

**LOVELAND CITY COUNCIL MEETING  
TUESDAY, JUNE 7, 2011  
CITY COUNCIL CHAMBERS  
500 EAST THIRD STREET  
LOVELAND, COLORADO**

**THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.**

**5:30 P.M.                      DINNER - City Manager's Conference Room  
6:30 P.M.                      REGULAR MEETING - City Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION DECLARING JUNE 20, 2011 AS "RIDE TO WORK DAY"**

**PROCLAMATION DECLARING JUNE 20 - 24, 2011 AS "BIKE WEEK"**

**PROCLAMATION DECLARING JUNE 29, 2011 AS "CITY OF LOVELAND DAY" AT THE GREELEY INDEPENDENCE STAMPEDE**

*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**

- 1.     MINUTES  
      **CONSIDERATION OF MINUTES FOR:**
  - a) May 10, 2011 Study Session**
  - b) May 10, 2011 Special Meeting**
  - c) May 17, 2011 Regular Meeting****

2. **CITY MANAGER'S OFFICE**  
**BOARD & COMMISSION APPOINTMENTS**  
**Consideration of a motion to accept the appointment and reappointment of members to the Youth Advisory Commission**  
This is an administrative action recommending the following appointments or reappointments to the Youth Advisory Commission for June, 2011 through May, 2012: Hope Skeen, Alisha Wolfe, Natalie Howard, Erik Trenary, Alison Geroche, Emily Erickson, Aimee Molloy (reappoint as Commissioners); Logan Peiffer, Wesley Walton, Mallory Leach, Reid Maynard, Mary Askham (appoint as Commissioners); Dylan Crescibene, Alvin Perry, Andrew Woodward, Michal Bower (appoint as Alternates)
3. **CITY MANAGER'S OFFICE**  
**SCHEDULED MEETING DATES FOR YOUTH ADVISORY COMMISSION**  
**Consideration of Resolution #R-38-2011 amending the scheduled meeting dates for the Youth Advisory Commission**  
This is an administrative action requesting the amendment of scheduled meeting dates for the Youth Advisory Commission (YAC). The YAC, at their May 4 meeting, motioned and approved 12-0 to change the meeting dates of the commission to occur every Wednesday during the school year and to not occur during the summer months of June, July and August.
4. **PUBLIC WORKS**  
**SUPPLEMENTAL APPROPRIATION - TRAFFIC SIGNAL UPDATES**  
**Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for traffic signal upgrades in the US 34, Wilson Avenue, and Taft Avenue corridors**  
This is an administrative action for consideration of an ordinance on second reading. The ordinance appropriates additional funding from a federal Congestion Mitigation and Air Quality (CMAQ) grant for traffic signal equipment upgrades along the US 34, Wilson Avenue and Taft Avenue Corridors in Loveland. The contract between the City of Loveland and CDOT was approved by City Council at the December 7, 2010 meeting. The original grant of \$120,000 was for the US 287 Corridor and the supplemental was approved by Council on second reading at the February 1, 2011 meeting. The additional funding in this supplemental budget and appropriation request is \$125,000, bringing the total federal funds for this project to \$245,000. The ordinance was unanimously approved on first reading at the May 17, 2011 City Council meeting.
5. **PUBLIC WORKS**  
**SUPPLEMENTAL APPROPRIATION - MESSAGE SIGNAGE & TRAFFIC SIGNAL IMPROVEMENTS**  
**Consideration on second reading of an ordinance on enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for installation of variable message signage and traffic responsive signal timing plans and improvements**  
This is an administrative action to consider second reading of an ordinance to appropriate federal grant funds for the projects included in the intergovernmental agreements. The projects are funded from grant funds. The local match is within the approved budget for the Transportation Capital Program. The ordinance was unanimously approved on first reading at the May 17, 2011 City Council meeting.

6. **PUBLIC WORKS**  
**SUPPLEMENTAL APPROPRIATION - IMPROVEMENTS TO TRANSIT CENTER & BUS REPLACEMENT**  
**Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid**  
This is an administrative action to consider an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid. The projects are funded with Federal and State Grants, with the local match from a reallocation of Transportation Capital funds and fund balance in the Fleet Fund. The total project cost for the Orchards Regional Transit Center is \$280,700 which includes \$224,500 in state funding and a local match of \$56,200. The total project cost of the Lightning Hybrid Bus Retrofit is \$148,320 which includes \$103,360 in federal funding and a local match of \$44,960. The ordinance was unanimously approved on first reading at the May 17, 2011 City Council meeting.
  
7. **WATER & POWER**  
**MUNICIPAL CODE AMENDMENT – COMMERCIAL WASTEWATER CHARGE**  
**Consideration on second reading of an ordinance amending the Loveland Municipal Code at Section 13.08.100 concerning the wastewater charge and authorizing a refund to certain nonresidential wastewater customers who receive metered water service from non-City providers**  
This is a legislative action. Staff is seeking to change the way we bill our commercial wastewater customers who receive their water from another water utility. Currently, these customers are being billed a flat rate which is based on the overall average monthly water consumption for the commercial rate class. We are proposing instead to obtain their actual water consumption from their water utility, and bill for their wastewater service based on their actual water consumption. City Council unanimously approved this item on first reading on May 17, 2011.
  
8. **DEVELOPMENT SERVICES**  
**MUNICIPAL CODE AMENDMENT – TITLE 6 ANIMALS**  
**Consideration on second reading of an ordinance amending Title 6 of the Loveland Municipal Code regarding animals by adding a new Section 6.16.170 to require proper tethering of animals and a new Subsection G to Section 6.20.010 to require adequate fencing for animals**  
Consideration of a legislative action to adopt an ordinance on first reading amending Title 6 of the Loveland Municipal Code to include additional provisions to: (i) prohibit the tethering of an animal in a manner that is likely to cause bodily injury to the animal; and (ii) require that fences intended to enclose an animal be properly and adequately constructed to secure the animal within the fenced area and that the fence be kept in good repair. City Council unanimously approved this item on first reading on May 17, 2011.
  
9. **DEVELOPMENT SERVICES**  
**PUBLIC HEARING**  
**MUNICIPAL CODE AMENDMENTS – 2009 INTERNATIONAL BUILDING CODES**

- a) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code adopting by reference thereto the International Building Code, 2009 Edition**
- b) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Existing Building Code, 2009 Edition**
- c) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Energy Conservation Code, 2009 Edition**
- d) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Fuel Gas Code, 2009 Edition**
- e) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Mechanical Code, 2009 Edition**
- f) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Property Maintenance Code, 2009 Edition**
- g) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Residential Code, 2009 Edition**
- h) **Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code and adopting by reference thereto the International Plumbing Code, 2009 Edition**

A public hearing to consider a legislative action amending Title 15 of the Municipal Code by adopting by reference eight 2009 International Building Codes. Pursuant to 31.16.203, a public hearing is schedule for the July 5, 2011 regular City Council meeting. Adoption of these codes will allow design professionals to incorporate current construction technologies, methods and materials into building designs. These codes also include updated building safety requirements, such as those relating to existing buildings, structural elements, and fire safety.

**10. DEVELOPMENT SERVICES  
PUBLIC HEARING**

**VACATION OF A POSTAL AND UTILITY EASEMENT**

**Consideration on first reading of an ordinance vacating a portion of a postal and utility easement on Lot 1, Block 17, Alford Lake First Subdivision, City of Loveland, Larimer County, Colorado**

A public hearing to consider a legislative action to adopt an ordinance on first reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado.

**11. FINANCE  
STRATEGY FOR FINANCIAL SUSTAINABILITY**

**Consideration of Resolution #R-39-2011 adopting a Strategy for Financial Sustainability Dated June 7, 2011**

This is an administrative action to approve recommendations for financial sustainability over the next ten years based on a process approved by City Council that incorporated feedback from citizens, City Council, Boards and Commissions, and employees. The

\$33.5 million recommendations over ten years include both revenue enhancements and expenditure reductions and include no new taxes.

**12. DEVELOPMENT SERVICES**

**PUBLIC HEARING**

**MUNICIPAL CODE AMENDMENT – HISTORIC PRESERVATION**

**Consideration on first reading of an ordinance amending Title 15 of the Loveland Municipal Code by repealing and reenacting Chapter 15.56 regarding Historic Preservation**

A public hearing to consider a legislative action to approve on first reading an ordinance amending Title 15 of the Loveland Municipal Code. The amendment would:

- Adopt new Historic Residential Design Guidelines to be used by the Historic Preservation Commission when reviewing applications proposing to alter the exterior elevations of buildings on the Loveland Historic Register;
- Add provisions for processing partial demolition permits for properties on the Loveland Historic Survey; and
- Clarify process procedures.

**END OF CONSENT AGENDA**

**CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

**CITY COUNCIL**

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

**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 quorum 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**

**13. DEVELOPMENT SERVICES**

**LOVELAND CLASSICAL SCHOOL**

**Consideration on second reading of an ordinance approving an amendment to the annexation agreement for certain property located within the Church at Loveland Addition, City of Loveland, County of Larimer, Colorado**

Consideration of a legislative action for adoption of an ordinance on second reading amending the Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14<sup>th</sup> Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14<sup>th</sup> Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is CDF Holdings, LLC. The ordinance was approved by City Council on May 17, 2011 by a vote of eight to one.

**14. DEVELOPMENT SERVICES  
PUBLIC HEARING**

**MUNICIPAL CODE AMENDMENT BE – ESTABLISHED BUSINESS DISTRICT**

- a) **Consideration on first reading of an ordinance amending Title 18 of the Loveland Municipal Code by repealing and reenacting Chapter 18.24 regarding the BE – Established Business District**
- b) **Consideration on first reading of an ordinance amending Title 18 of the Loveland Municipal Code by amending Chapter 18.54 regarding building height regulations**

A public hearing to consider a legislative action to repeal and reenact Chapter 18.24 BE District – Established Business District and amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District. This is a comprehensive re-write of the zoning district for Loveland's Downtown area. It contains updated standards covering topics such as allowed uses, building design, building height, and approval process.

**15. CITY MANAGER  
VISITORS CENTER LEASE AGREEMENT**

**Consideration of Resolution #R-40-2011 approving Amendment No. 2 between the City of Loveland and the Loveland Chamber of Commerce concerning the lease and operation of the Visitors Center**

This is an administrative action. The Resolution amends the current building lease to allow the Loveland Chamber of Commerce to accept a Lodging Tax Grant from the Community Marketing Commission. It also authorizes the City Manager to execute the amended lease.

**16. BUSINESS DEVELOPMENT  
AMENDMENT TO CHAMBER OF COMMERCE 2010 LODGING TAX GRANT**

**Consideration of Resolution #R-41-2011 amending a 2010 Lodging Tax Grant to the Loveland Chamber of Commerce**

This is an administrative action. The Resolution awards an amendment to the Lodging Tax Grant Contract agreed to by all parties in October 2010. It also authorizes the City Manager to execute the amended grant contract with the new scope of work.

**17. CITY MANAGER  
ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES**

**Consideration on second reading of an ordinance repealing Ordinance No. 5540 which suspended the annual inflation increases in Capital Expansion Fees pursuant to Section 16.38.110 of the Loveland Municipal Code for 2011**

This is an administrative action to consider an ordinance on second reading to repeal Ordinance No. 5540. On May 17, 2011, Council voted 5-4 to approve the proposed ordinance on first reading. Ordinance No. 5540 suspended the annual inflation

increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011.

**18. FINANCE**

**APRIL 2011 FINANCIAL REPORT**

This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the four months ending April 30, 2011.

**19. CITY MANAGER**

**INVESTMENT REPORT FOR APRIL 2011**

This is an information only item. No Council action is required. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first four months of 2011, the amount posted to the investment account is \$1,007,789 including realized gains. Actual year-to-date earnings are lower than the year-to-date projection by \$46,588. Based on April's monthly statement, the estimated annualized yield is about 2.04%, just over the annual target rate. Interest rates are trending lower, but annual returns should still meet the target.

**20. DEVELOPMENT SERVICES**

**MUNICIPAL CODE AMENDMENT OFF-TRACK BETTING FACILITIES**

**Consideration on second reading of an ordinance amending Title 18 of the Loveland Municipal Code to allow for Off-Track Betting Facilities in certain districts within the City of Loveland**

Consideration of a legislative action to adopt an ordinance on second reading amending Title 18 relating to off-track betting facilities. The ordinance was approved by City Council on May 17, 2011 by a vote of five to four.

**21. CITY MANAGER**

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

**22. CITY MANAGER**

**SETTING SPECIAL COUNCIL MEETINGS**

**Consideration of a motion setting Special Meetings for Tuesday, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500 E. 3rd St, Loveland, CO.** This is an administrative action. The City of Loveland has been working on a project known as "ACE Manufacturing and Innovation Park." Certain items will require discussion and consideration that may fall outside of the regular meeting times. Staff is requesting City Council call Special Meetings, on Tuesdays, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500, E. 3rd St, Loveland, CO to allow opportunity to discuss and consider any necessary items including holding an Executive Session, if necessary.

**ADJOURN**