

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. Staff removed Item 10 from the agenda. Councilor Rice removed Items 12 & 13 from the consent agenda. Councilor Johnson moved to approve the Consent Agenda with the exception of items 10, 12 and 13. 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 December 7, 2010 regular meeting were approved.
- b) Minutes for the December 14, 2010 special meeting were approved.
- c) Minutes for the December 14, 2010 study session were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: The following appointments were made:

Citizens' Finance Advisory Commission ("CFAC"): Ryan Cosner was removed from the Citizens' Finance Advisory Commission ("CFAC") due to non-attendance. Bruce Finger was reappointed and Jennifer Travis and Bradley Pierson were appointed for three year terms effective until December 31, 2013. Ralph Trenary was appointed for a one-year partial term effective until December 31, 2011.

Construction Advisory Board: Ingrid McMillan-Ernst was appointed to a full term effective until June 30, 2013.

Cultural Services Board: Juanita Cisneros and Jan Des Jardin were reappointed and Kerri McDermid was appointed to terms effective until December 31, 2014.

Golf Advisory Board: Jon Krizman, Noel Mckeison, and Michael Ford were appointed for three year terms effective until December 31, 2013. Jim Thompson was appointed as the Alternate for a one year term effective until January 4, 2012.

Human Services Commission: Aiouette Greenridge was appointed to a term effective until June 30, 2011. Alison Miller was appointed as Alternate High School Member for a one year term effective until January 2, 2012.

Open Lands Advisory Commission: Andy Hawbaker, Joel Johnston, and Lori Bell were reappointed to three year terms effective until December 31, 2013. Chris Bryand was appointed as Alternate for a one year term effective until January 4, 2012.

Parks & Recreation Commission: Katie Davis and Jack Doyel were reappointed and Sean Cronin was appointed to three year terms effective until December 31, 2013.

Planning Commission: Stephanie Fancher and Richard Middleton were reappointed to three year terms effective until December 31, 2013. Carol Dowding was appointed to a partial term effective until December 31, 2012. Joe Bocson was appointed as Alternate to the Planning Commission for a one year term effective until January 4, 2012.

Senior Advisory Board: Judy Jones, Larry Roos, and Earl Stevens were reappointed to three year terms effective until December 31, 2013. Sally Musso and Richard Zlamany were appointed as Alternates to the Senior Advisory Board for one year terms effective until January 4, 2012.

Visual Arts Commission ("VAC"): Roger Clark and Lynn Kincanon were reappointed to three year terms effective until December 31, 2013. Angela Canada Hopkins was appointed for a one year term effective until December 31, 2011. Aiyson Kinkade and Margaret Rosborough were appointed for two year terms effective until December 31, 2012

3. DEVELOPMENT SERVICES

Municipal Code Amendment - Graffiti

Ordinance #5549

Legislative Action: "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" was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

Vacation of Utility Easement West industrial Addition

Ordinance #5550

Administrative Action: "AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED ON 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" was approved and ordered published on second reading.

5. DEVELOPMENT SERVICES

Historic Landmark Designation – 901 N Jefferson

Ordinance #5551

Administrative Action: "AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LLOYD HOUSE LOCATED AT 901 NORTH JEFFERSON AVENUE IN LOVELAND, COLORADO" was approved and ordered published on second reading.

6. DEVELOPMENT SERVICES

Historic Landmark Designation – 544 E 4th Street

Ordinance #5552

Legislative Action: "AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE WILSON HOUSE LOCATED AT 544 EAST 4TH STREET IN LOVELAND, COLORADO" was approved and ordered published on second reading.

7. DEVELOPMENT SERVICES

Municipal Code Amendment – Alley Naming Convention Downtown

Ordinance #5553

Legislative Action: "AN ORDINANCE AMENDING TITLE 12 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 12.08 REGARDING NAMES OF ALLEYS IN THE DOWNTOWN AREA" was approved and ordered published on second reading.

8. DEVELOPMENT SERVICES

Public Access Easement Vacation – McKee Meadows Sixth Subdivision

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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 first reading.

9. CITY CLERK

Posting Notices for City of Loveland

Resolution #R-1-2011

Administrative Action: Resolution #R-1-2011 establishing the location for the posting of City of Loveland notices was approved.

RESOLUTION #R-1-2011

A RESOLUTION ESTABLISHING THE LOCATION FOR THE POSTING OF CITY OF LOVELAND NOTICES

WHEREAS, City Charter Section 4-4(b) requires that the notice of each regular and special City Council meeting shall be posted at least twenty-four hours in advance of the meeting; and

WHEREAS, under C.R.S. Section 24-6-402(2)(c) a local public body is deemed to have given full and timely notice of its meetings if the meeting notice is posted in a designated public place within the local public body's boundaries no less than twenty-four hours prior to the holding of the meeting; and

WHEREAS, C.R.S. Section 24-6-402 (2)(c) further provides that the public place for posting such notice shall be designated annually by the local public body at its first regular meeting in each calendar year; and

WHEREAS, City Council meetings are held in the Council Chambers located at 500 E. 3rd St, immediately adjacent to the City Clerks Office.

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

Section 1. The City Council hereby designates the place for the posting of all meeting notices for the Loveland City Council and Loveland's Boards and Commissions to be the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, City of Loveland, Colorado.

Section 2. This Resolution shall go into effect on the date of its adoption.

ADOPTED this 4th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

10. FINANCE

Contract Renewal – Workers' Compensation Coverage (Pinnacol)

Motion

Staff removed this item from the agenda.

11. WATER & POWER

Grant of Easement to Larimer County

Resolution #R-2-2011

Administrative Action: Resolution #R-2-2011 approving the grant of an easement to Larimer County, Colorado for a recreational trail was approved.

RESOLUTION #R-2-2011

A RESOLUTION APPROVING THE GRANT OF AN EASEMENT TO LARIMER COUNTY, COLORADO FOR A RECREATIONAL TRAIL

WHEREAS, the City of Loveland is the owner of certain real property located in Larimer County, Colorado (the "Property"); and

WHEREAS, Larimer County, Colorado ("Larimer County") desires to construct and maintain a recreational trail for non-motorized public use across portions of the Property and has requested an easement from the City authorizing said use; and

WHEREAS, the City desires to grant the easement to Larimer County on the terms and conditions set forth in the "Grant of Easement for Recreational Trail," attached hereto as Exhibit A.

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

Section 1. That the "Grant of Easement for Recreational Trail," attached hereto as Exhibit A and incorporated herein by reference (the "Easement"), is hereby approved.

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

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

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 4th day of January, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

12. DEVELOPMENT SERVICES

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

Ord 1st Rdg & P.H.

This item was removed from the consent agenda.

13. DEVELOPMENT SERVICES

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

1st Rdg Ord & P.H.

This item was removed from the consent agenda.

At 6:37 p.m. City Council adjourned and convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

14. DEVELOPMENT SERVICES

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

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "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 first reading.

At 6:37 p.m. the Board of Commissioners for the Loveland Urban Renewal Authority (LURA) adjourned and reconvened as City Council

15. BUSINESS DEVELOPMENT

Municipal Code Change – Add Creative Sector Development Advisory Commission

Ord 1st Rdg & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE AMENDING CHAPTER 2.60 OF THE LOVELAND MUNICIPAL CODE TO ADD SECTION 2.60.290 CREATING THE CREATIVE SECTOR DEVELOPMENT ADVISORY COMMISSION" 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

b) City Council/City Manager Announcements

Johnson	Councilor Johnson mentioned there are openings on the Historic Preservation Board and Community Marketing Commission.
Gutierrez	Mayor Gutierrez also mentioned there are openings on the Creative Sector Development Board.
Klassen	Councilor Klassen raised the topic of council email. City Attorney John Duval discuss public emails received by Council and the author's expectation regarding the right to privacy.

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

12. DEVELOPMENT SERVICES

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

Ord 1st Rdg & P.H.

Administrative Action: Development Services Director Greg George introduced this item to Council. This is an administrative action 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 Mayor opened the public hearing at 7:07 p.m. and hearing no comments closed the hearing at 7:07 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 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 eight councilors voting in favor thereof and Councilor Rice voting against.

13. DEVELOPMENT SERVICES

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

1st Rdg Ord & P.H.

Administrative Action: Development Services Director Greg George introduced this item to Council. 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. The Mayor opened the public hearing at 7:08 p.m. and hearing no comments closed the hearing at 7:08 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 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 eight councilors voting in favor thereof and Councilor Rice voting against.

TABLED ITEMS 17 & 18

Mayor Gutierrez, with the consent of council, tabled Items 17 & 18 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.

16. BUSINESS DEVELOPMENT

Appeal Hearing – Preliminary Plat Namaqua Hills Central Second Subdivision

Motion

Quasi-Judicial Action: Senior Planner Troy Bliss introduced this item. Dave Kiockman and Romeo Gervais, City staff members, were also present. Ken Merritt with Landmark Engineering and Matt Delich were also present. A public hearing and quasi-judicial action considering 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 project contains approximately 49.4 acres for thirty-eight (38) single family lots generally located west of N. 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. The Mayor opened the public hearing at 9:12 p.m. Mike Thompson, 1713 Sunnyside Dr, expressed concern; Rod Village, 1800 Morning Dr, expressed concern; Terry Lipstein, 2105 Skyrock, expressed concern; Jeannie Essling, 2108 Skyrock, expressed concern; Caroline Orman, 2109 Morning Dr, expressed concern; Chad Walker, 2173 Monte Vista, expressed concern; Liam Weston, Hiawatha Dr, expressed concern; Michael McKenna, 2100 Morning Dr, expressed concern; Sherrie Valentine, 2201 Morning Dr, expressed concern; Jodi Radke, 1709 Sunnyside, expressed concern. The Mayor closed the public hearing at 9:45 p.m. Discussion ensued. Councilor McEwen made a motion to continue this item to a date certain, February 1, 2011 and to direct staff to work with the developer and neighborhood to resolve two issues: 1) gating and traffic access to the subdivision; and 2) maintenance agreement and that Council will address the closure of 22nd Street at the February 1, 2011 meeting. The motion was seconded by Councilor Rice and a roll call vote was taken with all Councilors present voting in favor thereof.

17. FINANCE

November 2010 Financial Report

This item was tabled and not heard by council.

18. CITY MANAGER

investment Report for November 2010

This item was tabled and not heard by council.

NEW BUSINESS

City Manager

Cahill

City Manager Cahill confirmed City Council wanted to continue joint meetings with Fort Collins City Council and Larimer County Commissioners. Targeted meeting dates are:

April 28th hosted by Larimer County, July 28th hosted by Fort Collins and October 27th hosted by Loveland.

City Council
Klassen

Councilor Klassen had questions about the closure date for Medical Marijuana Dispensaries. City Attorney John Duval is in contact with the State regarding the possibility of the existing Dispensaries to operate until July 1, 2011. He will bring back information to Council at a later date.

All / Special Meeting

Councilor Shaffer made a motion to make the January 11, 2011 study session a special meeting for the purpose of holding an executive session to consider a matter subject to negotiation, the prospect of the ACE Manufacturing and Innovation Park being located in Loveland. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

Gutierrez

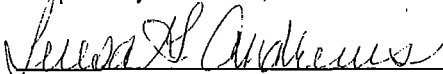
Mayor Gutierrez expressed appreciation to City Manager Cahill for the weekly updates. He reminded Council to RSVP to Rochelle Fernley if they're attending the Loveland Chamber of Commerce Annual Dinner, the City has reserved two tables, on January 21 at 5:30 – 9:00 pm at the South Hall of the First National Bank Building at The Ranch. A breakfast for the Boys and Girls Club will be held February 1, 2011 at the Embassy Suites in Loveland. Councilors should send Renee Wheeler the names of their nominees for the Financial Sustainability Feedback Committee. Councilors should also be thinking about their list of major city priorities.

City Attorney


ADJOURNMENT

Having no further business to come before Council, the January 4, 2011 Regular Meeting was adjourned at 11:56 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

