

**LOVELAND CITY COUNCIL MEETING
TUESDAY, APRIL 5, 2011
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

**5:45 P.M. DINNER—CITY MANAGER’S CONFERENCE ROOM
6:30 P.M. REGULAR MEETING—City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING APRIL 15, 2011 AS “ARBOR DAY”

PROCLAMATION DECLARING SATURDAY, APRIL 16, 2011 AS “SPRING WATERWAY CLEAN-UP EVENT”

PROCLAMATION DECLARING WEEK OF APRIL 10-16, 2011 AS “NATIONAL CRIME VICTIMS’ RIGHTS WEEK”

PROCLAMATION DECLARING PROCLAIM APRIL 2011, AS THE “MONTH OF THE YOUNG CHILD”

PROCLAMATION DECLARING WALT CLARK LEGO ROBOTICS (Knights of the Field Table) TEAM DAYS

PROCLAMATION DECLARING APRIL 10-16, 2011 AS “LOVELAND PUBLIC SAFETY COMMUNICATIONS WEEK”

PRESENTATION FROM CHIEF HECKER ACKNOWLEDGING THE RE-ACCREDITATION OF THE COMMUNICATION CENTER AS AN ACCREDITED CENTER OF EXCELLENCE

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

1. **MINUTES**
CONSIDERATION OF MINUTES FOR:
 - a) **March 8, 2011 Special Meeting**
 - b) **March 15, 2011 Regular Meeting**

2. **DEVELOPMENT SERVICES**
UTILITY AND DRAINAGE EASEMENT VACATION – LOT 2, NORTH LAKE FIRST SUBDIVISION
Consideration on second reading of an ordinance vacating a portion of a public utility and drainage easement located on Lot 2, Third Replat to North Lake First Subdivision to North Lake Addition, City of Loveland, Larimer County, Colorado
A legislative action to consider an ordinance on second reading to vacate a portion of a utility and drainage easement located on Lot 2, Third Replat to North Lake First Subdivision to North Lake Addition. The applicant is Charles Jack, on behalf of Chester and Mary Pritchard who are the current owners of the lot at 986 Logan Court. City Council unanimously approved this item on first reading on March 15, 2011.

3. **DEVELOPMENT SERVICES**
MUNICIPAL CODE AMENDMENT – REMOVES EXCLUSION FOR PETS UNDER 4 MONTHS OF AGE
Consideration on second reading of an ordinance amending City Code Section 6.28.010 to limit the number of pets allowed to be kept in residential dwelling units
A legislative action to consider adoption, on second reading, of an ordinance amending the current City Code limitations on the number of pet animals that can be kept, housed, or maintained in or upon the premises of any dwelling unit. Code Section 6.28.010 currently only requires that the number of pet animals in a dwelling that are over 4 months of age must be properly maintained in a healthy condition without presenting a health or safety hazard to the owner, keeper or others and without constituting a nuisance to the occupants of neighboring properties. The proposed amendment would remove the exclusion for pet animals under 4 months of age and make minor changes to clarifying the limitation. City Council unanimously approved this item on first reading on March 15, 2011.

4. **POLICE**
PUBLIC HEARING
MUNICIPAL CODE CHANGE – SPECIAL EVENT DEFINED
Consideration on first reading of an ordinance amending Chapter 12.26 of the Loveland Municipal Code and other related code provisions to replace the term Special Event with the term Local Event to distinguish between the City's event permitting process and the State's liquor code special event permitting process
This is a legislative action. The proposed ordinance amending Chapter 12.26 changes the term Special Event to Local Event to distinguish between the City's event permitting process and the State's Liquor Code special event permitting process.

5. **DEVELOPMENT SERVICES**
PUBLIC HEARING

DRAINAGE EASEMENT VACATION – PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION

Consideration on first reading of an ordinance vacating a drainage easement located on Lot 6 Block 1, Amended Plat of Peakview Commercial Park First Subdivision, City of Loveland, Larimer County, Colorado

A legislative action to consider an ordinance on first reading to vacate a drainage easement located on Lot 6, Block 1, Amended Plat of Peakview Commercial Park First Subdivision. The applicant is Galloway & Company Inc. on behalf of the owner (Murphy Oil USA).

6. PUBLIC WORKS

PURCHASE OF A COLD MILLING MACHINE

Consideration of a motion authorizing the City Manager to enter into a purchase contract with Honnen Equipment Company for the replacement of one Cold Milling Machine

This is an administrative action authorizing a purchase contract for one Cold Milling Machine needed for the annual Street Maintenance and Street Rehab Programs. Funds were appropriated in the 2011 approved budget to cover this capital purchase.

7. PUBLIC WORKS

PURCHASE ORDER INCREASE – COULSON EXCAVATING COMPANY

Consideration of a motion to approve an increase to Purchase Order 110356 to Coulson Excavating Company of Loveland by \$259,000

This is an administrative action. Following a recent discussion with Xcel Energy regarding their high priority for replacing the existing 8” high pressure steel gas line that runs from Wyoming to the Denver area, we have decided to defer the 2” asphalt overlay on Wilson Avenue between SW 14th St. and SW 1st St. until after the new 16” line has been installed. As a result, the funds set aside from the 2011 Street Resurfacing Program budget in the amount of \$259,000 for the overlay of Wilson Avenue will now be used for additional streets that were previously planned for 2012 within the 2011 Asphalt Paving Program, Project No. ENSR11-AP. The requested change order would increase the previously approved Purchase Order with Coulson Excavating Company of Loveland by \$259,000 from \$833,000 to \$1,092,000. Since this change is greater than 20 percent, approval by City Council is required in accordance with the City’s purchasing policies.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

Anyone who wishes to speak to an item NOT on the Agenda may address the Council under Citizens’ Report.

- a. Citizens’ Report***
- b. City Council/City Manager Announcements***

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland’s Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

8. **CITY MANAGER**
Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

9. **FINANCE**
FEBRUARY 2011 FINANCIAL REPORT
This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the two months ending February 28, 2011.

10. **CITY MANAGER'S OFFICE**
INVESTMENT REPORT FOR FEBRUARY 2011
This is an information only item. No Council action is required. The budget estimate for investment earnings for 2011 is \$3,163,130. For the year-to-date, the amount posted to the investment account is \$513,687 including realized gains. The actual year-to-date earnings are lower than the year-to-date budget projection by \$13,502. Based on February's monthly statement, the estimated annualized yield is about 2.0%, precisely on the path of the 2.0% budget estimate for earnings.

CITY COUNCIL NEW BUSINESS

CITY MANAGER'S STAFF REPORT

CITY ATTORNEY'S REPORT