

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, JANUARY 4, 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

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) December 7, 2010 Regular Meeting**
 - b) December 14, 2010 Special Meeting**
 - c) December 14, 2010 Study Session****

- 2. CITY MANAGER
 BOARD & COMMISSION APPOINTMENTS**

This is an administrative action recommending the appointment of members to the Citizens’ Finance Advisory Commission, Construction Advisory Board, Cultural Services Board, Golf Advisory Board, Human Services Commission, Parks and Recreation Commission, Open Lands Advisory Commission, Planning Commission, Senior Advisory Board, and Visual Arts Commission.

3. **DEVELOPMENT SERVICES**
MUNICIPAL CODE AMENDMENT - GRAFFITI
Consideration on second reading of an ordinance amending Titles 7 and 9 of the Loveland Municipal Code by repealing Chapter 9.45 regarding graffiti and enacting a new Chapter 7.30 declaring graffiti to be a nuisance and allowing City abatement of graffiti on private property
A legislative action to amend Titles 7 and 9 of the Loveland Municipal Code by removing code provisions regarding graffiti from Title 9 and replacing those provisions with new provisions in Title 7 of the Code. In Title 7, graffiti will be described as a nuisance with provisions to allow the City to abate graffiti on private property. City Council unanimously adopted the ordinance on first reading on December 7, 2010.
4. **DEVELOPMENT SERVICES**
VACATION OF UTILITY EASEMENT WEST INDUSTRIAL ADDITION
Consideration on second reading of an ordinance vacating a portion of Lot 1, Block 1, Replat of Lots 1, 4, 5, 6 and 7 of West Industrial Addition, situated in the North half of Section 15, Township 5 North, Range 69 West of 6th P.M., City of Loveland, Larimer County, Colorado
A legislative action to consider an ordinance on second reading vacating a 21,561 square foot utility easement located in Lot 1, Block 1, Replat of Lots 1, 4, 5, 6 and 7 of the West Industrial Addition. The applicant is the TJ & I, LLC. City Council unanimously adopted the ordinance on first reading on December 7, 2010.
5. **DEVELOPMENT SERVICES**
HISTORIC LANDMARK DESIGNATION - 901 N JEFFERSON
Consideration on second reading of an ordinance of the City Council designating as a historic landmark the Lloyd House located at 901 North Jefferson Avenue in Loveland, Colorado
This item is a legislative action to consider approval on second reading of an ordinance to designate as a Historic Landmark the "Lloyd House" at 901 N. Jefferson Avenue, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation. City Council unanimously adopted the ordinance on first reading on December 7, 2010.
6. **DEVELOPMENT SERVICES**
HISTORIC LANDMARK DESIGNATION – 544 E 4TH STREET
Consideration on second reading of an ordinance of the City Council designating as a Historic Landmark the Wilson House located at 544 East 4th Street in Loveland, Colorado
This item is a legislative action to consider approval on second reading of an ordinance to designate as a Historic Landmark the "Wilson House" at 544 E. 4th Street, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation. City Council unanimously adopted the ordinance on first reading on December 7, 2010.
7. **DEVELOPMENT SERVICES**
MUNICIPAL CODE AMENDMENT – ALLEY NAMING CONVENTION DOWNTOWN
Consideration on second reading of an ordinance amending Title 12 of the Loveland Municipal Code by amending Chapter 12.08 regarding names of alleys in the downtown area

A legislative action to amend Title 12 of the Loveland Municipal Code to establish a convention for naming alleys in Downtown Loveland. The boundaries of the naming convention encompass twenty-four blocks, as shown on Exhibit A to the ordinance. The naming convention would require that alley names within the convention area be related to arts and entertainment or to Loveland history and be designated as an "Alley". Since approval of first reading on November 2, 2010, the ordinance has been revised to extend the naming convention area one block southward to First Street. City Council unanimously adopted the ordinance on first reading on November 2, 2010.

8. **DEVELOPMENT SERVICES**

PUBLIC HEARING

PUBLIC ACCESS EASEMENT VACATION – MCKEE MEADOWS SIXTH SUBDIVISION

Consideration on first reading of an ordinance vacating a portion of a public access easement located on Lot 4, Block 1, McKee Meadows Sixth Subdivision, City of Loveland, Larimer County, Colorado

This is a legislative action and public hearing to consider an ordinance, on first reading, to vacate the westerly 285.66 feet of a public access easement within the McKee Meadows 6th Subdivision.

9. **CITY CLERK**

POSTING NOTICES FOR CITY OF LOVELAND

Consideration of Resolution #R-1-2011 establishing the location for the posting of City of Loveland meeting notices

This is an administrative action. Approval of the Resolution will designate the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado, as the location for the posting for all of the City of Loveland's written notices in the year 2011.

10. **FINANCE**

CONTRACT RENEWAL - WORKERS' COMPENSATION COVERAGE

Consideration of a motion authorizing the City Manager to renew a contract with Pinnacol Assurance Company for workers' compensation coverage

This is an administrative action. The item for consideration would allow the City Manager to enter into a contract for \$1,015,000 with Pinnacol Assurance Company for workers' compensation coverage required by the State of Colorado. The contract stipulates that Pinnacol will provide workers' compensation insurance with a per claim deductible of \$200,000. The vendor will adjust workers' compensation claims in accordance with state law, pay claims and bill the City for the amount due under the deductible. They will provide loss control services to the City, including but not limited to industrial hygiene services, assistance with the development of training programs, resources and improvement of the City's safety programs.

11. **WATER & POWER**

GRANT OF EASEMENT TO LARIMER COUNTY

Consideration of Resolution #R-2-2011 approving the grant of an easement to Larimer County, Colorado for a recreational trail

This is an administrative action to grant an easement to Larimer County for the construction and maintenance of a recreational trail across property owned by the City of Loveland. The trail will be for non-motorized use only and will be located on the western-most portion of the City's property, which is the site of the City's Horseshoe Substation. The proposed trail will not negatively affect the Power Division's use of the property.

**12. DEVELOPMENT SERVICES
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION – STATE HISTORICAL GRANT
(LOVELANDER HOTEL/ELKS LODGE #1501)**

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland Budget for a State Historical Grant for a structural assessment of the Elks Lodge Building

This is an administrative action appropriating funds totaling \$14,000 for a Historic Structural Assessment of the Lovelander Hotel/Elks Lodge #1051 (103 E. 4th Street). Funding for the ordinance is from a State Historical Fund Grant. The City has no matching requirements but we will be required to manage the grant.

**13. DEVELOPMENT SERVICES
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION – STATE HISTORICAL GRANT
(MAJESTIC THEATER/ODD FELLOWS LODGE BUILDING)**

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland Budget for a State Historical Grant and contributions to restore the Odd Fellows Building

This is an administrative action. The ordinance appropriates funds in the amount of \$98,880 from a State Historical Grant and contributions in the amount of \$20,460 from the Odd Fellows Lodge for the restoration of the Majestic Theater/Odd Fellows Lodge Building (319 E. 4th Street). The City has no matching requirements but we will be required to manage the grant.

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

**14. DEVELOPMENT SERVICES
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION – FACADE GRANT (MAJESTIC
THEATER/ODD FELLOWS LODGE BUILDING)**

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland Urban Renewal Authority Budget for a facade grant to the Odd Fellows Lodge

This is an administrative action. The City Council serves as the Commissioners of the Board of the Loveland Urban Renewal Authority. The ordinance appropriates funds totaling \$12,500 for a facade grant as part of the restoration of the Majestic Theater/Odd Fellows Lodge Building (319 E. 4th Street).

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND RECONVENE AS CITY COUNCIL

**15. BUSINESS DEVELOPMENT
PUBLIC HEARING
MUNICIPAL CODE CHANGE – ADD CREATIVE SECTOR DEVELOPMENT ADVISORY
COMMISSION**

Consideration on first reading of an ordinance amending Chapter 2.60 of the Loveland Municipal Code to add Section 2.60.290 creating the Creative Sector Development Advisory Commission

This legislative action is a follow up from the December 7th City Council meeting at which the City Council approved the Intergovernmental Agreement with Aims Community College

to establish the Office of Creative Sector Development. According to the Business Plan attached to the agreement the City Council must appoint an advisory commission. This is first reading of the amendment to the Municipal Code.

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

16. DEVELOPMENT SERVICES PUBLIC HEARING

APPEAL HEARING – PRELIMINARY PLAT NAMAQUA HILLS CENTRAL SECOND SUBDIVISION

Consideration of a motion regarding an appeal of a decision made by the Planning Commission

Quasi-Judicial action and public hearing to consider an appeal of the Planning Commission's decision on October 11, 2010, approving a preliminary subdivision plat known as the Namaqua Hills Central Second Subdivision. The plat contains approximately 49.4 acres. The western 27 acres of the site (zoned DR) are reserved for open space through a conservation easement; the eastern 22 acres (zoned R1) include thirty-eight (38) single family lots. The site is generally located west of North Wilson Avenue between future alignments of 29th and 22nd Streets, and north of the current terminus of Morning Drive. The appellant is Mike Thompson of 1713 Sunnyside Drive, Loveland, Colorado 80538. City Council held a merit hearing on December 7, 2010 and determined the appeal had sufficient merit to warrant further review by a vote of 5 to 4.

17. FINANCE NOVEMBER 2010 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 eleven months ending November 30, 2010. Citywide Revenue (excluding internal transfers) of \$168,740,505 is 100.5% of year to date (YTD) budget. Sales tax, the City's single largest source of revenue, is 104.4% of the YTD budget. City wide total expenditures, \$162,619,056 (excluding internal transfers) are 85.5%

of YTD budget. The City's health claims paid year to date is \$6,122,318 or 88.3% of YTD budget.

**18. CITY MANAGER
INVESTMENT REPORT FOR NOVEMBER 2010**

This is an information only item. No Council action is required. The budget estimate for investment earnings for 2010 is \$4,195,750. For the year to date, the amount posted to the investment account is \$3,635,373 including realized gains. The actual year-to-date earnings are lower than the year-to-date budget projection by \$210,727. Based on November's monthly statement, the estimated annualized yield is about 1.9%, about 1/10th of a percent lower than last month. Due to the record setting fall in interest rates since the budget estimates were done in August 2009, the portfolio will not reach the budget projection.

CITY COUNCIL NEW BUSINESS

CITY MANAGER'S STAFF REPORT

CITY ATTORNEY'S REPORT