

CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, Heckel, McEwen, Klassen, Johnson, McKean, Shaffer, Rice and Solt.

PROCEDURAL INFORMATION Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Mayor Gutierrez pulled Item 5 at Staff's request. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 5. The motion was seconded by Councilor Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES a) Minutes for the January 4, 2011 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: The following appointments were made:

Library Board: Sandy Darby was appointed to a term effective until December 31, 2015. Louise Lucke was reappointed and Amy Cohen appointed as Alternate members for terms effective until January 18, 2012.

Senior Advisory Board: Bobbi Sutton was reappointed as representative from McKee Medical Center for a term effective to January 18, 2013.

Open Lands Advisory Commission: Andy Hawbaker, Joel Johnston, and Lori Bell were reappointed to four year terms effective until December 31, 2014.

3. DEVELOPMENT SERVICES

Public Access Easement Vacation – McKee Meadows Sixth Subdivision

Ordinance #5554

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ON LOT 4, BLOCK 1, MCKEE MEADOWS 6TH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

At 6:35 p.m. City Council adjourned and convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

4. DEVELOPMENT SERVICES

Supplemental Budget and Appropriation – Facade Grant (Majestic Theater / Odd Fellows Lodge Building)

Ordinance #5555

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 LOVELAND URBAN RENEWAL AUTHORITY BUDGET FOR A FAÇADE GRANT TO THE ODD FELLOWS LODGE" was approved and ordered published on second reading.

At 6:35 p.m. the Board of Commissioners for the Loveland Urban Renewal Authority (LURA) adjourned and reconvened as City Council

5. BUSINESS DEVELOPMENT

Municipal Code Change – Add Creative Sector Development Advisory Commission

This item was removed from the consent agenda.

6. HUMAN RESOURCES

Reappointment of Deputy Municipal Court Judge

Resolution #R-4-2011

Administrative Action: Resolution #R-4-2011 of the Loveland City Council reappointing James Packard as the Deputy Municipal Court Judge for a new two-year term beginning January 18, 2011 was approved.

RESOLUTION #R-4-2011

A RESOLUTION OF THE LOVELAND CITY COUNCIL REAPPOINTING JAMES PACKARD AS THE DEPUTY MUNICIPAL COURT JUDGE FOR A NEW TWO-YEAR TERM BEGINNING JANUARY 18, 2011

WHEREAS, on March 4, 2003, the City of Loveland (the "City") by Resolution #R-21-2003 appointed James Packard ("Packard") to serve a two-year term as the City's Deputy Municipal Court Judge whose duty is to preside over the City's municipal court in the absence of Municipal Court Judge William E. Starks; and

WHEREAS, Packard served such two-year term and continued to function as the City's Deputy Municipal Court Judge after the expiration of such term on March 4, 2005; and

WHEREAS, on November 18, 2008, the City by Resolution #R-130-2008 appointed Packard to serve a two-year term beginning November 18, 2008, and reaffirmed and ratified Packard's acting in the capacity of Deputy Municipal Court Judge from March 4, 2005 to November 17, 2008; and

WHEREAS, Packard served such two-year term and has continued to function as the City's Deputy Municipal Court Judge after the expiration of such term on November 18, 2010; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Loveland to reappoint Packard for an additional two-year term; and

WHEREAS, the City and Packard desire to enter into an agreement (Exhibit A) to formalize the terms of such reappointment.

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

Section 1. That the City hereby appoints James Packard to the position of Deputy Municipal Court Judge for the City of Loveland for a two-year term to commence January 18, 2011 and to expire January 18, 2013.

Section 2. That Packard's acting in the capacity as the City of Loveland Deputy Municipal Court Judge from November 18, 2010, to the present is hereby reaffirmed and ratified.

Section 3. That the salary for the Deputy Municipal Court Judge shall be sixty dollars per hour (\$60.00/hr.) and the City Manager, in consultation with the City Attorney, is hereby authorized and directed to enter into a written employment agreement that formalizes the terms of reappointment of James Packard as Deputy Municipal Court Judge.

Section 4. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

7. PUBLIC WORKS

Supplemental Budget and Appropriation Transportation Grants

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A FEDERAL HAZARD ELIMINATION GRANT AND A FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FOR TRANSPORTATION PROJECTS" was approved and ordered published on first reading.

8. FINANCE

Amendment to 2011 City Rates, Charges and Fees Schedule

Resolution #R-5-2011

Administrative Action: Resolution #R-5-2011 amending Resolution #R-51-2010 and the 2011 Schedule of Rates, Charges and Fees for City services was approved.

RESOLUTION # R-5-2011

A RESOLUTION AMENDING RESOLUTION #R-51-2010 AND THE 2011 SCHEDULE OF RATES, CHARGES AND FEES FOR CITY SERVICES

WHEREAS, on October 5, 2010, City Council adopted Resolution #R-51-2010 setting the rates, charges and fees for services provided by the City of Loveland (the "City"), other than fees imposed for services of the Water and Power Department and Storm Water Enterprise, for calendar year 2011; and

WHEREAS, Resolution #R-51-2010 included an incorrect rate for the 2011 Street Maintenance Fee for Residential properties, an incorrect rate for the fee for 32 gallon trash tags, and inadvertently omitted the charges for 17 gallon carts in the Solid Waste Enterprise; and

WHEREAS, the fares for transit service reflected in Resolution #R-51-2010 require revision due to the implementation of a new electronic farebox system; AND

WHEREAS, the resolution is intended to amend Resolution #R-51-2010 to correct these specific rates, charges and fees.

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

Section 1. That the 2011 schedule of rates, charges and fees for City services, other than services of the Water and Power Department and the Storm Water Enterprise, adopted by Resolution #R-51-2010 is hereby amended as shown below:

PUBLIC WORKS DEPARTMENT

Engineering -Street Maintenance Fee:

Residential, per dwelling unit per month	\$1.66	\$1.52
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Transit:

Fixed Route 10-ride Day Pass.....		\$12.50
20-ride Day Pass.....		\$22.50
Paratransit: Seniors and ADA 20 ride Pass.....		\$37.50
Paratransit: Seniors and ADA 40 ride Pass.....		\$70.00
Low Income Fixed Route Fares: 20 ride Pass.....		\$12.50
Youth (6-18) Annual Pass.....		\$12.50
Low Income Paratransit Fares: 20 ride Pass.....		\$18.75

SOLID WASTE

Single Family Residential:

32 Gallon Tags, each.....	\$3.00	\$1.50
17-Gallon Trash Carts per month.....		\$2.75

Section 2. This Resolution amends the rates, charges, and fees for 2011 adopted by Resolution R#-51-2010 for all City services, other than services of the Water and Power Department and the Storm Water Enterprise, provided on or after January 1, 2011.

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

ADOPTED 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

9. DEVELOPMENT SERVICES

Release of Easement – Rialto Bridge

Resolution #R-6-2011

Administrative Action: Resolution #R-6-2011 approving the release of an easement located on Lot 7, Block 18, City of Loveland, County of Larimer, State of Colorado was approved.

RESOLUTION #R-6-2011

A RESOLUTION APPROVING THE RELEASE OF AN EASEMENT LOCATED ON LOT 7, BLOCK 18, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, the City of Loveland is the owner of Lots 6 and 7 of Block 18, City of Loveland, Larimer County, Colorado, and

WHEREAS, the City of Loveland is also the beneficial owner of the easement or right of way across following portion of said Lot 7, to-wit: BEGINNING 11 ¼ inches West of Southeast corner of said Lot 7, being Southwest corner of building, thence North along West wall of said building, 28 feet 1 inch to brick wall running East and West, thence West along said East and West wall, 3 feet 1 ¼ inches to North and South brick wall, thence South along said North and South brick wall and extension thereof to South line of said Lot 7, thence East along Lot line, 3 feet 1 ¼ inches to BEGINNING (hereinafter referred to as the "Easement"); and

WHEREAS, the Easement burdens Lot 7, Block 18, City of Loveland, Colorado, for the benefit of Lot 6, Block 18, City of Loveland, Colorado, by providing a means of access from said Lot 6 across said Lot 7, to an adjacent alley south of Lots 6 and 7; and

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

WHEREAS, the Easement is no longer necessary, and the City, as the beneficial owner of all interest in the Easement and the property benefitted and burdened by the Easement, desires to extinguish said Easement.

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

Section 1. That the Release Of Easement Located On Lot 7, Block 18, City Of Loveland, County Of Larimer, State Of Colorado, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the Release of Easement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That the City Clerk is hereby directed to record the Release of Easement with the Larimer County Clerk and Recorder in accordance with State Statutes.

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

ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ 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' Reports

1. Elaine Thorndike, President and CEO of the Colorado Association of Manufacturing Technologies (CAMT) and Elvir Causevic, Executive Director of the Technology Acceleration for Manufacturing gave a presentation on the Aerospace and Clean Energy (ACE) Manufacturing and Innovation Park. Don Marostica was also present to answer questions. Plans are to select a site location by March 15, 2011. Miss Valentine Jamie Felton presented Loveland Valentines to the speakers. Brian Willms, President of the Loveland Chamber of Commerce, submitted a letter to CAMT endorsing

the project. Adam Krueger of the Northern Colorado Economic Development Corporation (NCEDC) announced they also fully supported the project.

2. Maryjo Morgan gave a presentation on the "Loveland 365" project.

b) City Council/City Manager Announcements

- Rice Consensus of Council was to bring the issue of licensing of pawn shops back to Council at a future date. Recent mailings to Loveland residents regarding licensing of water lines were determined to be fraudulent and citizens were advised to be aware of these types of scams.
- Shaffer Councilor Shaffer announced Julie Cosad will continue to serve as Chair and Tom Donnaly as the new Vice-Chair at the North Front Range Metropolitan Planning Organization (NFRMPO). Councilor Shaffer thanked the snow crews from Public Works.
- Klassen Councilor Klassen had questions regarding safety issues at Nickel Drive and Madison Avenue which were addressed by Public Works Director Keith Reester.
- Gutierrez Mayor Gutierrez attended the groundbreaking for the new Palomino Restaurant last week at the construction site east of Interstate 25 on Crossroads Boulevard. He also attended an event over the weekend celebrating the Thompson School District's 50th anniversary. Mayor Gutierrez and City Manager Bill Cahill spoke at Loveland's 20th annual Martin Luther King Jr. celebration Monday evening.

PROCEDURAL INFORMATION

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

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5. BUSINESS DEVELOPMENT

Municipal Code Change – Add Creative Sector Development Advisory Commission

Legislative Actions: Betsey Hale, Business Development Manager introduced this item to Council. This legislative action is a follow up from the January 4th City Council meeting at which the City Council approved on first reading the ordinance amending the Municipal Code to establish the Creative Sector Development Advisory Commission. According to the OCSD Business Plan and the municipal code the City Council must appoint an advisory commission, adopt a resolution setting meeting dates for 2011 and appointing a City Council liaison. This is the second reading of the ordinance creating the Creative Sector Development Advisory Commission and consideration of a resolution setting 2011 meeting dates and appointing a City Council Liaison to the Commission.

a) Ordinance #5556

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING CHAPTER 2.60 OF THE LOVELAND MUNICIPAL CODE TO ADD SECTION 2.60.290 CREATING THE CREATIVE SECTOR DEVELOPMENT ADVISORY COMMISSION". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

b) Resolution #R-3-2011

Councilor Johnson made a motion to approve Resolution #R-3-2011 adopting 2011 meeting dates for the newly created City of Loveland Creative Sector Development Advisory Commission and appointed Councilors Joan Shaffer and Cathleen McEwen as liaisons to the Commission. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-3-2011

A RESOLUTION ADOPTING 2011 MEETING DATES FOR THE NEWLY CREATED CITY OF LOVELAND CREATIVE SECTOR DEVELOPMENT ADVISORY COMMISSION AND APPOINTING CITY COUNCIL LIAISON

WHEREAS, City Code Section 2.14.020B. provides that each year at the City Council's last regularly scheduled meeting, the City Council shall establish the regular meeting dates of all boards, committees, commissions, and other policymaking and rulemaking bodies of the City; and

WHEREAS, Code Section 2.14.020B. requires that seven days after such meeting dates are so established that the meeting dates shall be published once in a newspaper of general circulation in the City and be posted in a conspicuous place in the City Municipal Building; and

WHEREAS, Section 2.14.020B. also requires that the secretary or clerk of each of the City's boards, committees, commissions, and other policymaking and rulemaking bodies shall provide notification of the regularly scheduled date of such meetings in advance of or on occasion of any special meetings duly called to those qualified electors who have made written request to the City for such notification; and

WHEREAS, Ordinance #5556 Amending Chapter 2.60 of the Loveland Municipal Code to Add Section 2.60.290 Creating the Creative Sector Development Advisory Commission (the "Commission") has been approved as of this date and will be effective ten days after its final publication, as provided in City charter Section 4-8(b); and

WHEREAS, the purpose of this Resolution is to so establish meeting dates for the newly formed Commission, to require the publication, posting and notifications required in City Code Section 2.14.020B, and to appoint City Council liaison to the Commission.

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

Section 1. That the following schedule of regular meeting dates, times and places in 2011 for the newly formed Loveland Creative Sector Development Advisory Commission is hereby adopted as provided in City Code section 2.14.020B:

The Creative Sector Development Advisory Commission shall meet at 5:30 p.m. on the third Thursday of each month commencing February 17, 2011, at 500 East Third Street, Suite 330, Loveland, Colorado

Section 2. That the City Clerk is directed pursuant to City Code section 2.14.020B. to publish the meeting dates for the Commission within seven days after the date of this Resolution to be published in a newspaper of general circulation in the City and in addition post such notice of meetings in a conspicuous place in the City Municipal Building.

Section 3. That in addition, the City Clerk shall notify the secretary of the Commission to provide notification of this notice of meetings to all qualified electors who have requested such notice in accordance with City Code section 2.14.020B.

Section 4. That Joan Shaffer and Cathleen McEwen are hereby appointed as non-voting Council liaisons to the Commission to serve until the next appointment is to be made in accordance with City Code section 2.60.030.

Section 5. That this Resolution shall take effect as of the date and time of its adoption.

ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

10. DEVELOPMENT SERVICES

Supplemental Budget and Appropriation – State Historical Grant (Loveland Hotel/Elks Lodge #1501)

Ordinance #5557

Administrative Action: City Planner Mike Scholl introduced this item to Council. An administrative action to consider an ordinance on second reading appropriating funds totaling \$14,000 for a Historic Structural Assessment of the Loveland Hotel/Elks Lodge #1051 (103 E. 4th Street). Funding for the ordinance is from a State Historical Funds Grant. The City has no matching requirements but we will be required to manage the grant. The ordinance was adopted on first reading by a vote of eight to one on January

4, 2011. Councilor Johnson made a motion to approve and ordered published on second reading "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 ELKS LODGE BUILDING". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

11. DEVELOPMENT SERVICES

Supplemental Budget and Appropriation – State Historical Grant (Majestic Theater / Odd Fellows Lodge Building)

Ordinance #5558

Administrative Action: City Planner Mike Scholl introduced this item to Council. An administrative action to consider an ordinance on second reading appropriating 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. The ordinance was adopted on first reading by a vote of eight to one on January 4, 2011. Councilor Johnson made a motion to approve and ordered published on second reading "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". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

12. CITY ATTORNEY'S OFFICE

Municipal Code Amendment – Campaign Contributions

1st Rdg Ord & P.H.

Legislative Action: City Attorney John Duval introduced this item to Council. This is a legislative action to consider an ordinance on first reading which would add provisions to the Loveland Municipal Code regulating campaign contributions by limited liability companies in City elections. Mayor Gutierrez opened the public hearing at 9:21 p.m. and hearing no comments closed the hearing at 9:21 p.m. Council Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADDING CITY CODE SECTION 2.04.030 TO REGULATE CAMPAIGN CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES IN LOVELAND MUNICIPAL ELECTIONS". Councilor Rice seconded the motion and a roll call vote was taken with four councilors voting in favor and Councilors Klassen, Heckel, Johnson, McKean and Rice voting against. The motion failed.

NEW BUSINESS

City Manager

None

City Council

Shaffer

Councilor Shaffer mentioned a meeting on Thursday of a new group called Embrace Northern Colorado focused on creating a regional vision to solve common issues. She also commented on the Governor's meeting at the Ranch earlier in the week.

City Attorney

City Attorney John Duval commented that he is waiting for a reply from Matt Cook in regards to the State's position on Medical Marijuana Dispensaries. The consensus of Council was to not extend beyond the deadlines approved by the voters in the November, 2010 election.

13. CITY MANAGER

An executive session to consider a matter subject to negotiation, the prospect of the ACE Manufacturing and Innovation Park being located in Loveland

At 10:15 p.m. Councilor Johnson moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (4)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the prospect of the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation and potentially involving the acquisition of real property, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or bargaining advantage; and related to this matter: to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Heckel seconded the motion and a roll call vote was held and all councilor present voted in favor thereof. Council reconvened at 11:27 p.m.

ADJOURNMENT

Having no further business to come before Council, the January 18, 2011 Regular Meeting was adjourned at 11:28 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor