply · 4 · March 21 at 1:36pm



Cindy Kittinger Please don't sell to them now, the GREEN Rush has started
and people in real estate know that real estate is starting to boom....people are
getting 1/3 more for what they are selling....DON'T SELL IT OUT NOW!!!


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 **Cindy Kittinger** WOW, what does Loveland think it is doing?


They are the ones always promising parking and we end up with another apartment building....(remember the old Walgreens went from parking to low income to ...now ritzy apartments? I remember)... See More

Like · Reply · 3 · March 24 at 7:03am

2 Replies

 **Joetasha Mendiola** KEEP IT THE WAY IT IS!

Like · Reply · 3 · March 23 at 1:03am

 **Jenifer Fitch Shaw** Keep it the way it is!!!


Like · Reply · 3 · March 22 at 10:50pm

 **Angela Jones** Leave it be!!


Like · Reply · 3 · March 22 at 9:45pm

 **Derek Esquibel** Leave it the way it is


Like · Reply · 3 · March 22 at 9:44pm

 **Kenneth Melendez** Keep the gas station!!!


Like · Reply · 3 · March 22 at 9:32pm

 **Susan Jones** Love this cool building. Develop around it, this is called character!


Like · Reply · 3 · March 22 at 3:50pm

 **Angela Iozzia** We do not need more horribly overpriced ugly apartment complexes on such a busy corner. If you want to live in a downtown like that, Manhattan is waiting for you. kthxbai.

Like · Reply · 3 · March 21 at 11:25pm

 **Sarah Jennings** I will sign his petition, no doubt about it. Enough tearing down history to make everything new and boring!! That's part of the problem with this country...get rid of the old instead of rehabbing it to make room for something else. So sad.


Like · Reply · 3 · March 21 at 5:00pm

 **Amanda Thompson** Marc Sendek, yes with the old jeep. But you can put a parking lot anywhere. You don't have to tear down/destroy things to add others.


Like · Reply · 3 · March 21 at 4:31pm

 **Kama Droll** Leave it alone!!


Like · Reply · 3 · March 21 at 3:28pm

 **Hanna Copeland** I like the old buildings as long as the owners keep them in nice condition. Some of the building in this town look run down. I moved from a historic Colorado town and it is possible to fix-up the old buildings and make them look nice again.

Like · Reply · 3 · March 21 at 3:21pm

 **Jen Hatchett** Likes Leave the building as is. Add a relevant business. Keep downtown looking historic.

Like · Reply · 3 · March 21 at 2:23pm


 **Cindy Kittinger** by this column, people don't seem to want this.....are the citizens and the owners of the properties really going to get a say in all of this?


Like · Reply · 2 · March 24 at 4:26pm


 **Stires Jr Eugene Gene** Great job!


Like · March 24 at 5:37pm


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 **Cindy Zavala** It's a wonderful, old piece of Loveland history. We don't need parking lot. Paint colors can be changed but once it's gone, it's gone. I hope the owner fights this to the bitter end. And he will have a lot of people behind him, including me.
Like · Reply · 2 · March 24 at 2:42pm


 **Kit Kittin** gas station
Like · Reply · 2 · March 24 at 1:51pm


 **Sadie Schroeder** Quit destroying the Historic side of Loveland. I'm sick of the "New" developments. It makes me sad to see such a wonderful historic city being turned into a Modern Mess! Leave what little historic pieces left alone. And to the owner....You fight like no other!!! Keep Loveland Sweet & Historic!!!
Like · Reply · 2 · March 23 at 11:52am


 **Marissa Missi Nardi** Bechtle love that building!!! quit building new stuff!!
Like · Reply · 2 · March 22 at 6:46pm


 **Amy Outler** I love that station! I always check the lot to see what classics are there.
Like · Reply · 2 · March 22 at 4:34pm


 **Salina George** why can't we play up the significance of hwy 287 to our towns history as we revitalize the downtown. There are not many of the historic buildings left on that stretch of the hwy. Tear those 60's facades off the rest of the buildings and restore the old motor lodges and give it a route 66 feel. New development has its place, just not that place!.
Like · Reply · 2 · March 22 at 11:37am


 **DeAnn Gates Stenson** well....the Historic buildings have been there a long time...problem is they need to be kept up or people will not be drawn to spend time there....How many of us really spend time downtown.....we can use the old buildings as long as they are safe and useful....but as I remember there have been some times that downtown was all but dead....I think that we should all see what the plans are before we throw a fit....can we have both old and new together??? think of the people that travel on 287 through our town....wouldn't it be better to have some things redone a bit so the true charm of our town can shine thru..?
Like · Reply · 2 · March 21 at 7:41pm

 **Carolyn Cole Smith** The old gas station if it was open as a business. I've not seen it open since I moved here two years ago. If it's not going to be used then develop the property. Sitting there unused is a waste.
Like · Reply · 2 · March 21 at 7:31pm


 **Debra Elliott** Our conservative city council folks need to remember that conservative = supporting property rights of the individual !!! It's not the job of the government to swoop in and enforce eminent domain. If they do, it's tyranny, plain and simple!!!
Like · Reply · 2 · March 21 at 5:14pm

 **Marc Sendek** Amanda Thompson , yours was the one on the corner where the old jeep was? There's a pretty parking lot there now tho... :X
Like · Reply · 2 · March 21 at 3:38pm

 **Marc Sendek** I 'm still bummed they tore down the old Leslie The Cleaner building..... For a park....
Like · Reply · 2 · March 21 at 2:50pm

 **Mike Scholl** The Leslie building was contaminated and it wasn't torn down for a park, it will be incorporated into the development project


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 **Cindy Kittinger** seems like it should have been put to use for parking if everyone has complained of for the LAST 20 Years....I never see people sitting there and I go by a gillion times a day...the one 1/2 block way gets some use.....common sense is gone!


Like · 1 · March 24 at 7:14am

[View more replies](#)


 Write a reply...

 **Lou B** Would need to take a look at the old building and then the new concept first.


Like · Reply · 2 · March 21 at 1:50pm

 **Eugene P Stires** It's a no brainer. Why tear down structurally sound historic buildings to put up parking structures and county offices? That shop has been a cornerstone of the Loveland downtown business district for decades. I hear they are going to level a large number of historic properties in the area to be developed by the lowest bidding contractor. Thumbs down


Like · Reply · 1 · March 24 at 7:23pm

 **Cindy Kittinger** when the homeless shelter was put in down there....that is when that part of town went downhill. I know because we have lived in a cute, quiet community down there for over 15 years ...and last summer it started to get pretty nasty. Do they do that just so that part of town WILL go down hill? Then they come and scoop it all up for a low price? It all saddens me the direction they have taken it.

Like · Reply · 1 · March 24 at 3:49pm

 **Cindy Kittinger** No imminent domain either, Loveland!!!


Like · Reply · 1 · March 24 at 7:07am

 **Mike Perry** Most Historic buildings are still around for a reason. Take the 1873 Milner/Schwarz house at Old Fairgrounds Park slated for demo but thanks to the Historic Preservation Commission and Loveland Historical Society it was saved from the city's demo plans. Another example is the Feed and Grain without the passion of a lot of people supporting that project we would not have the new Art complex and renovation of that building. The bottom line is it's up to the people to voice their concerns and let the City Council know how you feel.


Like · Reply · 1 · March 23 at 7:55pm

 **Kelsey Eady** Keep it the way it is!

Like · Reply · 1 · March 23 at 7:28pm

 **Joan Downey** I've never seen this particular area, but have seen enough "New Ideas" go bust & destroy places. Preserve history instead of bulldozing it.


Like · Reply · 1 · March 23 at 6:15pm

 **JohnandMichelle Scofield Croy** I don't live in Loveland, but the last time I went through downtown Loveland I didn't even recognise it. Some change is good but I like the old Loveland.

Like · Reply · 1 · March 23 at 2:49pm

 **Bethany Bristow** KEEP IT THE WAY IT IS PLEASE

Like · Reply · 1 · March 23 at 12:59pm

 **Holly Smith** I think the Historic District should stay just that: historic. Our history is a part of who we are. We can't demolish it and gloss over it with a shiny new building. We need to embrace our history and protect it. The historic district keeps Loveland unique. Destroying the historic district will be detrimental to


Like · Reply · 1 · March 23 at 8:20am


Patton Wow when will they learn they new stuff downtown remains


 almost completely vacant.


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 Penny Self A good Mexican resturant!!!
Like · Reply · 1 · March 22 at 4:37pm

 Zach Andersson I'd rather see all the junk/"antique" shops moved out of downtown first, but then let's get something cool downtown rather than the smithstonian/old car repair shop...my 2¢ as a downtown resident.
Like · Reply · 1 · March 22 at 4:24pm


 Megan Hinojosa I believe we should preserve the historical buildings. Another words keep the gas station.
Like · Reply · 1 · March 22 at 1:50pm


 Stires Jr Eugene Gene Looks like the biggest complaint about the old Building is the paint job!
Like · Reply · 2 · March 22 at 12:22pm


 Cathy Doran Downtown Loveland is a joke! Go to Boulder and you can see a thriving downtown. Loveland has a long way to go. Nothing historical about junky buildings.
Like · Reply · 1 · March 22 at 11:56am


 Cindy Kittinger we are NOT Boulder...God, I hope we never are (From a native Boulderite)
Like · March 24 at 5:14pm


 Write a reply...


 Terry Imel The historic gas station!
Like · Reply · 1 · March 22 at 11:06am


 Meria Thiel Keep the gas station! I moved from there 10 1/2 yrs ago and it breaks my heart to see, when I visit, or hear how much of the old Loveland has changed! Leave the old buildings alone!
Like · Reply · 1 · March 22 at 7:02am


 Sara Droll LEAVE IT ALONE!!!! Geez, u keep tearing down buildings and keep rebuilding new ones. This one is historic!!
Like · Reply · 1 · March 22 at 6:25am


 Windy May Stracener The old gas station
Like · Reply · 1 · March 21 at 11:26pm

 Joyce O'Donnell Keep the building.
Like · Reply · 1 · March 21 at 10:03pm

 Angella Chesnut Historic!
Like · Reply · 1 · March 21 at 10:00pm

 Jared Finkenbinder I've always wished I could buy that station.
Like · Reply · 1 · March 21 at 8:53pm

 Chris Moon Dostal Keep the building....just redo the exterior.
Like · Reply · 1 · March 21 at 8:43pm

 Brenda Leonard The historic building
Like · Reply · 1 · March 21 at 8:42pm



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Dan Fuller It's his land!

Reply · 1 · March 21 at 7:19pm



Michelle Charvat It's so important to preserve our historical buildings!

Like · Reply · 1 · March 21 at 6:55pm



Donna Passmore This historic building.

Like · Reply · 1 · March 21 at 6:55pm



Lindy Phillips Leave the old

Like · Reply · 1 · March 21 at 6:35pm



Briana Aguilar Keep the old!

Like · Reply · 1 · March 21 at 6:18pm



Rick A Janecka I Love old buildings, but not that one so much, progress is good

Like · Reply · 1 · March 21 at 5:46pm



Shana Robben Christopher Robben

Like · Reply · 1 · March 21 at 5:39pm



Debra Elliott Leave it--so tired of all the high density crap downtown!

Like · Reply · 1 · March 21 at 5:12pm



Kathy Leonard This is an iconic building! Why not keep this charming structure? I feel like Downtown Loveland will soon loose it's charm and look like every other "pretend downtown"--i.e. Streets of Southglenn.

Like · Reply · 1 · March 21 at 5:05pm



Kathie Lockmyer Weise Historic

Like · Reply · 1 · March 21 at 5:01pm



Sandra Cook Svoboda Why are we building all these New buildings and ruining what little historical buildings we still have? My heart breaks for the generations to come they will never ever know what historical buildings really look like because everyone thinks they need to upgrade and change their true beauty

Like · Reply · 1 · March 21 at 4:39pm



Darlene Afdahl Leave the old!

Like · Reply · 1 · March 21 at 4:13pm



Steve Davis Old old old. Leave it there

Like · Reply · 1 · March 21 at 4:07pm



Nicole Krings-Becker Leave it the way it is..why change?

Like · Reply · 1 · March 21 at 3:57pm



Shan Stewart Meils Keep the OLD BUILDING!

Like · Reply · 1 · March 21 at 3:14pm



Ashley B Peterson Im guessing that is the possible new site for a new Larimer county building?

Like · Reply · 1 · March 21 at 3:13pm



Kyra Maryeski Pruet It's a great historic building that looks good. Leave it

Like · Reply · 1 · March 21 at 2:55pm



Trevor Moriarty New new new new

Like · Reply · 1 · March 21 at 2:51pm



Jenn Nye Metz The historic building



downtown.

Reply · 1 · March 21 at 2:39pm

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DeAnn Gates Stenson But a community IS made up of many

Like · Reply · 1 · March 21 at 2:32pm



Amber Anderson Gas station!

Like · Reply · 1 · March 21 at 2:22pm



DeAnn Gates Stenson how many people like and use the Recreation Center....places had to be torn down or moved to put that up...think how many people use and love that place...frankly I feel there are some buildings that can be moved or reused...but it's ok for some to go...there is one I have in mind the I feel is an eyesore and is a fire trap.....just how I feel

Like · Reply · 1 · March 21 at 2:11pm



DeAnn Gates Stenson Building at 287 and Garfield(?)

Like · Reply · 1 · March 21 at 2:08pm



Sean McCarthy Old Chinese restaurant I think is what they are referring to. Something Star.

Like · March 21 at 5:05pm



DeAnn Gates Stenson oh yes Hot Star.....that place has problems...

Like · 1 · March 21 at 7:42pm



Write a reply...



John Wertheim Leave the historic building but I agree with getting rid of the 80s southwest paint job.

Like · Reply · 1 · March 21 at 1:58pm



Mike Gross it's a cool building, so move the building somewhere else downtown. the interests of the community sometimes conflict with the interest of the individual. it's a bummer, but it's reality. I know I certainly wouldn't want to be this property owner.

Like · Reply · 1 · March 21 at 1:48pm



Lynn Reynolds i was all on board for this project, but i like the owners plans for his property, too. can't something be worked out?

Like · Reply · 3 · March 21 at 2:05pm



Josh Roberson Wrong! We pay to see the ruins in Europe but we're so quick to do away with our own architectural history for a quick buck. The greed has got to stop!

Like · Reply · 2 · March 22 at 9:40pm



Rik Johnson Yes, let's keep all the old buildings. We'll never develop anything new and we can live in the past and fall apart and the town can die a lonely death. That's an outstanding idea.

Like · Reply · March 21 at 6:31pm



Brenda Fenske New development.....thRu building looks like it should be in New Mexico not downtown Loveland.

Like · Reply · March 21 at 5:03pm



Johanna Smaling Collier I prefer keeping the History!

Like · Reply · 1 · March 24 at 3:23pm



Britt Smith Gibson Keep the gas station!!!! Why do we have to get rid of almost every piece of history in this country! Start preserving history!!!

Loveland Re



I like · Reply · 1 · March 22 at 2:01pm

Elliott Does it matter what the people think? Our bought and paid for representatives are going to do whatever makes their friends richer.



Like · Reply · 1 · March 21 at 2:04pm

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Dean Cimino well, since I have "relatives" whom live in loveland, and (he) works for the city of loveland,,, and they couldn't bring themselves to vote for "that Mormon", and thus voted for obama instead,,,,, I would expect no less from the city of loveland....

Like · Reply · March 21 at 5:20pm

Write a comment...

This post was served to 6,992 people

Boost Post

1 **City of Loveland**
 2 **Historic Preservation Commission**
 3 **Meeting Summary**
 4 **April 21 2014**

5
 6 A meeting of the Loveland Historic Preservation Commission was held Monday, April 21, 2014 at 6:00 P.M. in
 7 the City Council Chambers in the Civic Center at 500 East Third Street, Loveland, CO. Historic Preservation
 8 Commissioners in attendance were: Janelle Armentrout, David Berglund, Jim Cox, Stacey Kersley, Jon-Mark
 9 Patterson and Mike Perry. John Fogle, City Council Liaison, Bethany Clark of Community & Strategic Planning and
 10 Nikki Garshelis of Development Services were also present.

11
 12 **Guest:** Gene Stires, Jr
 13

14 **CALL TO ORDER**

15 *Commission Chair Berglund called the meeting to order at 6:00 p.m.*
 16

17 **CITIZEN REPORTS** None
 18

19 **CITY COUNCIL UPDATE**

20 Councilor Fogle reported that the fracking moratorium issue will be on the ballot for the June 24th election.
 21 There was a discussion about how the oil & gas industry brought jobs to the area and impacted the
 22 environment.
 23

24 **STAFF UPDATE**

- 25 • Bethany Clark reported that the Milner-Schwarz House was now on the National Register of Historic
 26 Places.
- 27 • Michelle Pearson, Coordinator of Historic Preservation Education Grants, State Historical Fund, will be
 28 attending the May 19 HPC meeting to discuss ideas to involve youth in the Historic Preservation
 29 program.
 30

31 **CONSIDERATION OF NEW BUSINESS**
 32

33 **Public Hearing for Landmark Designation for the property at 123 N. Lincoln**

34 Bethany Clark presented a power point presentation on the application request for landmark designation of the
 35 Howard's Sinclair Service Station at 123 N. Lincoln. She presented the history of the property, the architectural
 36 description, site map, current photos, and a 1938 historic photo submitted last minute. She reported her
 37 findings that it meets the criteria for historic designation and reviewed that the role of the commission was to
 38 recommend designation according to the criteria. HPC members discussed the significance of the property.
 39 Commissioner Cox pointed out that the decorative coins, the geometric ornamentation and the exterior
 40 wainscoting on the building have been added and were not original, as was made apparent by the 1938 historic
 41 photograph; the original motifs on the pillars were likely made of terracotta and could be underneath the new
 42 ornamentation. He requested that the staff report be revised to note that there have been minor alterations to
 43 the building's façade. Gene Stires, the property owner, said Commissioner Cox was correct and he had added
 44 the decorative elements shortly after he purchased the building. There was a discussion of the materials used.
 45 Commissioner Patterson asked about the paint colors. Mr. Stires said the original colors were white and green
 46 and plans to repaint the building using those colors. He added that he intends to replace the doors as well with a
 47 a six panel door more similar to the original doors. There were more questions regarding the use of the property

48 and the mobile diner that Mr. Stires said he would be opening up for business in approximately one month.
 49 Councilor Fogle asked if Mr. Stires sells cars and operates as a dealership and Mr. Stires responded that he does
 50 not; it is solely a car restoration business. Commissioner Perry asked about the application process. Clark
 51 reported that if the Commission makes a recommendation to City Council, the first reading of an ordinance
 52 would likely be at the May 6th Council meeting and the second reading would be at the May 20th meeting.

53

54 Commission Chair Berglund opened the public meeting at 6:39 p.m. He asked if there were any citizens who
 55 would like to address the commission. There were four citizen comments:

- 56 1. Gene Stires, owner of the property, spoke about his affection for the building and invited the
 57 commission to come by to tour the inside of the structure. He told a story about meeting the son of the
 58 original builder.
- 59 2. Ian Jennings of 4069 Delcon Court Loveland reported that he believes the station is one of the best
 60 buildings in town. He said he started a Facebook page called "Save the Station" to gain support for
 61 saving the structure. He reported that he had 400 "Likes" and 88 signatures of support on a petition. He
 62 said that every time he sees the building he knows he's in Loveland and he doesn't want it demolished.
- 63 3. Sharon Danhauer of Loveland reported that her children don't remember a gas station on every corner
 64 and it is important to keep this building for the history of our children.
- 65 4. Linda Pugh of Berthoud (formerly a Loveland resident) said she loved the building, her grandson loves
 66 old cars, and the building should stay a part of Loveland.

67

68 Commission Chair Berglund closed the public hearing at 6:44p.m.

69

70 *Commission Chair Cox made the motion to make the findings listed in Section IV of the Historic Preservation*
 71 *Commission staff report dated April 21, 2014 stating that the Howard's Sinclair Service Station meets the criteria*
 72 *for designation with the understanding that the staff report be revised to reflect there have been minor*
 73 *alterations to the façade.*

74

75 **Historic Preservation Action Plan**

76 Bethany Clark reported that Nick Wharton could not make the meeting due to a personal emergency and so she
 77 would review his power point presentation. The presentation included the Historic Preservation survey results,
 78 analysis of the survey, statistics and a summary. Bethany said Nick would like to have a stakeholder meeting
 79 scheduled in early May to gain their input. The commissioners discussed the survey and the request for a
 80 stakeholder meeting. They asked that the stakeholder meeting be scheduled in June, not May, as they have so
 81 many events scheduled for Historic Preservation month. Further, commissioners expressed their desire to
 82 discuss the survey and plan further at the May meeting. There was a comment that the survey questions were
 83 not as in depth as they could've been so the outcome doesn't provide the right information the HPC needs.
 84 Councilor Fogle suggested that the commissioners contact the staff liaisons from Greeley and Fort Collins to ask
 85 about their funding sources, because without a funding mechanism the program will not expand properly. Staff
 86 will follow up with Nick to revise his timeline and plan the stakeholder meeting for June.

87

88 **Milner-Schwarz House National Register Plaque**

89 Bethany Clark reported that now that the Milner Schwarz House is on the National Register, the HPC might want
 90 to purchase a National Register plaque for display. Several plaque options were presented from companies that
 91 produce National Register plaques. The commission all agreed that they'd like to purchase a plaque and
 92 suggested staff request a quote from the Western Heritage Company on 4th Street. Bethany agreed that staff
 93 could do that and present the quote at the Commission's May meeting.

94

95 *Commissioner Cox made the motion to purchase a plaque similar to the plaque in the report labeled as #4, in*
96 *bronze, at least 15 X 12 in size and pay up to \$500 for it. Commissioner Patterson seconded the motion and it*
97 *passed unanimously.*

98

99

Historic Preservation Month Discussion

100 There was a discussion about the upcoming events in May which included Tour de Pants on May 3rd, the
101 workshops on May 7th and 14th and the downtown tour on May 21st. Commissioners discussed marketing the
102 events through the school district. Nikki will send the schedule to the Thompson School district for their
103 newsletter.

104

105

Next Meeting's Agenda/Action Items

106

- Capstone Project- Nick Wharton
- Youth Involvement - Michelle Pearson
- May or June meeting- Tom Hawkinson, Building Division

107

108

109

110

Commissioner Comments

111

- Commissioner Perry reminded the HPC of the June 12 event at the Museum requiring historic preservation information at a table. He also said he was scheduled to meet for a Comprehensive Plan stakeholder interview and encouraged the other commissioners to schedule their meetings too.

112

113

114

115

Meeting adjourned at 8:10p.m.

Howard Sinclair Service Station
123 N Lincoln Ave

Loveland City Council
May 20, 2014

Site Map



Location Map – 123 N. Lincoln Avenue

History

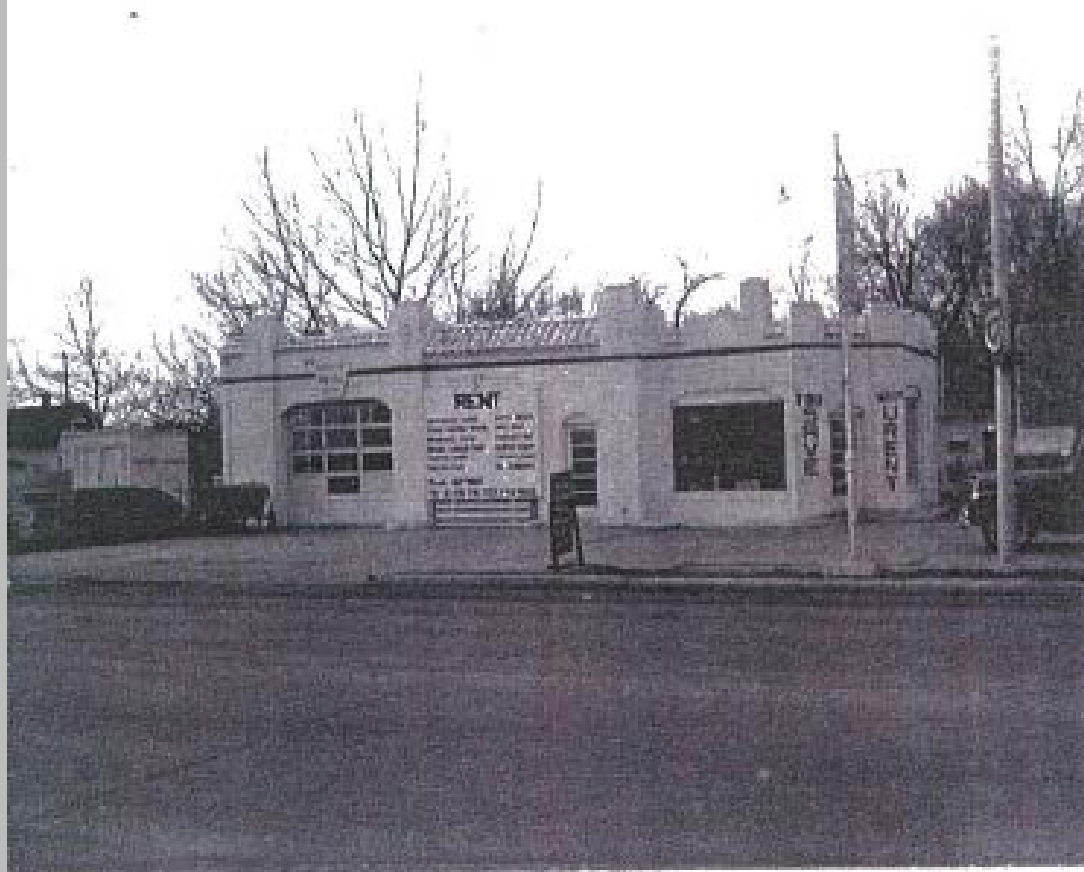
- ▶ Built c. 1937 during latter part of Great Depression
- ▶ Operated as a fuel station for approx. 30 years
- ▶ Pentecostal church from c. 1975-77
- ▶ Recent uses include used car dealerships (c.1984-88), an automotive detailing shop (1990), and foreign car repair.



c. 1938 Historic Photo



c. 1968 Photo



c. 1976 Photo



Architectural Description

- ▶ Single story, stuccoed brick structure
- ▶ Combination of Art Deco and Mediterranean/Spanish Colonial Revival elements



Southeast Corner



South Corner



West (Rear) Elevation



West (Rear) Elevation



Findings and Analysis

- ▶ Locally rare example of pre-World War II gasoline station architecture in Loveland
- ▶ Architecturally significant –example of Art Deco architecture in Loveland
- ▶ Built c. 1937, greater than 50 years old



Findings and Analysis

- ▶ Property displays good overall physical integrity
- ▶ Minor surface alterations only somewhat diminish integrity and can be reversed
- ▶ Only other apparent change was removal of gasoline pumps/pump islands sometime after c. 1967-68



Circa 1938



Present Day



Findings and Analysis

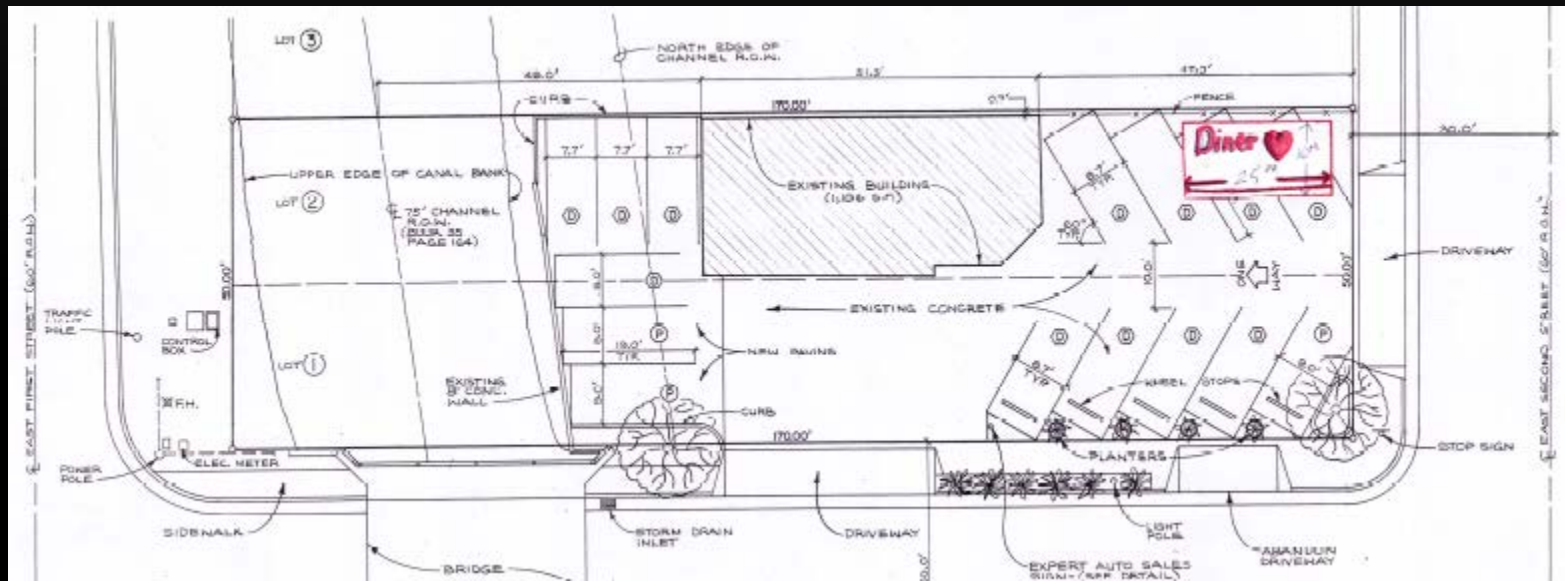
- ▶ Exhibits both adequate integrity and significance to support its eligibility for designation.
- ▶ Structure satisfies the age requirement and meets numerous criteria for exemplary architecture, high artistic value and cultural significance.



Additional Information

Mobile Food Trailer

- ▶ Owner is working with City to get approval for temporary mobile diner (six-months/year limit)
- ▶ Temporary use does not diminish historic station's significance/integrity



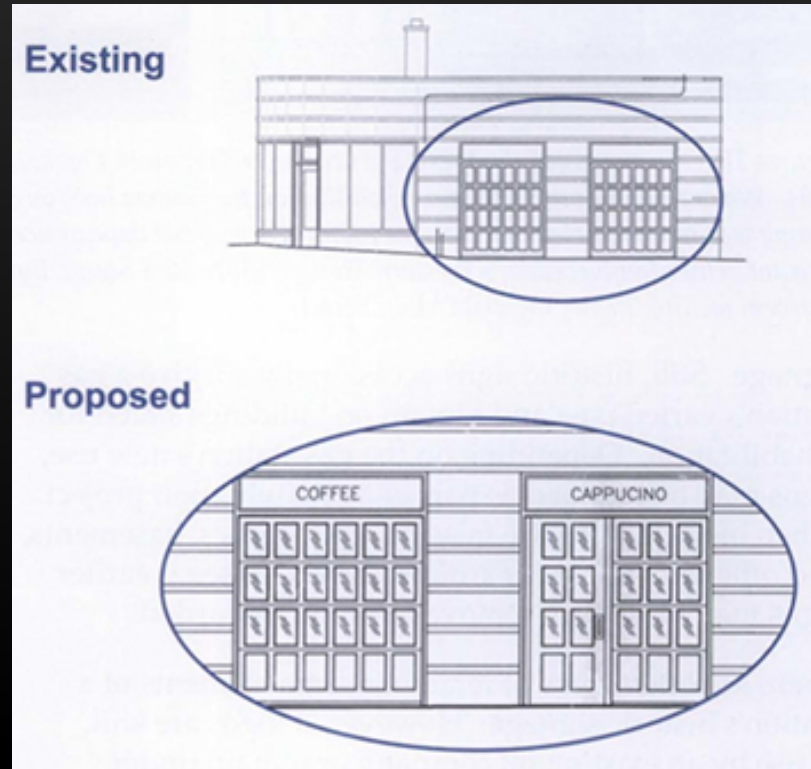
Historic Gasoline Station Reuse

- ▶ Historic gas stations proven to be attractive properties for new uses unrelated to automobiles



Historic Gasoline Station Reuse

- ▶ Service bay doors can be reconfigured to create large, fixed “windows” or sectional doors





CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 5/20/2014
TO: City Council
FROM: Judy Schmidt, Acting City Attorney
PRESENTER: Judy Schmidt, Acting City Attorney

TITLE:

A Resolution Opposing Question No. 1: Citizen-Initiated Ordinance To Place A Two-Year Moratorium On The Use Of Hydraulic Fracturing Within The City Of Loveland To Fully Study The Impacts Of Hydraulic Fracturing On Property Values And Human Health, Which Is On The Ballot For The June 24, 2014 City Of Loveland Special Election

RECOMMENDED CITY COUNCIL ACTION:

Consider the Resolution and take action as determined by majority vote of the Council members.

OPTIONS:

1. Adopt the action
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:

This is a legislative action to consider a resolution opposing Ballot Question No. 1, a citizen-initiated ordinance enacting a two-year moratorium on the use of hydraulic fracturing within the City to study the impacts on property values and human health.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

If the Initiative passes, the costs to the City are unknown, but may include the potential costs of completing studies called for by the Initiative and for litigation arising from various sources such as mineral rights owners, oil and gas developers, and the State of Colorado, which governs oil and gas drilling under the auspices of the Colorado Oil & Gas Conservation Commission.

BACKGROUND:

Question No. 1 is a citizen-initiated ordinance to place a two-year moratorium on the use of hydraulic fracturing within the City of Loveland to fully study the impacts of hydraulic fracturing on property values and human health (the "Initiative"), which is the subject of the June 24, 2014 City of Loveland Special Election.

The Fair Campaign Practices Act ("FCPA") limits the expenditure of funds and resources related to State and local ballot measure by City, Council members and City employees. The general rule under the FCPA is that no public funds or resources can be expended to support or oppose a State or local ballot measure for which a title has been set.

The general rule is subject to specific exceptions, including a specific provision allowing the Council to consider and pass a resolution taking a position of advocacy on any ballot measure. If such a resolution is adopted by a majority vote of the Council, the City may report passage of and distribute Council's resolution through established, customary means by which other Council proceedings are regularly provided to the public, but not through paid advertising.

Four members of Council requested that a resolution opposing the Initiative be drafted and included in the agenda for consideration at this meeting.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Resolution

RESOLUTION #R-36-2014**A RESOLUTION OPPOSING QUESTION NO. 1: CITIZEN-INITIATED ORDINANCE TO PLACE A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY OF LOVELAND TO FULLY STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON PROPERTY VALUES AND HUMAN HEALTH , WHICH IS ON THE BALLOT FOR THE JUNE 24, 2014 CITY OF LOVELAND SPECIAL ELECTION**

WHEREAS, Question No. 1, is a citizen-initiated ordinance to place a two-year moratorium on the use of hydraulic fracturing within the City of Loveland to fully study the impacts of hydraulic fracturing on property values and human health (the “Initiative”) which will appear on the ballot at the June 24, 2014 City of Loveland Special Election; and

WHEREAS, C.R.S. §1-45-117 of the Colorado Fair Campaign Practices Act (“FCPA”) permits the Loveland City Council to consider and pass a resolution taking a position of advocacy on the Initiative; and

WHEREAS, the language of the Initiative concerning studies on the impacts of hydraulic fracturing on property values and human health does not clearly indicate what studies are contemplated and who would conduct such studies, nor does it affirmatively require the City to undertake such studies; and,

WHEREAS, during the moratorium proposed by the Initiative the City would not be empowered to permit hydraulic fracturing within the City limits, notwithstanding regulatory provisions permitting oil & gas development in compliance with the provisions of the Loveland Municipal Code, resulting in the loss of local control over oil & gas development by the City; and

WHEREAS, during the moratorium proposed by the Initiative mineral rights owners will not be permitted to develop their rights within the City of Loveland, resulting in the possibility of harm to such property owners; and

WHEREAS, if the Initiative passes, the costs to the City are unknown, including the potential costs of completing studies called for by the Initiative and for litigation arising from various sources such as mineral rights owners, oil and gas developers, and the State of Colorado, which governs oil and gas drilling under the auspices of the Colorado Oil & Gas Conservation Commission; and

WHEREAS, based upon recently disseminated studies of the economic impact of oil and gas development, passage of the Initiative has far reaching economic impacts not only on Loveland, but also on other Northern Colorado governmental jurisdictions.

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

Section 1. That, for the reasons set forth in the Recitals, the City Council hereby opposes the Initiative.

Section 2. That this Resolution shall be effective as of the date and time of its adoption.

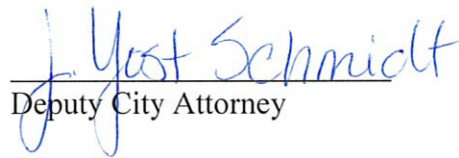
ADOPTED this 20th day of May, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney