

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 Mickelson, 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: Alouette 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. Alyson 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

Legislative 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

Administrative 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/Elks 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. Legislative 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 Klockman 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


CITY OF LOVELAND

CITY MANAGER

 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 1/18/2011
TO: City Council
FROM: City Manager's Office
PRESENTER: Bill Cahill

TITLE:

Appointments to Library Board and Senior Advisory Board; correction to 1/4/11 reappointments to Open Lands Advisory Commission

DESCRIPTION:

This is an Administrative Item recommending the appointment of members to the Library Board and the Senior Advisory Board and a correction to previous reappointments to the Open Lands Advisory Commission

BUDGET IMPACT:

Yes No

SUMMARY:

Three applicants were interviewed on December 13, 2010 for one term vacancy on the **Library Board**. The interview committee recommends the appointment of Sandy Darby, currently serving as an Alternate member, to the board for a five year term effective until December 31, 2015. Louise Lucke is recommended for reappointment as an Alternate member, and Amy Cohen is recommended for appointment as an Alternate member to the Library Board, both for one year terms effective until January 18, 2012.

Bobbi Sutton's term on the **Senior Advisory Board** as appointed representative from McKee Medical Center expired November 4, 2010. Section 2.60.240 of the Municipal Code states: "Six members shall be nominated by the **Senior Advisory Board**, and approved by the city council, to serve terms of two years. These six members shall consist of one at large member, and one member from each of the following organizations: Chilson Senior Advisory Committee, Volunteers of America, McKee Senior Services, the Poudre Valley Hospital Aspen Club, and the McKee Medical Center Seasons Club." The **Senior Advisory Board** has received the nomination of Bobbi Sutton to continue to represent

the McKee Medical Center. If approved, Ms. Sutton's two year term will be effective from January 18, 2011 until January 18, 2013.

At the January 4, 2011 meeting, Council approved the reappointments of Andy Hawbaker, Joel Johnston and Lori Bell to **Open Lands Advisory Commission** for three year terms effective until December 31, 2013. Terms on the Open Lands Advisory Commission are four year terms. Therefore, Council is requested to approve the reappointments of Andy Hawbaker, Joel Johnston and Lori Bell to Open Lands Advisory Commission for four year terms effective until December 31, 2014.

LIST OF ATTACHMENTS:

None

RECOMMENDED CITY COUNCIL ACTION:

Motion to appoint Sandy Darby to the Library Board for a five year term effective until December 31, 2015. Motion to reappoint Louise Lucke and to appoint Amy Cohen as Alternate members of the Library Board, both for terms effective until January 18, 2012.

Motion to reappoint Bobbi Sutton as representative from McKee Medical Center on the Senior Advisory Board for a two year term effective from January 20, 2011 until January 20, 2013.

Motion to reappoint Andy Hawbaker, Joel Johnston and Lori Bell to Open Lands Advisory Commission each for four year terms effective until December 31, 2014.

REVIEWED BY CITY MANAGER:



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 1/18/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Brian Burson, Current Planning Division

TITLE:

AN ORDINANCE VACATING A PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ON LOT 4, BLOCK 1, MCKEE MEADOWS SIXTH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO.

DESCRIPTION:

A legislative action to consider an ordinance, on second reading, vacating the westerly 285.66 feet of a public access easement within the McKee Meadows 6th Subdivision.

BUDGET IMPACT:

Yes No

SUMMARY:

The site is located along the east side of North Madison Avenue, just off of the northeast corner of E. Eisenhower Boulevard and North Madison Avenue. The easement has provided historic access from North Madison Avenue into and through the site, and connecting to North Boise Avenue. The application proposes to vacate only the public access purpose of this portion of the easement.

In conjunction with the recent intersection improvements at this location, the Madison Avenue drive access for the site has been moved further north, making the westerly alignment of the easement obsolete. A new public access easement will be granted by the property owner to re-align the internal easement with the new drive access point. The easement is also dedicated for public utility purposes, and the utility purpose will be preserved by the language of the vacation ordinance.

City Council approved the ordinance on first reading, by unanimous vote, on January 4, 2011.

LIST OF ATTACHMENTS:

- A. Vacation Ordinance.

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for City Council action:

Move to make the findings in Section VI. of the December 13, 2010 Planning Commission staff report and adopt on second reading AN ORDINANCE VACATING A PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ON LOT 4, BLOCK 1, MCKEE MEADOWS SIXTH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO.

REVIEWED BY CITY MANAGER:

FIRST READING: January 4, 2011

SECOND READING: January 18, 2011

ORDINANCE NO. _____

**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**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a public access easement described below, located on Lot 4, Block 1, McKee Meadows 6th Subdivision, City of Loveland, Larimer County, Colorado; and

WHEREAS, it is necessary that the portion of easement to be vacated, be preserved as a public utility easement, as dedicated on the plat of McKee Meadows 6th Subdivision, as recorded May 23, 1995 at Reception No. 95029042 of the records of the Larimer County Clerk and Recorder; and

WHEREAS, it is further necessary that the Property Owner of said Lot 4, Block 1, McKee Meadows 6th Subdivision, City of Loveland, County of Larimer, State of Colorado, submit to the City a fully executed public access easement, in a form acceptable to the City, for the land depicted and described in Exhibit A, attached hereto and by reference incorporated herein; and

WHEREAS, to assure ongoing provision of public and emergency access to the property, this ordinance and the fully executed public access easement described in the provision listed above, shall be recorded concurrently; and

WHEREAS, the City Council finds and determines that upon fulfillment of the above requirements, 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 City Council finds and determines that the portion of a public access easement to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

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

Section 1. Subject to the conditions listed in Sections 2 through 4, the following described portion of a public access easement be and the same is hereby vacated:

A parcel of land being part of Lot 4, McKee Meadows 6th Subdivision, recorded May 23, 1995 as Reception No. 95029042 of the records of the Larimer County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Seven (7), Township Five North (T.5N.) Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.) City of Loveland, County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northeast corner of that parcel of land described in that Deed of Dedication recorded January 22, 1997 as Reception No. 97004424 of the records of the Larimer County Clerk and Recorder and assuming the East line of that parcel of land described in said Deed of Dedication as bearing South 00° 07' 58" West, being a Grid Bearing of the Colorado State Plane Coordinating System, North Zone, North American Datum 1983/92, with all bearings contained herein relative thereto:

THENCE South 00° 07' 58" West along the East line of that parcel of land described in said Deed of Dedication a distance of 73.47 feet to the Northerly line of an access easement, being Thirty (30) feet in width, as shown on the plat of said McKee Meadows 6th Subdivision, said point being the POINT OF BEGINNING;

THENCE South 89°40'03" East along the Northerly line of said access easement a distance of 285.66 feet;

THENCE South 00°19'57" West a distance of 30.00 feet to the Southerly line of said access easement;

THENCE North 89°40'03" West along the Southerly line of said access easement a distance of 285.56 feet to the east line of that parcel of land described in said Deed of Dedication;

THENCE North 00°07'58" East along the East line of that parcel of land described in said Deed of Dedication a distance of 30.00 feet to the POINT OF BEGINNING.

Said parcel of land contains 8,568 sq. ft. or 0.197 acre, more or less (+-), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Section 2. The vacated portion of the public access easement shall be preserved as a public utility easement, as dedicated on the plat of McKee Meadows 6th Subdivision, as recorded May 23, 1995 at Reception No. 95029042 of the records of the Larimer County Clerk and Recorder.

Section 3. Prior to recordation of this ordinance, the Property Owner of said Lot 4, Block 1, McKee Meadows 6th Subdivision, City of Loveland, County of Larimer, State of Colorado, shall submit to the City a fully executed public access easement, in a form acceptable to the City, for the land depicted and described in Exhibit A, attached hereto and by reference incorporated herein.

Section 4. To assure ongoing provision of public and emergency access to the property, this ordinance and the fully executed public access easement described in Exhibit A, shall be recorded concurrently.

Section 5. As provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 6. The City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this ____ day of _____, 2011.

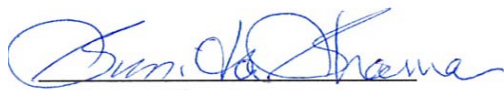
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

PROPERTY DESCRIPTION
Exhibit A
(1 of 2)

A strip of land, Thirty (30) feet in width, being part of Lot 4, McKee Meadows 6th Subdivision, recorded May 23, 1995 as Reception No. 95029042 of the records of the Larimer County Clerk and Recorder, located in the Southwest Quarter (SW 1/4) of Section Seven (7), Township Five North (T.5N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the Northeast corner of that parcel of land described in that Deed of Dedication, recorded January 22, 1997 as Reception No. 97004424 of the records of the Larimer County Clerk and Recorder and assuming the East line of that parcel of land described in said Deed of Dedication as bearing South 00°07'58" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein relative thereto;

THENCE South 89°40'01" East along the Northerly line of said Lot 4, also being along the South line of Lot 1, McKee Meadows 6th Subdivision, recorded March 8, 1994 as Reception No. 94020788 of the records of the Larimer County Clerk and Recorder, a distance of 171.03 feet to a Point of Curvature (PC);

THENCE along the arc of a curve which is concave to the Southwest a distance of 51.05 feet, said curve having a radius of 65.00 feet, a central angle of 44°59'57" and a long chord bearing South 67°10'02" East a distance of 49.75 feet to a Point of Tangency (PT);

THENCE South 44°40'03" East a distance of 62.48 feet to a Point of Curvature (PC);

THENCE along the arc of a curve which is concave to the Northeast a distance of 27.49 feet, said curve having a radius of 35.00 feet, a central angle of 45°00'00" and a long chord bearing South 67°10'03" East a distance of 26.79 feet to the Northerly line of an access easement, being Thirty (30) feet in width, as shown on the plat of said McKee Meadows 6th Subdivision;

THENCE South 00°19'57" West, non-tangent to aforesaid curve, a distance of 30.00 feet to the Southerly line of said access easement, said point being the beginning point of a curve, said curve being non-tangent to aforesaid line;

THENCE along the arc of a curve which is concave to the Northeast a distance of 51.05 feet, said curve having a radius of 65.00 feet, a central angle of 45°00'00" and a long chord bearing North 67°10'03" West a distance of 49.75 feet to a Point of Tangency (PT);

THENCE North 44°40'03" West a distance of 62.48 feet to a Point of Curvature (PC);

THENCE along the arc of a curve which is concave to the Southwest a distance of 27.49 feet, said curve having a radius of 35.00 feet, a central angle of 44°59'57" and a long chord bearing North 67°10'02" West a distance of 26.79 feet to a Point of Tangency (PT), said point being Thirty (30) feet, as measured at a right angle, South of the Northerly line of said Lot 4, also being the South line of said Lot 1;

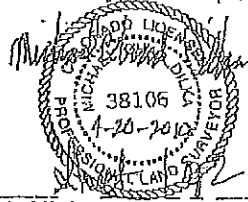
THENCE North 89°40'01" West along a line being Thirty (30) feet, as measured at a right angle, South of and parallel with the Northerly line of said Lot 4, also being the South line of said Lot 1, a distance of 170.93 feet to the East line of that parcel of land described in said Deed of Dedication;

THENCE North 00°07'58" East along the East line of that parcel of land described in said Deed of Dedication a distance of 30.00 feet to the POINT OF BEGINNING.

Said parcel of land contains 9.360 sq.-ft. or 0.215 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as may exist on said described parcel of land.

SURVEYOR'S STATEMENT

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief and in my professional opinion.



Michael Chad Dilka - on behalf of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS, INC.
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 2009045

PROPERTY DESCRIPTION EXHIBIT A (2 of 2) MCKEE MEADOWS 6TH SUBDIVISION LOT 4

MCKEE MEADOWS FIRST ADDITION
REC. NO. 918948

20' RIGHT-OF-WAY ALLEY

40' RIGHT-OF-WAY

LINE TABLE		
LINE	BEARING	LENGTH
L1	S44°40'03"E	82.48'
L2	S00°19'57"W	30.00'
L3	N44°40'03"W	82.48'
L4	N00°07'58"E	30.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	51.05'	85.00'	44°59'57"	49.75'	S87°10'02"E
C2	27.49'	35.00'	45°00'00"	26.79'	S67°10'03"E
C3	51.05'	85.00'	45°00'00"	49.75'	N67°10'03"W
C4	27.49'	35.00'	44°59'57"	26.79'	N87°10'02"W

NORTH MADISON AVENUE

10' POSTAL EASEMENT LOT 1 MCKEE MEADOWS FIFTH SUBDIVISION REC. NO. 9181081

POINT OF BEGINNING

S89°40'01"E 171.03'

9,360 SQ. FT.
0.215 ACRE

N89°40'01"W 170.93'

20' UTILITY EASEMENT

50' RIGHT-OF-WAY

30' ACCESS EASEMENT

30' ADDRESS EGRESS & UNDERGROUND UTILITIES EASEMENT (BOOK 1483 PAGE 125)

10' RIGHT-OF-WAY FROM DEED OF DEDICATION (REC. NO. 97004424)

LOT 4 MCKEE MEADOWS 6TH SUBDIVISION REC. NO. 95029042

40' RIGHT-OF-WAY FROM PLATTING

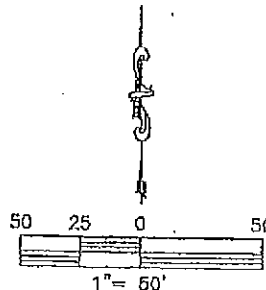
SCHRAEDER SUBDIVISION REC. NO. 401943

BASIS OF BEARINGS: S00°07'58"W EAST LINE OF REC. NO. 87004424

NOTE: This exhibit drawing is not intended to be a monumentized land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



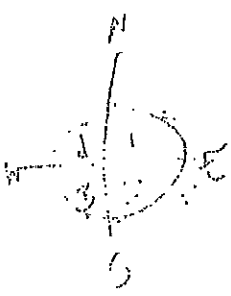
Michael Chad Dilka -- on behalf of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106



KING SURVEYORS, INC.
650 East Gardner Drive | Windsor, Colorado 80550
phone: (970) 686-5411 | fax: (970) 686-5021
www.kingsurveyors.com

PROJECT NO: 2009045
DATE: 04/20/2010
CLIENT: INTERWEST CONSULTING GROUP
DWG: MCKEEMEADOWS6THSUB L4-ACCESSESMT_R1
DRAWN: MCD CHECKED: MCD

10 reasons





CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 1/18/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, City Planning Technician

TITLE:

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

DESCRIPTION:

An administrative action for City Council, serving as the Commissioners of the Board of the Loveland Urban Renewal Authority, to consider an ordinance on second reading appropriating funds totaling \$12,500 for a façade grant as part of the restoration of the Majestic Theater/Odd Fellows Lodge Building (319 E. 4th Street).

BUDGET IMPACT:

Yes No

Fund balance from the original seed money for the façade grants is available for appropriation.

SUMMARY:

On May 18, 2010, City Council, serving as the Board of Commissioners for the Loveland Urban Renewal Authority, unanimously approved the awarding of a façade mini-grant to the Independent Order of Odd Fellows through Resolution #R-19-2010. This façade grant was then used to leverage support for a competitive Exterior Rehabilitation and Restoration grant from the State Historical Fund for the building. The former Majestic Theater, built in 1919 and now owned by the Independent Order of Odd Fellows, is one of four three-story masonry buildings on downtown 4th Street. The Odd Fellows worked with the City to place this building on the Loveland Historic Register to facilitate their plans to preserve and restore the building. As a non-profit, the Odd Fellows are eligible for grant funding for building restoration.

This grant will address the first phase in the restoration of this historic theater. The project includes rehabilitation of the masonry on the street façade, rehabilitation of roof drainage, fire escape rehabilitation, and restoration of the southeast entrance to begin the revitalization of the prominent street façade of the building.

Upon acceptance of the grant, City staff will subcontract with SlaterPaull Architects to complete the architectural and engineering work necessary to move forward with the building restoration. SlaterPaull Architects was selected through a bid process by the City in 2009 to complete a Historic Structural Assessment of this building. The Historic Structural Assessment is an extensive examination of the condition of a historic building and informs any rehabilitation and restoration work. As the architects who completed this report, SlaterPaull is preferred by the State Historical Fund to continue work on this building. Once construction documents and specifications for the restoration work are received, City staff will follow all required procedures regarding bidding of the project. Physical work is likely to begin in the spring of 2011.

City Council adopted the ordinance on first reading, on a unanimous vote, on January 4, 2011.

LIST OF ATTACHMENTS:

- A. Ordinance

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for Council action:

Move to adopt on second reading 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.

REVIEWED BY CITY MANAGER:

FIRST READING January 4, 2011

SECOND READING January 18, 2011

ORDINANCE NO. _____

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

WHEREAS, the City Council has reserved funds for Capital projects that could not be anticipated at the time adoption; and

WHEREAS, the City has these reserved funds on hand not appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of \$12,500 in the Loveland Urban Renewal Authority Fund 37 from the reaming balance of the Façade Grant Program are available for appropriation. These reserves are appropriated for a Façade Grant to the Odd Fellows Lodge. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
LURA -Odd Fellows Bulding Façade Grant**

Revenues		
Fund Balance		12,500
Total Revenue		12,500
Appropriations		
037-8004-409-04-02 SP0703	Façade Grant	12,500
Total Appropriations		12,500

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

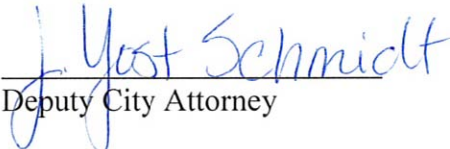
ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
BUSINESS DEVELOPMENT OFFICE
 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 1/18/2011
TO: City Council
FROM: Betsey Hale, Business Development Manager
PRESENTER: Betsey Hale, Business Development Manager

TITLE:

- 1) An Ordinance amending Chapter 2.60 of the Loveland Municipal Code to add Section 2.60.290 creating the Creative Sector Development Advisory Commission
- 2) A Resolution adopting the 2011 meeting dates for the newly created City of Loveland Creative Sector Development Advisory Commission and appointing a City Council liaison

DESCRIPTION: 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.

BUDGET IMPACT:

Yes No

SUMMARY: The Office of Creative Sector Development (OCSD) is being established to assist in the retention, creation and attraction of jobs in the creative sector to Loveland. As outlined in the OCSD business plan which was approved as part of the approval of the IGA with Aims Community College the City Council must appoint a 7 member commission and two alternates. The City Council must amend the City Code and to create this new commission. The commission will be in place until December 31, 2013 unless otherwise approved by City Council. The Resolution will set 2011 meeting dates and name the City Council liaison to the commission.

LIST OF ATTACHMENTS:

1. Ordinance amending Chapter 2.60 of the Loveland Municipal Code to add Section 2.60.290 creating the Creative Sector Development Advisory Commission

2. Resolution adopting the 2011 meeting dates for the newly created City of Loveland Creative Sector Development Advisory Commission and appointing a City Council liaison

RECOMMENDED CITY COUNCIL ACTION:

Adopt the Ordinance on second reading and adopt the Resolution

REVIEWED BY CITY MANAGER:

FIRST READING January 4, 2011

SECOND READING January 18, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2.60 OF THE LOVELAND MUNICIPAL CODE TO ADD SECTION 2.60.290 CREATING THE CREATIVE SECTOR DEVELOPMENT ADVISORY COMMISSION

WHEREAS, by adoption of Resolution #R-74-2010 the City Council approved an Intergovernmental Agreement (the “IGA”) with Aims Community College (“Aims”) to establish the Office of Creative Sector Development (“OCSD”) to provide a central location for staff and volunteers to develop and implement creative sector related business retention and attraction strategies, provide training related to the business of the creative sector, facilitate networking for the promotion of creative sectors events, and sales of art or other creative sector products for the purpose of attracting new wealth, creative sector related businesses and organizations to Loveland; and

WHEREAS, the City and Aims anticipate that the OCSD will operate under the IGA on an annual basis for a pilot period of approximately three years ending on December 31, 2013; and

WHEREAS, the business plan for the Office of Creative Sector Development included in the IGA contemplates an advisory board to provide direction and guidance as well as assistance with fundraising and networking for financial sustainability; and

WHEREAS, City Council desires to create the Creative Sector Development Advisory Commission as an advisory body to Council for the foregoing purposes.

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

Section 1. That Chapter 2.60 of the Loveland Municipal Code is hereby amended by the addition of Section 2.60.290 to read as follows:

2.60.290 Creative Sector Development Advisory Commission.

A. There is established a creative sector development advisory commission consisting of seven members appointed by the city council. Members on the commission shall have a background in, experience in, or a commitment to the arts, arts education, or other creative sector fields, including but not limited to marketing, economic development and community development related to the creative sector. Each member of the commission shall be

appointed for a three-year term. In addition to city council and staff liaisons as provided in City Code section 2.60.030, a representative appointed by Aims Community College shall be a non-voting ex-officio member of the commission.

B. The purpose of the creative sector development advisory commission shall be to serve as an advisory body to the staff of the office of creative sector development and city council concerning the business plan and the vision, mission, goals and objectives of the office of creative sector development.

C. The office of creative sector development is intended to be pilot program operated and funded on an annual basis for a period of approximately three years ending December 31, 2013. The creative sector development advisory commission shall expire and this Section 2.60.290 shall be repealed on December 31, 2013 unless extended by ordinance of the city council.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

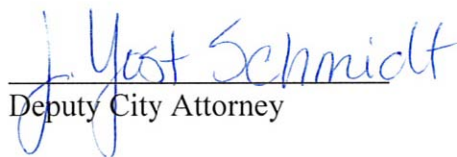
ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

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 No. _____ 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 _____ is hereby appointed as non-voting Council liaison 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.

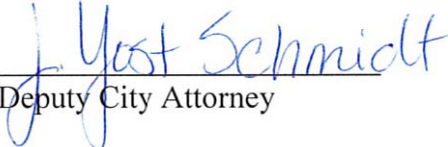
ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
HUMAN RESOURCES DEPARTMENT
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 1/18/2011
TO: City Council
FROM: Karen Rees, Human Resources
PRESENTER: Karen Rees

TITLE:

A Resolution of the Loveland City Council reappointing James Packard as the Deputy Municipal Judge for a new two-year term beginning January 18, 2011

DESCRIPTION:

This is an administrative item to reappoint Judge James Packard for an additional two-year term to commence January 18, 2011 and to expire January 18, 2013.

BUDGET IMPACT:

Yes No

There is no budget impact as the salary plan was included in the approved 2011 City of Loveland budget.

SUMMARY:

Reappointment of Judge 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.

LIST OF ATTACHMENTS: Resolution

RECOMMENDED CITY COUNCIL ACTION: Approve the Resolution

REVIEWED BY CITY MANAGER:

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 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 _____ day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

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

AGREEMENT

This Agreement, made and entered into this ____ day of January, 2011 by and between the CITY OF LOVELAND, COLORADO ("City") and JAMES PACKARD ("Packard").

WITNESSETH:

In consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Packard hereby agrees to serve as Deputy Municipal Judge for the City for a term of two years commencing January 18, 2011, and ending January 18, 2013, or until a successor is appointed, whichever last occurs. The City Council has established the rate of pay of sixty dollars per hour (\$60.00/hr) for the position of Deputy Municipal Judge during such term. Packard shall be deemed a part-time, non-benefit eligible employee.
2. Pursuant to Section 9-2(e) of the City Charter, Packard's employment with the City is terminable only for cause as specified in the statutes applicable to the removal of municipal judges, and for any other conduct which would constitute a violation of the Colorado Code of Judicial Conduct, as from time to time amended, if committed by a judge subject to such Code.
3. Notwithstanding the provisions of paragraphs 1 and 2 of this Agreement, Packard understands and agrees that the City is a home rule municipality and that, in the event the provisions of the City Charter concerning the employment and termination of the municipal judge or deputy municipal judge are amended, Packard's employment shall be subject to such amended terms. In such event, this Agreement shall be amended to conform with any amended City Charter provisions, which may include provisions for employment of the municipal judge or deputy municipal judge at the pleasure of the City Council and an elimination of any fixed term. Packard shall cooperate with the City by executing any documents necessary to bring the terms of this Agreement into conformity with the City Charter, as it may be amended from time to time.
4. (a) Packard hereby acknowledges receipt of the City of Loveland Employee Handbook. Packard acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the City of Loveland Employee Handbook at any time. Packard shall be bound by and agrees to adhere to those sections of the City of Loveland Employee Handbook that pertain to Conduct, Political Activity, Harassment, Discipline, Appeals, Working Guidelines and Employee Safety, all of which may be amended, modified, supplemented, rescinded or otherwise changed at any time at the discretion of the City.
 - (b) Although the City of Loveland Employee Handbook sets forth examples of types of disciplinary action including dismissal, it is understood and agreed by Packard that the City Council is not required to follow any sort of disciplinary procedure prior to terminating this Agreement pursuant to Section 9-2(e) of the City Charter. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any

time and does not waive its right to terminate this Agreement pursuant to the terms herein.

(c) In the event that any applicable personnel policies set forth in the City of Loveland Employee Handbook are inconsistent with or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

5. (a) Packard will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which Packard may develop either individually or in conjunction with others, or of which existence Packard may otherwise learn during the period of employment by the City.

(b) Packard agrees that all products which he may develop during his employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as "Work Product"), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by Packard in the course of his employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) Packard hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. Packard further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by Packard under the terms of this Agreement.

6. This Agreement may be amended or modified only by a writing agreed to by Packard and the City Manager in consultation with the City Attorney's Office. Although the personnel policies set forth in the City of Loveland Employee Handbook may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto.

7. This Agreement represents the entire agreement between the parties. No other compensation or benefits have been promised to Packard and Packard has relied on no representation, promise or other agreement not expressly set forth herein in executing this Agreement or accepting his appointment. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. The terms of this Agreement are contractual and not merely recitals.

8. If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or he is entitled.

9. Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions shall not be affected thereby and

said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

10. This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

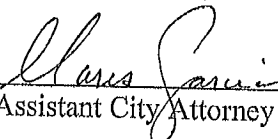
CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

JAMES PACKARD

By: _____
James Packard



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

AGENDA ITEM: 7
MEETING DATE: 1/18/2011
TO: City Council
FROM: Keith Reester, Director, Public Works Department
PRESENTER: David Klockeman, City Engineer

TITLE:

A public hearing and 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

DESCRIPTION:

This is an administrative action. The ordinance appropriates funding from federal grants for a Safety Improvements at the Boyd Lake Avenue and 5th Street Intersection and for Traffic Signal Equipment Upgrades along the US 287 Corridor in Loveland. The contracts between the City of Loveland and CDOT were approved by City Council at the December 7, 2010 meeting.

BUDGET IMPACT:

Yes No

The funding is from Federal grants. The matching funds for the Hazard Elimination grant are already budgeted within the 2010 Transportation Program and will be rolled over into the 2011 budget; and the CMAQ grant only requires in-kind contributions for the installation and other associated work.

SUMMARY:

Under the previously approved contract, CDOT will reimburse the City of Loveland up to \$90,000 for the design and construction of safety improvements where Boyd Lake Avenue and 5th Street meet at a curved alignment. The proposed improvements consist primarily of placement of guardrail along the southerly shoulder as well as provide for the installation of four (4) electronic radar signs (speed), centerline rumble strips for driver warning and thermoplastic edge lines for increased visibility. This project is currently in the preliminary planning phase. Construction is planned for 2011.

Under the previously approved contract, CDOT will reimburse the City of Loveland up to \$120,000 for the purchase of 24 traffic signal controllers for all traffic signal locations and 14 mesh radios (traffic signal communications equipment) which will provide communication for those locations not already connected via fiber-optic to the City's Traffic Operations Center for the US 287 Corridor in Loveland. The installation, programming and retiming of the signals will be performed by City Traffic Division personnel as an in-kind contribution. This work will be completed in 2011.

LIST OF ATTACHMENTS:

1. 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
-

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and approve the ordinance on first reading.

REVIEWED BY CITY MANAGER:

FIRST READING January 18, 2011

SECOND READING _____

ORDINANCE NO. _____

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

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$90,000 from a Federal Hazard Elimination Grant and \$120,000 from a Federal congestion Management and Air Quality Grant in the Capital Projects Fund 02 are available for appropriation. These revenues are appropriated for safety improvements at Boyd Lake Avenue and 5th Street and for equipment to upgrade traffic signal system controllers. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Capital Project Fund 02 - Transportation Program Grants**

Revenues		
002-0270-334-48-00-TS1001	Federal Grants -Boyd Lake & 5th Street Project	90,000
002-0270-334-48-01-TS1005	Federal Grants -Traffic Signal Controllers	120,000
Total Revenue		210,000
 Appropriations		
002-0270-409-09-60-TS1001	Construction -Boyd Lake & 5th Street Project	90,000
002-0270-409-09-40-TS1005	Construction -Traffic Signal Controllers	120,000
Total Appropriations		210,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

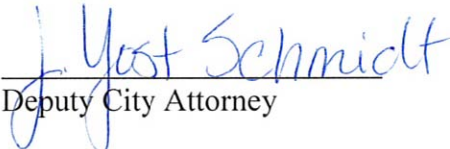
ADOPTED this ____ day of February, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney


CITY OF LOVELAND

BUDGET OFFICE

 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 1/18/2011
TO: City Council
FROM: Renee Wheeler, Finance Department
PRESENTER: John Hartman

TITLE:

A Resolution amending Resolution #R-51-2010 and the 2011 Schedule of Rates, Charges and Fees for City Services

DESCRIPTION:

This is an administrative action. The resolution corrects errors and omissions that were included in the original resolution and revises the transit fare schedule.

BUDGET IMPACT:

Yes No

The 2011 revenue budget was developed based on these revised amounts.

SUMMARY:

In preparing the Fee Resolution at the time of budget adoption, an incorrect number was used for the Street Maintenance fee. The resolution revises the fee from \$1.66 to \$1.52. This reduces the fee by \$0.14 per month, but maintains the 50-50 funding ratio between the Street Maintenance Fee and General Fund Revenue.

In the Transit Division the fare schedule has been revised due to the implementation of the electronic farebox system. The changes streamline the payment of fares by users and reduce the number of fares since the City no longer accepts cash or passes for paratransit services, but bills users either the \$2.00 regular fee or \$1.00 low income fee if qualified.

In the Solid Waste Enterprise, there was a typographical error which showed the fee for trash tags at \$3.00. The correct amount of \$1.50 per tag is shown in the amended resolution. Also the addition of the charge for 17 gallon trash carts which was implemented in 2010 was inadvertently omitted from the original Resolution, and is added in this amendment.

LIST OF ATTACHMENTS:

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

RECOMMENDED CITY COUNCIL ACTION:

Approve the Resolution.

REVIEWED BY CITY MANAGER:

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
--	-------------	--------

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.

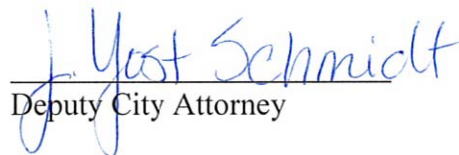
ADOPTED 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 1/18/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Mike Scholl, Senior Planner, Strategic Planning

TITLE:

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

DESCRIPTION:

An administrative action to consider a resolution releasing a portion of an easement adjacent to the west wall of the Rialto Theater.

BUDGET IMPACT:

Yes No

SUMMARY:

The Rialto Theater is currently situated on Lots 5 and 6 of Block 18 in downtown Loveland. Thirty years ago, in order to provide access to the alley behind the Rialto Theater, an easement was placed on the southwest corner of Lot 7 so that the owners of Lot 6 could access the adjacent alley. The easement is no longer needed since the City now owns both Lots 6 and 7 and intends to expand the Rialto Theater on to Lot 7,

LIST OF ATTACHMENTS:

- Resolution

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for City Council action:

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

REVIEWED BY CITY MANAGER:

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 _____ day of January, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:

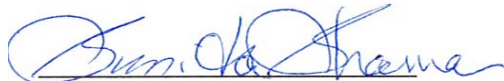

Assistant City Attorney

EXHIBIT A**RELEASE OF EASEMENT LOCATED ON LOT 7, BLOCK 18, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO**

This Release of Easement is made on this ___ day of _____, 20__.

WITNESSETH:

WHEREAS, on November 21, 1981, Kenneth J. McNatt conveyed to Don P. Musso and Mary C. Musso by Deed, as recorded under Reception No. 439811 with the Larimer County Clerk and Recorder, Lot 7, Block 18, City of Loveland, Colorado, with certain exceptions, including the following exception: EXCEPT 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 burdened Lot 7, Block 18, City of Loveland, Colorado, for the benefit of Lot 6, Block 18, City of Loveland, Colorado, (which Lot 6, Block 18 lay immediately east of Lot 7, Block 18), 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, on July 6, 1995, the Loveland Downtown Development Authority conveyed to the City of Loveland, a Colorado Municipal Corporation, ("City"), by Warranty Deed as recorded under Reception No. 95044829 with the Larimer County Clerk and Recorder, the following described real property: All of Lots 5 and 6 in Block 18, in the City of Loveland, Colorado, together with all that portion of Lot 7 in said Block lying East of a straight line running from a point 11 ¼ inches West of Southeast corner of said Lot 7 to a point 4 ¼ inches East of Northeast corner of said Lot 7; EXCEPTING therefrom all that portion of said Lot 6 lying West of a straight line running from a point 4 ¼ inches East of Northwest corner of said Lot 6 to a point 11 ¼ inches West of Southwest corner of said Lot 6, County of Larimer, State of Colorado; and

WHEREAS, on June 29, 2009, Mary Jean Pennucci, the personal representative for the estate of Don P. Musso, conveyed to the City by Personal Representative's Deed as recorded under Reception No. 2010006584 with the Larimer County Clerk and Recorder, the following described real property: Lot 7, Block 18, City of Loveland, Except that portion of said Lot 7 lying East of a straight line running from a point 11 ¼ inches West of the Southeast corner of said Lot 7 to a point 4 ¼ inches of the Northeast corner of said Lot 7, City of Loveland, in Larimer County, Colorado; and

WHEREAS, the City is now the owner of both Lots 6 and 7 of Block 18, City of Loveland, Larimer County, Colorado, and therefore is the beneficial owner of the lots burdened and benefitted by the 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, in consideration of the foregoing, the City of Loveland declares as follows:

1. The City being the owner of Lots 6 and 7, Block 18, City of Loveland, County of Larimer, State of Colorado, and the Easement on Lot 7, Block 18, City of Loveland, County of Larimer, State of Colorado, described as:

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;

hereby releases and extinguishes said Easement.

ATTEST:

CITY OF LOVELAND, COLORADO

 Teresa Andrews, City Clerk

By: _____
 William C. Cahill, City Manager

APPROVED AS TO FORM:

 Sunita Sharma, Assistant City Attorney

STATE OF COLORADO)
)
 COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by William C. Cahill as City Manager and Teresa Andrews as City Clerk of the City of Loveland, Colorado, a Colorado home rule municipality.

Witness my hand and official seal.

 Notary Public

My commission expires: _____



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 1/18/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, City Planning Technician

TITLE:

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A STATE HISTORICAL GRANT FOR A STRUCTURAL ASSESSMENT OF THE ELKS LODGE BUILDING

DESCRIPTION:

An administrative action to consider an ordinance on second reading appropriating funds totaling \$14,000 for a Historic Structural Assessment of the Lovelander Hotel/Elks Lodge #1051 (103 E. 4th Street).

BUDGET IMPACT:

Yes No

Funding is from a State Historical Fund Grant. The City has no matching requirements but we will be required to manage the grant.

SUMMARY:

In September 2010, the City of Loveland applied for a Historic Structure Assessment grant from the State Historical Fund for the building in question. This monumental, 3-story building originally opened as the Lovelander Hotel in 1913 and represents a time of economic prosperity in Loveland. The Loveland Elks Lodge #1051 purchased the building in 1927 and it has continued to be an integral part of Loveland's downtown since then. The former Lovelander Hotel possesses a great deal of historical and architectural significance and this historic structural assessment will be the first step toward the preservation of this prominent, downtown building.

The Historic Structure Assessment will provide the Elks Lodge with the tools needed to seek further restoration grants from the State Historical Fund and/or other sources. With a structural

assessment, they hope to gain an awareness of issues with the building, a sense of monetary commitment needed for repairs, and information necessary to make future restoration decisions.

The building is under consideration by Artspace as a potential location for their artists' housing project. This grant will help to inform that process.

Since the beginning of the Historic Preservation Program in 2003, the City has undertaken similar structural assessments for privately owned buildings, including the structural assessment of the Odd Fellows building. Upon acceptance of the grant, City staff will subcontract with an architect who will complete the structural assessment.

City Council adopted the ordinance on first reading, on an 8 to 1 vote, on January 4, 2011.

LIST OF ATTACHMENTS:

- A. Ordinance
-

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for Council action:

Move to adopt 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 THE ELKS LODGE BUILDING.

REVIEWED BY CITY MANAGER:

FIRST READING January 4, 2011

SECOND READING January 18, 2011

ORDINANCE NO. _____

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

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$14,000 from a State Historical Grant in the General Fund 01 are available for appropriation. These revenues are appropriated for a structural assessment of the Elks Lodge Building. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget		
General Fund - Elks Lodge Historic Assessment		
Revenues		
001-1914-344-24-00	State Historical Grant	14,000
Total Revenue		14,000
 Appropriations		
001-1914-409-03-50	Professional Services	14,000
Total Appropriations		14,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

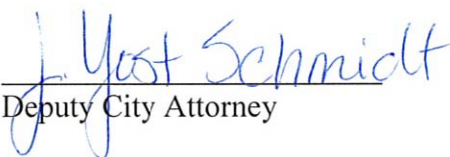
ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 11
MEETING DATE: 1/18/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, City Planning Technician

TITLE:

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.

DESCRIPTION:

An administrative action to consider an ordinance on second reading appropriating funds in the amount of \$98,880 from a State Historical Grant and \$20,460 from the Odd Fellows Lodge for the restoration of the Majestic Theater/Odd Fellows Lodge Building (319 E. 4th Street).

BUDGET IMPACT:

Yes No

The City has no matching requirements but we will be required to manage the grant.

SUMMARY:

In April 2010, the City of Loveland applied for an Exterior Rehabilitation and Restoration grant from the State Historical Fund for the building in question. The former Majestic Theater, built in 1919 and now owned by the International Order of Odd Fellows, is one of four three-story masonry buildings on downtown 4th Street. The Odd Fellows worked with the City to place this building on the Loveland Historic Register to facilitate their plans to preserve and restore the building. As a non-profit, the Odd Fellows are eligible for grant funding for building restoration.

This grant will address the first phase in the restoration of this historic theater. The project includes rehabilitation of the masonry on the street façade, rehabilitation of roof drainage, fire escape rehabilitation, and restoration of the southeast entrance to begin the revitalization of the prominent street façade of the building.

City staff will subcontract with SlaterPaull Architects to complete the architectural and engineering work necessary to move forward with the building restoration. SlaterPaull Architects was selected through a bid process by the City in 2009 to complete a Historic Structural Assessment of this building. The Historic Structural Assessment is an extensive examination of the condition of a historic building and informs any rehabilitation and restoration work. As the architects who completed this report, SlaterPaull is preferred by the State Historical Fund to continue work on this building. Once construction documents and specifications for the restoration work are received, City staff will follow all required procedures regarding bidding of this project. Physical work is likely to begin in the spring of 2011.

City Council adopted the ordinance on first reading, on an 8 to 1 vote, on January 4, 2011.

LIST OF ATTACHMENTS:

- A. Ordinance
-

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for Council action:

Move to adopt 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.”

REVIEWED BY CITY MANAGER:

FIRST READING January 4, 2011

SECOND READING January 18, 2011

ORDINANCE NO. _____

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

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues in the amount of \$98,880 from a State Historical Grant and \$20,460 from the Odd Fellows Lodge in the General Fund 01 are available for appropriation. These revenues are appropriated for the restoration of the Odd Fellows Building. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund -Odd Fellows Bulding Restoration**

Revenues		
001-1914-334-24-00 SP0703	State Historical Grant	98,880
001-1914-363-00-00 SP0703	Contributions	20,460
Total Revenue		119,340
 Appropriations		
001-1914-409-04-48 SP0703	Historic Preservation	119,340
 Total Appropriations		 119,340

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

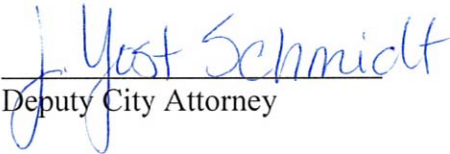
ADOPTED this 18th day of January, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 1/18/2011
TO: City Council
FROM: John Duval, City Attorney
PRESENTER: John Duval, City Attorney

TITLE:

AN ORDINANCE ADDING CITY CODE SECTION 2.04.030 TO REGULATE CAMPAIGN CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES IN LOVELAND MUNICIPAL ELECTIONS

DESCRIPTION:

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.

BUDGET IMPACT:

Yes No

SUMMARY:

Article 17 of the City of Loveland Charter was added November 6, 2007 to regulate campaign contributions in City elections. Charter Article 17 is based largely on the campaign finance provisions of the Colorado Constitution and the Colorado Fair Campaign Practices Act and prohibits contributions from a foreign citizen, foreign government, corporation, labor union or political party, but contains no reference to contributions from a limited liability company (an "LLC"). State law prohibits an LLC from making campaign contributions under certain conditions and where contributions are permitted, requires an LLC to file certain documentation affirming its eligibility and making certain disclosures.

At a Study Session on May 25, 2010, Council discussed whether to add provisions to the City Code prohibiting or limiting campaign contributions by LLCs in City elections. After discussion,

Council directed the City Attorney's Office to bring forward for consideration an ordinance regulating campaign contributions from LLCs in City elections in a manner similar to state law.

LIST OF ATTACHMENTS:

An ordinance adding City Code Section 2.04.030 to regulate campaign contributions by Limited Liability Companies in Loveland municipal elections

RECOMMENDED CITY COUNCIL ACTION:

Approve the Ordinance on First Reading

REVIEWED BY CITY MANAGER:

FIRST READING: January 18, 2011

SECOND READING: _____

ORDINANCE #

AN ORDINANCE ADDING CITY CODE SECTION 2.04.030 TO REGULATE CAMPAIGN CONTRIBUTIONS BY LIMITED LIABILITY COMPANIES IN LOVELAND MUNICIPAL ELECTIONS

WHEREAS, Article 17 of the City of Loveland Charter was added November 6, 2007 to regulate campaign contributions in City elections; and

WHEREAS, the Charter Article 17 prohibits contributions from a foreign citizen, foreign government, corporation, labor union or political party, but contains no reference to contributions from a limited liability company (an “LLC”); and

WHEREAS, Charter Article 17 is based largely on the campaign finance provisions of Article XXVIII of the Colorado Constitution and the Colorado Fair Campaign Practices Act (CRS §1-45-101 et seq.)(collectively, “State Law”); and

WHEREAS, State Law prohibits an LLC from making campaign contributions under certain conditions and, where contributions are permitted, requires an LLC to file certain documentation affirming its eligibility and making certain disclosures; and

WHEREAS, City Council desires to regulate campaign contributions by LLCs in City elections in the manner hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:

Section 1. That the Loveland Municipal Code is hereby amended by addition of a new Section 2.04.030 to read as follows:

Section 2.04.030 Campaign Contributions by Limited Liability Companies.

A. In connection with any regular or special City of Loveland municipal election, no limited liability company shall make any contribution to a candidate committee or political committee if one or more of the individual members of the limited liability company is:

1. A corporation;
2. A labor organization;
3. A natural person who is not a citizen of the United States;
4. A foreign government;
5. An entity formed under and subject to the laws of a foreign country;
6. A political party; or

7. Otherwise prohibited by law from making the contribution.

B. Notwithstanding any other provision of this Section, no limited liability company shall make any contribution to a candidate committee or political committee if either the limited liability company has elected to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR 301.7701-3 or any successor provision or the shares of the limited liability company are publicly traded. A contribution by a limited liability company with a single natural person member that does not elect to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR 301.7701-3 shall be attributed only to the single natural person member.

C. 1. Any limited liability company that is authorized to make a contribution shall affirm in writing to the candidate committee or political committee to which it has made a contribution, as applicable, that it is authorized to make a contribution, which affirmation shall also state the names and addresses of all of the individual members of the limited liability company. No candidate committee or political committee shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this subsection C. is provided before the contribution is deposited by the candidate committee or political committee. The candidate committee or political committee receiving the contribution shall file a copy of the written affirmation from the limited liability company with any disclosure report filed with the City Clerk that includes the limited liability company's contribution and shall retain the written affirmation for not less than one year following the date of the end of the election cycle during which the contribution is received.

2. Any contribution to a candidate committee by a limited liability company, and the aggregate amount of contributions from multiple limited liability companies attributed to a single member of any such company under this subsection C., shall be subject to the limits governing such contributions under Loveland Charter Section 17-5. A limited liability company that makes any contribution to a candidate committee shall, at the time it makes the contribution, provide information to the recipient candidate committee as to the amount of the total contribution attributed to each member of the limited liability company. The attribution shall reflect the capital each member of the limited liability company has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution, and for a single member limited liability company, the contribution shall be attributed to that single member. The limited liability company shall then deduct the amount of the contribution attributed to each of its members from the aggregate contribution limit applicable to multiple limited liability companies under this subsection C. for purposes of ensuring that the aggregate amount of contributions from multiple limited liability companies attributed to a single member does not exceed the contribution limits in Loveland Charter Section 17-5. Nothing in this subsection C. shall be construed to restrict a natural person from making a contribution in his

or her own name to any candidate committee or political committee to the extent authorized by law.

- D. Any person who believes that a violation of this Section has occurred, may file a written complaint with the City Clerk no later than one hundred eighty (180) days after the date of the alleged violation. Any person who has violated any of the provisions of this Section shall be subject to the penalties set forth in Code Section 1.12.010.
- E. As used in this Section, “limited liability company” includes any form of domestic entity as defined in C.R.S. Section 7-90-102 (13) or foreign entity as defined in C.R.S. Section 7-90-102 (23); except that, as used in this Section, “limited liability company” shall not include: a domestic corporation, a domestic cooperative, a domestic nonprofit association, a domestic nonprofit corporation, a foreign corporation, a foreign cooperative, a foreign nonprofit association, or a foreign nonprofit corporation, as these terms are defined in C.R.S. Section 7-90-102; a nondomestic corporation as defined in C.R.S. Section 1-45-103(7); or a foreign corporation as defined in C.R.S. Section 1-45-103(10.5).
- F. As used in this Section, the terms “candidate committee” and “political committee,” shall have the particular meaning given to each of them in Loveland Charter Section 17-2. Also, the term “contribution,” as used in this Section, shall mean both “contribution” as defined in Loveland Charter Section 17-2(d) and “contribution in kind” as defined in Loveland Charter Section 17-2(e).

Section 2. If any provision of this Ordinance or the City Code Section set forth herein shall be determined to be invalid, illegal, or without force by a court of law or rendered so by legislative act, then the remaining provisions shall remain in full force and effect to the fullest extent permitted by law.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this 18th day of January, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt
Deputy City Attorney