

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, Klassen, Johnson, McKean, Shaffer, Rice and Solt. Councilor McEwen was absent.

PROCLAMATION Councilor Solt read a proclamation declaring February, 2011, as "Career & Technical Education Month". The proclamation was received by Kathy Gaasvig, Career and Technical Education Coordinator, Thompson School District R2-J.

PROCLAMATION

WHEREAS, the month of February, 2011, has been designated as "Career & Technical Education Month"; and

WHEREAS, the Thompson R2-J School District provides a Career & Technical Education program that focuses on preparing students to enter the 21st Century workforce; and

WHEREAS, we desire students to graduate from our schools with the motivation to continue to learn throughout their lives and be equipped with the knowledge and tools to make informed life choices; and

WHEREAS, the Business/Education Partnership Programs in cooperation with participating businesses in the communities offer all students the opportunity to gain employability skills through classroom education, leadership development, projects, shadows, mentors, apprenticeships, internships, cooperative programs; and

WHEREAS, the future of the City, State, and Nation depend upon the growth and development of our youth who will one day become our business leaders;

NOW, THEREFORE, we, the City Council of Loveland, Colorado, do hereby proclaim the month of February, 2011, as

CAREER & TECHNICAL EDUCATION MONTH

and strongly urge business, industry, education, government, and citizens of the community to lend their interest, assistance, and encouragement to the students participating in the program.

Signed this 1st day of February, 2011

Cecil Gutierrez, Mayor

STAFF INTRODUCTION Greg George, director of Development Services, introduced Alison Hade as the new administrator for the Community Partnership Office.

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 Klassen pulled items 6 and 8. Councilor Johnson moved to approve the Consent Agenda with the exception of items 6 and 8. 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 11, 2011 study session were approved.
- b) Minutes for the January 18, 2011 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: The following appointments were made:

Disabilities Advisory Commission ("DAC"): Angle Clayton was appointed to a term effective until June 30, 2013. Kathy Witcher was appointed as an Alternate for a one year term effective until February 1, 2012.

Planning Commission: Michael Ray was reappointed to a term effective to December 31, 2013.

Police Citizen Advisory Commission: Ed Gassman and Richard Hunsaker were reappointed and Swaine Skeen appointed all for three year terms effective until December 31, 2013. Joseph Hertwig was appointed as an Alternate for a one year term effective until February 1, 2012.

3. PUBLIC WORKS

Supplemental Budget and Appropriation Transportation Grants

Ordinance #5559

Administrative Action: "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 second reading.

4. DEVELOPMENT SERVICES

Utility Easement Vacation – Hile First Subdivision

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT OF LOT 2, BLOCK 1, HILE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

5. DEVELOPMENT SERVICES

Petition for Annexation – Timka First Addition

Resolution #R-7-2011

Legislative Action: Resolution #R-7-2010 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 with 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 was approved.

RESOLUTION #R-7-2011

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 WITH 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

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

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, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements 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;

(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. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for March 15, 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 Section 30 of Article II of the Colorado Constitution and with the applicable requirements 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.

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

4. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 1st day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

EXHIBIT A

Serial Parcel 1

Legal description of a parcel of land being a portion of the Northwest Quarter of the Northeast Quarter of Section 30, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the North Quarter corner of said Section 30, thence along the North line of the Northeast Quarter of said Section 30 South 89°48'00" East 993.54 feet; thence departing said North line South 00°02'31" East 30.11 feet to the TRUE POINT OF BEGINNING; thence South 89°50'32" East 331.17 feet to a point on the East line of the Northwest Quarter of the Northeast Quarter of said Section 30; thence along said East line South 00°01'35" East 652.39 feet; thence departing said East line North 89°45'46" West 331.00 feet to a point on the West line of the East Half of the East Half of the Northwest Quarter of the Northeast Quarter of said Section 30; thence along said West line North 00°02'31" West 651.93 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 4.957 acres, more or less and is subject to all easements, agreements and rights-of-way of record.

Serial Parcel 2

Legal description of a parcel of land being a portion of the Northwest Quarter of the Northeast Quarter of Section 30, Township 5 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the North Quarter corner of said Section 30, thence along the North line of the Northeast Quarter of said Section 30 South 89°48'00" East 993.54 feet; thence departing said North line South 00°02'31" East 30.11 feet; thence South 89°50'32" East 331.17 feet to a point on the East line of the Northwest Quarter of the Northeast Quarter of said Section 30; thence along said East line South 00°01'35" East 652.39 feet to the TRUE POINT OF BEGINNING; thence continuing along said East line South 00°01'35" East 652.39 feet to a point on the South line of the Northwest Quarter of the Northeast Quarter of said Section 30; thence along said South line North 89°41'00" West 330.83 feet to a point on the West line of the East Half of the East Half of the Northwest Quarter of the Northeast Quarter of said Section 30; thence along said

West line North 00°02'31" West 651.93 feet; thence departing said West line South 89°45'46" East 331.00 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 4.954 acres, more or less and is subject to all easements, agreements and rights-of-way of record.

6. FINANCE

Contract Renewal - Pinnacol

Motion

This item was removed from the Consent Agenda.

7. WATER & POWER

Residential Lease Agreement

Resolution #R-8-2011

Administrative Action: Resolution #R-8-2011 approving a residential lease agreement with Paul Gilbert was approved.

RESOLUTION #R-8-2011

A RESOLUTION APPROVING A RESIDENTIAL LEASE AGREEMENT WITH PAUL GILBERT

WHEREAS, the City of Loveland owns a house and storage shed located at 3142 N. County Road 29, Loveland, Colorado 80537 on site of the City's Water Treatment Plant; and

WHEREAS, the City desires to lease the house and one bay of the storage shed (together, the "Premises"); and

WHEREAS, due to the use and security requirements specific to the Water Treatment Plant site, the Department of Water & Power deems it desirable to lease the Premises to a Water Treatment Plant Employee; and

WHEREAS, the City notified all Water Treatment Plant employees of the opportunity to lease the Premises, and only Paul Gilbert, Water Treatment Plant operator, expressed a desire to lease the Premises; and

WHEREAS, the City and Mr. Gilbert have negotiated a Residential Lease Agreement whereby the City will lease to Mr. Gilbert, and Mr. Gilbert will lease from the City, the Premises at a rent determined to be fair and equitable based on a third-party assessment of the Premises on a month-to-month basis for so long as Mr. Gilbert remains a City employee, unless the Agreement is terminated by either party in accordance therewith.

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

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

Section 2. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Loveland.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form of the Agreement, provided that such changes do not impair the intended purposes of this Resolution.

Section 4. That concurrent with Mr. Gilbert's execution of the Agreement, Mr. Gilbert shall execute and deliver to the City Council a disclosure notice as set forth in Exhibit B of the Agreement in accordance with C.R.S. § 24-18-201.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 1st day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

8. BUSINESS DEVELOPMENT

Supplemental Budget and Appropriation – Lodging Tax Proceeds

1st Rdg Ord & P.H.

This item was removed from the consent agenda.

9. DEVELOPMENT SERVICES

Fee Waivers – Loveland Habitat for Humanity

Resolution #R-9-2011

Administrative Action: Resolution #R-6-2011 waiving certain development fees for the construction of six residences by Loveland Habitat for Humanity was approved.

RESOLUTION #R-6-2011

A RESOLUTION WAIVING CERTAIN DEVELOPMENT FEES FOR THE CONSTRUCTION OF SIX RESIDENCES BY LOVELAND HABITAT FOR HUMANITY

WHEREAS, Loveland Habitat for Humanity ("Habitat") has requested the waiver of certain City-imposed development fees, including capital expansion fees, for six residences in Loveland, construction of which will commence in 2011; and

WHEREAS, Section 16.38.075 of the Loveland Municipal Code provides that the City Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the City upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, that such facilities relieve the pressures of growth on City-provided facilities, and that such facilities do not create growth or growth impacts; and

WHEREAS, Habitat is willing and able to enter into a development agreement with the City whereby Habitat will construct these residences for the benefit of low and moderate income households; and

WHEREAS, the City Council finds that the waiver of the development fees, including the capital expansion fees, which results from the adoption of this Resolution will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, and that such facilities relieve the pressures of growth on City-provided facilities and do not create growth or growth impacts.

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

Section 1. That capital expansion fees in an amount not to exceed \$70,359.66 for construction of up to six residences for the purpose described above are hereby waived.

Section 2. That as provided in Section 16.38.075 of the Loveland Municipal Code, when a capital-related fee is waived as set forth in Section 1, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund.

Section 3. That development fees, including, but not limited to, all building permit fees, plan review fees, and any and all other fees due and payable between permit application and final certificate of occupancy (but not including capital expansion fees, system impact fees, raw water fees, tap fees or any other enterprise fees) that are payable to the City in an amount not to exceed \$16,102.56 for construction of up to six residences for the purpose described above are hereby waived.

Section 4. That development fees, including system impact fees, raw water fees, tap fees, or any other enterprise fees that are payable to the City in an amount not to exceed \$65,000 for construction of up to six residences for the purpose described above are hereby waived.

Section 5. That as provided in Section 16.38.075 of the Loveland Municipal Code, when a utility fee or charge is waived as set forth in Section 4, the affected utility fund shall be reimbursed by the general fund.

Section 6. That the amount of the waived development fees, \$65,000, as set forth in Section 4 hereof, shall be paid by the City into the City's enterprise funds from the general fund of the City, and that such funds have been appropriated in the City's 2011 budget.

Section 7. That the waiver of the fees described in Sections 1, 3, and 4 hereof shall be conditioned upon the City, through its City Manager, and Habitat entering into a development agreement, which agreement shall provide for the waiver of said fees in exchange for the construction of the six residences, as well as such other conditions as the City Manager shall deem necessary.

Section 8. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 1st day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

10. CITY MANAGER'S OFFICE

2011 Legislative Policy Agenda Document

Motion

A motion to approve the 2011 Legislative Policy Agenda as recommended by Councilors McEwen, Shaffer and Solt was approved.

11. DEVELOPMENT SERVICES

Fee Waivers – Loveiand-Berthoud Interfaith Hospitality Network

a) Resolution #R-10-2011

Administrative Action: Resolution #R-10-2011 waiving certain development fees for the construction of one unit of transitional housing by the Loveiand-Berthoud Interfaith Hospitality Network was approved.

RESOLUTION #R-10-2011

A RESOLUTION WAIVING CERTAIN DEVELOPMENT FEES FOR THE CONSTRUCTION OF ONE UNIT OF TRANSITIONAL HOUSING BY THE LOVELAND-BERTHOUD INTERFAITH HOSPITALITY NETWORK

WHEREAS, Loveiand-Berthoud Interfaith Hospitality Network (“IHN”) has requested the waiver of certain City-imposed development fees, including capital expansion fees, for one unit of transitional housing in Loveland, construction of which will commence in 2011; and

WHEREAS, Section 16.38.075 of the Loveland Municipal Code provides that the City Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the City upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, that such facilities relieve the pressures of growth on City-provided facilities, and that such facilities do not create growth or growth impacts; and

WHEREAS, IHN is willing and able to enter into a development agreement with the City whereby IHN will construct one unit of transitional housing for the benefit of low and moderate income households; and

WHEREAS, the City Council finds that the waiver of the development fees, including the capital expansion fees, which results from the adoption of this Resolution will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, and that such facilities relieve the pressures of growth on City-provided facilities and do not create growth or growth impacts.

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

Section 1. That capital expansion fees in an amount not to exceed \$11,726.61 for construction of one unit of transitional housing for the purpose described above are hereby waived.

Section 2. That as provided in Section 16.38.075 of the Loveland Municipal Code, when a capital-related fee is waived as set forth in Section 1, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund.

Section 3. That development fees, including, but not limited to, all building permit fees, plan review fees, and any and all other fees due and payable between permit application and final certificate of occupancy (but not including capital expansion fees, system impact fees, raw water fees, tap fees or any other enterprise fees) that are payable to the City in an amount not to exceed \$2,334.04 for construction of one unit of transitional housing for the purpose described above are hereby waived.

Section 4. That development fees, including system impact fees, raw water fees, tap fees, or any other enterprise fees that are payable to the City in an amount not to exceed \$11,910.24 for construction of one unit of transitional housing for the purpose described above are hereby waived.

Section 5. That as provided in Section 16.38.075 of the Loveland Municipal Code, when a utility fee or charge is waived as set forth in Section 4, the affected utility fund shall be reimbursed by the general fund.

Section 6. That the amount of the waived development fees, \$11,910.24, as set forth in Section 4 hereof, shall be paid by the City into the City’s enterprise funds from the general fund of the City.

Section 7. That the waiver of the fees described in Sections 1, 3, and 4 hereof shall be conditioned upon the City, through its City Manager, and IHN entering into a development agreement, which agreement shall provide for the waiver of said fees in exchange for the construction of the one unit of transitional housing, as well as such other conditions as the City Manager shall deem necessary.

Section 8. That this Resolution shall be effective as of the date of its adoption; provided, however, that the City Council’s waiver of IHN’s development fees as set forth herein shall not go into effect until the City Council’s adoption of an ordinance approving a supplemental appropriation of \$11,910.24 to reimburse the affected enterprise funds becomes effective.

ADOPTED this 1st day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

b) 1st Rdg Ord & P.H.

A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR FEE WAIVERS FOR ONE HOUSING UNIT FOR THE BENEFIT OF LOW INCOME HOUSEHOLDS" was approved and ordered published on first reading.

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

Jamie Felton, Miss Valentine 2011 spoke on what Loveland means to her.

b) City Council/City Manager Announcements

Shaffer

Councilor Shaffer stated the North Front Range Metropolitan Planning Organization will hold their February 3rd meeting in Loveland.

Gutierrez

Mayor Gutierrez mentioned Loveland's Valentine Remaining Program begins on February 3rd. He also mentioned receiving a letter about the Colfax marathon and a second letter thanking the citizens of Loveland for assisting an elderly family member while traveling through Loveland.

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

6. FINANCE

Contract Renewal - Pinnacol

Motion

Administrative Action: Risk Manager, Bettie Greenberg, introduced this item to Council. This is an administrative action to allow the City Manager to enter into a contract for \$1,670,876 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 for 2011. 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. The contract also requires a security agreement granting Pinnacol a security interest in specified minimum collateral, initially a \$1M US Treasury Note held as a part of the City's investment portfolio, to secure the City's financial obligations under the insurance contract. Discussion ensued. Staff stated a request for proposal will occur in 2011 to evaluate other providers. Councilor Johnson made a motion to approve and authorize the City Manager to sign a contract and security agreement with Pinnacol Assurance Company for \$1,670,878 for workers' compensation coverage for 2011.

Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

8. BUSINESS DEVELOPMENT

Supplemental Budget and Appropriation – Lodging Tax Proceeds

1st Rdg Ord & P.H.

Administrative Action: Betsy Hale, Business Development Manager, introduced this item. This is a public hearing to consider an administrative action. The ordinance appropriates funding for operational costs and grant allocations using the 2011 projected revenue from the lodging tax proceeds. The Lodging Tax Fund was not included in the 2011 Adopted Budget. Revenues are projected to be similar to 2010 collections. Staff will bring a final draft of the Strategic Marketing Plan back to Council in the August time frame. Mayor opened the public hearing at 7:17p.m. and asked for public comment. Hearing none, the Mayor closed the public hearing at 7:17 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE LODGING TAX PROCEEDS AND OPERATING AND GRANT BUDGET". Councilor Heckel seconded the motion and a roll call was taken with all Councilors present voting in favor thereof.

12. DEVELOPMENT SERVICES (CONTINUED FROM January 4, 2011)

Namaqua Hills Central Second Subdivision, Preliminary Plat - Appeal

Quasi-judicial Actions: Development Services Manager, Greg George introduced this item. He entered into the record the following documents: a letter from the Thompson R2J School District dated January 28, 2011; a letter from Larimer County dated January 25, 2011 and an email from Greg George to Council dated January 28, 2011. This is a quasi-judicial action to consider an appeal of the Planning Commission's decision on October 11, 2010 to approve a preliminary subdivision plat known as the Namaqua Hills Central Second Subdivision (Namaqua Central). The plat contains approximately 49.4 acres and proposes 38 single family lots. The western 27 acres of the site is zoned DR and reserved for open space through a conservation easement. The eastern 22 acres is zoned R1. 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 within the Namaqua Hills neighborhood in Larimer County. As approved by the Planning Commission, Morning Drive would be extended north to connect to 29th Street and 22nd Street would be upgraded and opened to regular traffic. The extension of Morning Drive would be a public street and gated at the northern and southern entrances to Namaqua Central. Six parking spaces would be provided within Namaqua Central on the south side of the south gate to accommodate parking for users of a recreation trail to be located in the conservation easement within Namaqua Central. The appellant is Mike Thompson of 1713 Sunnyside Drive, Loveland, Colorado 80538. The public hearing was continued from January 4, 2011. The following citizens spoke in favor of "alternate b" as outlined in the Item 12 coversheet: Mike Thompson, 1713 Sunnyside; Cheryl Rimple, 2209 Morning Dr; Rod Village, 1800 Morning Dr; Chad Walker, 2173 Monte Vista; Keith Olson, 2140 Morning Dr; Michael McKenna, 2100 Morning Dr; Kevin Easling, 2109 Skyrock; Sherrie Valentine, 2201 Morning Dr. Mike Thompson, Rod Village, Chad Walker and Michael McKenna entered materials into the record. Councilor Solt made a motion to make the findings listed in Section V of the October 11, 2010 Planning Commission staff report, and based on those findings, approve Alternative B, subject to those conditions placed on the project by Planning Commission that are consistent with Alternative B, plus all of the following conditions: 1) the gate at the south entrance to the project shall be for emergency vehicles only. 2) Streets within the gated community shall be private. 3) 22nd Street shall remain restricted to emergency vehicle access only.

- 4) No parking spaces shall be provided for the recreational trail at the south entrance.
- 5) Prior to approval of the Namaqua Hills Central Second Subdivision final plat the developer shall submit to the City a plan satisfactory to the City that will impose on the property owners within the Namaqua Hills Central Second Subdivision a legally enforceable obligation to equitably share with County GID #8 its costs to maintain and repair Morning Drive if at any time in the future the south entrance is modified to allow unrestricted vehicular access to Morning Drive.

Councilor Shaffer seconded the motion and a roll call vote was taken with four councilors present voting in favor and Councilors McKean, Rice, Klassen and Johnson voted against. The motion failed. After further discussion, Councilor Klassen from the prevailing side requested the motion be reconsidered. Councilor Shaffer seconded the motion and a roll call vote was taken with six councilors voting in favor and Councilors Johnson and McKean voting against. The motion passed.

***TABLED ITEMS 15 & 16**

Mayor Gutierrez, with the consent of council, tabled Items 15 & 16 and requested Council send any questions on these items to staff. Any correspondence from staff regarding these items should be directed to all of Council.

13. BUSINESS DEVELOPMENT

Amendments regarding Loveland Job Development Program

Two 1st. Rdg Ords & P.H.

Legislative Action: Business Development Manager Betsey Hale introduced this item to Council. This legislative action is a result of discussion from the November 2nd meeting of the City Council Economic Development Subcommittee, the November 16th City Council Meeting, the December 8th meeting of the Citizens' Finance Advisory Commission, and the January 11th Council Study Session. The amendments to the Municipal Code, Economic Development Policy, and Investment Policy will provide the City a means to invest in economic development and community redevelopment projects. This is the first reading of the amendments. If the Council adopts the Ordinances, up to \$5 million of the City's investment portfolio may be invested in projects that meet the criteria of the revised economic development policy and the credit review requirements of the Loveland Jobs Development Program third-party administrator. After a discussion, it was determined that generally Council was in support of moving forward with this program. Council directed staff to come back in the future after gathering input from Council. No public hearing was held and the ordinances were not considered. Tim Reecer with Lightening Hybrids spoke to Council encouraging them to move forward.

14. BUSINESS DEVELOPMENT

ACE Manufacturing and Innovation Center

Resolution #R-11-2011

Administrative Action: Business Development Manager Betsey Hale introduced this item to Council. This administrative action is a follow up to the January 18th City Council meeting. In that meeting City Council members considered a presentation from the Colorado Association of Manufacturing and Technology (CAMT) and discussed the City's support for a response to the site selection request for information for the Aerospace Clean Energy Manufacturing and Innovation Center (ACE). The City is proposing the ACE Center be located at the Agilent campus property. Councilor Johnson made a motion to approve Resolution #R-11-2011 supporting location of the ACE Manufacturing and Innovation Center at the Agilent Campus in Loveland, Colorado and authorizing the submission of an expression of interest. Councilor Klassen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

RESOLUTION #R-11-2011

A RESOLUTION SUPPORTING LOCATION OF THE ACE MANUFACTURING AND INNOVATION CENTER AT THE AGILENT CAMPUS IN LOVELAND, COLORADO AND AUTHORIZING THE SUBMISSION OF AN EXPRESSION OF INTEREST

WHEREAS, the Colorado Association for Manufacturing and Technology (CAMT) is a statewide manufacturing assistance center dedicated to increasing the competitiveness of Colorado manufacturers; and

WHEREAS, CAMT has entered into The Space Act Agreement creating a public-private partnership with NASA designed to strengthen Colorado's clean energy and aerospace manufacturing industries, to create CAMT's Technology Acceleration Program (TAP) to shorten the time between development and production of new clean energy and aerospace technologies, and to spearhead a regional innovation cluster to help Colorado companies leverage existing resources, share services and technology, engage business leaders, and strengthen Colorado's clean energy and aerospace workforce; and

WHEREAS, through the Space Act Agreement and regional innovation cluster, CAMT is connecting private and public enterprises, governmental entities and universities to focus on rapid commercialization of aerospace and clean energy technology; and

WHEREAS, CAMT projects that 10,000 jobs will be created across the state as a result of the regional innovation cluster, which is also anticipated to create a \$7 billion net economic output per year; and

WHEREAS, CAMT will partner with private sector companies to develop an Aerospace and Clean Energy (ACE) Manufacturing and Innovation Center, which will eventually house up to one hundred (100) businesses collaborating in sharing services, educational programs, equipment, and other resources, including access to public and private partner technology and expertise, thereby reducing the time between development and production of clean energy and aerospace technologies; and

WHEREAS, location of the ACE Manufacturing and Innovation Center at the Agilent Campus in the City of Loveland will provide CAMT with a move-in ready, high quality, research and manufacturing facility in a dynamic community with a history of supporting business innovation and collaboration, an existing cadre of businesses engaged in innovation cluster activities, an educated workforce, central access to Colorado's institutions of higher education, and a vibrant and welcoming place to live and work; and

WHEREAS, location of the ACE Manufacturing and Innovation Center at the Agilent Campus in Loveland will also provide significant benefits to the citizens of Loveland, Northern Colorado, and the State by creating jobs, enhancing economic development, creating opportunities for growth, and strengthening the business sector and community vitality; and

WHEREAS, CAMT has requested and the City desires to submit an expression of interest identifying potential sites for the ACE Manufacturing and Innovation Center.

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

Section 1. The City Council supports the location of the ACE Manufacturing and Innovation Center at the Agilent Campus in the City of Loveland.

Section 2. The City Council supports and authorizes the development and submission of an expression of interest by the City of Loveland to locate the ACE Manufacturing and Innovation Center at the Agilent Campus in Loveland.

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

ADOPTED this 1st day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

***15. FINANCE**

December 2010 Financial Report

This item was tabled and not heard by Council.

***16. CITY MANAGER**

Investment Report for December 2010

This item was tabled and not heard by Council.

NEW BUSINESS

City Manager

City Manager Cahill reminded Council of the Advance meeting on Saturday, February 5th, from 8:00 a.m. to 4:00 p.m. at the Group Publishing building.

City Council

None

City Attorney

None

17. CITY MANAGER

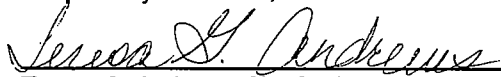
An executive session to consider a matter subject to negotiation, the prospect of the ACE Manufacturing and Innovation Park being located in Loveland

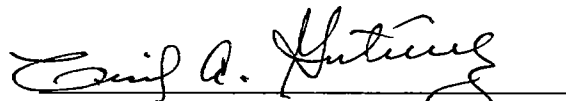
At 11:12 p.m. Councilor Johnson moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (4)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the prospect of the ACE Manufacturing and Innovation Park being located 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 Shaffer seconded the motion and a roll call vote was held and all councilor present voted in favor thereof. Council reconvened at 11:58 p.m.

ADJOURNMENT

Having no further business to come before Council, the February 1, 2011 Regular Meeting was adjourned at 11:59 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

