

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, McKean, Johnson, McEwen, Shaffer and Solt. Councilors Klassen, Heckel and Rice were absent.

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. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor McEwen and a roll call vote was taken with all councilors present voting in favor thereof.

- 1. MINUTES**
- a) Minutes for the February 22, 2011 study session were approved.
 - b) Minutes for the March 1, 2011 regular meeting were approved.

2. FIRE & RESCUE

**Supplemental Budget and Appropriation – Federal Emergency Management Grant
Ordinance # 5566**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A FEDERAL EMERGENCY MANAGEMENT GRANT" was approved and ordered published on second reading.

3. DEVELOPMENT SERVICES

**Timka First Addition Annexation Petition
Resolution #R-16-2011**

Legislative Action: Resolution #R-16-2011 finding a certain petition for annexation known as Timka First Addition, filed January 12, 2011, to be insubstantial compliance with Section 30 of Article II of the Colorado Constitution and the requirements of Section 31.12.107(1), C.R.S., and establishing a date, time, and place for a hearing to determine whether the proposed annexation complies with the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S. and is eligible for annexation to the City of Loveland, Colorado and repealing Resolution #R-7-2011 was approved.

RESOLUTION #R-16-2011

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS TIMKA FIRST ADDITION, FILED JANUARY 12, 2011, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND THE REQUIREMENTS OF § 31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER

THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO, AND REPEALING RESOLUTION #R-7-2011.

WHEREAS, on January 12, 2011, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, at its meeting on February 1, 2011, the City Council adopted resolution #R-7-2011 setting a public hearing on March 15, 2011 to consider the proposed annexation;

WHEREAS, the City Council desires to repeal resolution #R-7-2011, and set a new date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland; and

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.

2. Resolution #R-7-2011 is hereby repealed.

3. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for April 19, 2011, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

4. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

5. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the 15 day of March, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

4. DEVELOPMENT SERVICES

Utility & Drainage Easement Vacation – Lot 2, North Lake First Subdivision

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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" was approved and ordered published on first reading.

5. DEVELOPMENT SERVICES

Municipal Code Change – Removes Exclusion for Pets under 4 months of age

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING CITY CODE SECTION 6.28.010 TO LIMIT THE NUMBER OF PETS ALLOWED TO BE KEPT IN RESIDENTIAL DWELLING UNITS" was approved and ordered published on first reading.

6. AIRPORT

CH2M Hill Contract Amendment No. 12

Motion

Administrative Action: A motion approving Amendment No. 12 to the contract dated February 1, 2007 between CH2M Hill, Inc and the Cities of Loveland and Fort Collins, and authorizing the City Manager to execute Amendment No. 12 was approved.

7. PUBLIC WORKS

Purchase of Two Solid Waste Collection Trucks

Motion

Administrative Action: A motion awarding a contract to Colorado Mack Sales and Service, Inc. in the total amount of \$518,526 for two solid waste collection trucks, and authorizing the City Manager to sign the contract on behalf of the City was approved.

8. PUBLIC WORKS

Revocable Permit for Fiber Optic Line

Resolution #R-17-2011

Administrative Action: Resolution #R-17-2011 granting a revocable permit to Dark Comm, LLC for use of certain rights-of-way within the City of Loveland was approved.

RESOLUTION #R-17-2011

A RESOLUTION GRANTING A REVOCABLE PERMIT TO DARK COMM, LLC FOR USE OF CERTAIN RIGHTS-OF-WAY WITHIN THE CITY OF LOVELAND

WHEREAS, Section 14-2 of the City of Loveland Charter provides that the City of Loveland may grant a revocable permit or license at any time for the temporary use or occupation of any street, alley, other public way, or City-owned place; and

WHEREAS, Dark Comm, LLC has requested that the City grant it a revocable permit for use of certain City rights-of-way to install a fiber optic line to provide Internet service to its customers located outside the City of Loveland; and

WHEREAS, Dark Comm, LLC does not intend to provide cable, Internet, or telecommunications services within the City of Loveland, and the City Council does not authorize Dark Comm, LLC to provide cable, Internet, or telecommunications services within the City of Loveland, to the extent such authorization is required; and

WHEREAS, the City Council is willing to grant Dark Comm, LLC the right to use certain City rights-of-way for the purposes set forth above on the terms and conditions stated in the Revocable Permit.

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

Section 1. That the Revocable Permit, attached hereto as Exhibit A and incorporated herein by reference ("Revocable Permit"), is hereby approved.

Section 2. That the Mayor and the City Clerk are hereby authorized and directed to execute the Revocable Permit on behalf of the City of Loveland.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 15th day of March, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A available in the City Clerk's Office

9. BUSINESS DEVELOPMENT

Award Lodging Tax Grant Funds

Resolution #R-18-2011

Administrative Action: Resolution #R-18-2011 awarding a 2011 Lodging Tax Grant to the German Shepherd Dog Club of America was approved.

RESOLUTION #R-18-2011

A RESOLUTION AWARDING A 2011 LODGING TAX GRANT TO THE GERMAN SHEPHERD DOG CLUB OF AMERICA

WHEREAS, the City imposes a lodging tax pursuant to Chapter 3.24 of the Loveland Municipal Code (the "Lodging Tax") for the purpose of promoting tourism, conventions and related activities within the City by marketing the City and sponsoring community events, both in support of this purpose (the "Dedicated Purpose"); and

WHEREAS, the Community Marketing Commission ("Commission") serves as an advisory body to the City Council concerning the City's use of the revenues received from the Lodging Tax for the Dedicated Purpose pursuant to Section 2.60.075 of the Loveland Municipal Code; and

WHEREAS, the Commission has made a recommendation to Council to: (i) fund a Lodging Tax Grant in the amount of \$11,500 (the "Grant") to the German Shepherd Dog Club of American, a New York nonprofit corporation (the "Grant Recipient") to be paid directly to Larimer County, Colorado for the benefit of the Ranch Events Center to pay a portion of the facility charges incurred for the Recipient's 2012 National Show Event to be held at the Ranch October 6-12, 2012 as identified on the Grant Application attached hereto as Exhibit A and incorporated herein by this reference (the "Project") and (ii) authorize the City Manager to enter into a grant agreement with the Grant Recipient substantially in the form approved by the City Council for Lodging Tax Grants on October 5, 2010 pursuant to Resolution #R-50-2010, with appropriate modifications (the "Lodging Tax Grant Contract"); and

WHEREAS, City Council desires to award the Grant to the Grant Recipient for the Project and authorize the City Manager to enter into the Lodging Tax Grant Contract.

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

Section 1. That the City Council hereby finds that the Grant and Project satisfy the requirements regarding use of the Lodging Tax for the Dedicated Purpose as set forth in Section 3.24.105 of the Loveland Municipal Code.

Section 2. That the Grant to the Grant Recipient in the Grant Amount and for the Project identified on Exhibit A attached hereto and incorporated herein by this reference, are hereby approved; provided that the Grant shall be paid directly to the Ranch Events Center to pay a portion of the facility charges Incurred for Recipient's 2012 National Show Event to be held at the Ranch October 6-12, 2012.

Section 3. That the City Manager and the City Clerk are hereby authorized to execute a Lodging Tax Grant Contract with the Grant Recipient for the Grant Amount on behalf of the City. The Lodging Tax Grant Contract shall be substantially in the form approved by the City Council pursuant to Resolution #R-50-2010 with appropriate modifications in form or substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or protect the interests of the City.

Section 4. That the City Manager is hereby authorized to administer the terms and conditions of the Lodging Tax Grant Contract as executed, with such advice of the Commission as may be requested.

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

ADOPTED this 15th day of March 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A 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 - None

b) City Council/City Manager Announcements

Solt Councilor Solt attended a celebration at B.F. Kitchen Elementary which was the first school in Colorado to receive the Healthier US School Challenge Gold of Distinction Award.

Shaffer Councilor Shaffer announced Tom Donnely is the new chair and Vernice Thomas is the new vice-chair of the North Front Range Metropolitan Planning Organization. She also attended the Community Marketing Commission "toolbox" workshop on Saturday. Councilor Shaffer clarified that McWhinneys were not present in the Executive Session held at the March 1st meeting.

Gutierrez Mayor Gutierrez attended the 50th anniversary celebration at Immanuel Lutheran School and was a judge at the Stars of Tomorrow event. The Mayor's forum is Wednesday, March 16, from 7 – 8:30 pm at the Foote Gallery in the Loveland Museum. The Church of Jesus Christ of Latter-day

Saints is hosting a fundraiser for local charities on June 23rd called the "Mayor's Night at the Cannery".

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

10. BUSINESS DEVELOPMENT

Cardinal Glass – Waiver of Development Related Fees

Resolution #R-19-2011

Administrative Action: Business Development Manager Betsey Hale introduced this item to Council. This is an administrative action. Cardinal CG Loveland Colorado Company, a Wisconsin corporation ("Cardinal Glass"), is relocating from St. Lake City, Utah. Cardinal Glass is a manufacturer and supplier of custom tempered glass used in windows and doors. It has purchased the property at 999 Van Buren. The CSU Economic Impact Analysis report projects net new revenue to the City of Loveland over the next 5 years to be \$65,000. At a study session on February 8, 2011 representatives from the company requested a \$57,000.00 incentive package for assistance with the relocation and renovation of the new location. City Council directed staff to bring this item forward at a future meeting. The funding would come from the City Council Incentive fund. \$4,000.00 will be used to backfill CEFs and \$5,000.00 will be used to providing training of new employees should the applicant receive a job training grant from the State of Colorado. There will also be a building permit fee waiver of up to \$20,000.00 and a waiver of up to \$28,000.00 of construction materials use taxes. Councilor Johnson made a motion to approve Resolution #R-19-2011 waiving certain development-related fees for Cardinal CG Loveland Colorado Company (Cardinal Glass). Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-19-2011

A RESOLUTION WAIVING CERTAIN DEVELOPMENT-RELATED FEES FOR CARDINAL CG LOVELAND COLORADO COMPANY (CARDINAL GLASS)

WHEREAS, Cardinal CG Loveland Colorado Company, a Wisconsin corporation ("Cardinal CG") is a high-tech company specializing in the development and manufacturing of energy efficient glass products; and

WHEREAS, Cardinal CG has purchased, or is in the process of purchasing and redeveloping an existing vacant facility at 999 Van Buren in Loveland as a manufacturing facility (the "New Facility"), will relocate seven employees to Loveland, and will hire ten more new employees in the first full year of operation; and

WHEREAS, Cardinal CG has requested from the City certain economic incentives, including a credit for construction materials use tax due on application for a building permit up to a maximum of \$28,000.00 (the "Use Taxes"), waiver of building permit and inspection fees due on application for a building permit of up to \$20,000.00 (the "Permit Fees"), and waiver of capital expansion fees due at time of certificate of occupancy of up to \$4,000.00 (the "CEF's"), to help defray some of its costs to redevelop the New Facility in Loveland; and

WHEREAS, Cardinal CG has also requested that the City match State of Colorado Job Training funds it may receive from the State of Colorado on or before December 31, 2011, such matching amount to be paid by the City not to exceed \$5,000.00 (the City Job Training Funds); and

WHEREAS, Section 16.38.070 of the Loveland Municipal Code provides that the City Council may grant an exemption from all or any part of the CEF's or Permit Fees, whether for capital or other purposes, upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits; and

WHEREAS, Section 16.38.070 provides further that, whenever any capital related CEF is waived, the City Council shall direct that the waived fee be paid by the general fund or another appropriate fund; and

WHEREAS, Section 3.16.590 of the Loveland Municipal Code provides that the City Council may grant by resolution a use tax credit upon a finding that such a credit will serve a public purpose, including but not limited to providing the public with significant social and economic benefits;

WHEREAS, the City Council believes that granting Cardinal CG an exemption from the CEF's and Permit Fees a credit for the Use Taxes, and a the City Job Training Funds is in the best interests of the public because Cardinal CG's redevelopment of the New Facility will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased sales and property tax revenues to the City.

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

Section 1. That the City Council hereby finds that granting Cardinal CG an exemption from CEF's and Permit Fees is in the best interests of the public because redevelopment of the New Facility will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues to the City.

Section 2. That the City Council hereby finds that granting Cardinal CG a use tax credit and the City Job Training Funds will serve a public purpose because redevelopment of the New Facility will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues to the City.

Section 3. That the Permit Fees identified on Exhibit A attached hereto and incorporated herein by this reference, due on application for a building permit for redevelopment of the New Facility in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) are hereby waived, provided that Cardinal CG obtains a building permit for the New Facility on or before December 31, 2011.

Section 4. That the a credit for the Use Taxes due on application for a building permit for redevelopment of the New Facility up to a maximum of \$28,000.00 is hereby approved, provided that Cardinal CG obtains a building permit for the New Facility on or before December 31, 2011.

Section 5. That the CEF's identified on Exhibit A, attached hereto and incorporated herein by reference, due on issuance of a certificate of occupancy for the New Facility in an amount not to the amount of Four Thousand Dollars (\$4,000.00) are hereby waived, provided that Cardinal CG obtains a temporary or permanent certificate of occupancy for the New Facility on or before December 31, 2011. Capital related CEF's shall be backfilled by the general fund or other appropriate fund.

Section 6. Within 30 days after receipt of evidence reasonably satisfactory to the City Manager that Cardinal CG has received State of Colorado Job Training funds in a specified amount (the "State Job Training Funds") on or before December 31, 2011, the City Manager is hereby authorized to pay to Cardinal Glass an amount equal to the State Job Training Funds, but not to exceed \$5,000.00 (the "City Job Training Funds") for the purpose of employee training.

Section 7. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 15th day of March, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A available in the City Clerk's Office

11. CITY MANAGER

Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

No discussion or consideration of action occurred.

CITY COUNCIL NEW BUSINESS


Special Meeting Councilor Johnson made a motion to hold a special meeting at 6:30 pm on March 22, 2011 prior to the Council study session. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.


Duval City Attorney John Duval provided an update to Council on today's hearing regarding the challenge to the March 1st deadline to close medical marijuana dispensaries in Loveland. Closing arguments will be made on March 22nd at 2:30 pm.

Gutierrez Mayor Gutierrez invited City Council to attend the Title 18 Committee meeting regarding BE Zoning in downtown on April 14th from 7:30 – 9:00 a.m.

ADJOURNMENT Having no further business to come before Council, the March 15, 2011 Regular Meeting was adjourned at 6:58 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

