



PROCLAMATION

WHEREAS, women of vision have helped shape the past, present and future of life in our society; and

WHEREAS, women of vision have come from diverse backgrounds and philosophies, from homes, churches, the arts, the medical community, education, athletics, government, and business; and

WHEREAS, women of vision have applied their training, skills, innovation, creativity and leadership as writers, artists, actors, athletes, doctors, scientists, social and political activists, educators, inventors, wives and mothers to lead, influence and bring about positive change; and

WHEREAS, the contributions of these women of vision have often been overlooked and undervalued; and

WHEREAS, we stand at a time in history when the importance of vision, innovation, creativity and leadership has never been more critical to our society; and

WHEREAS, we seek to provide an inclusive platform designed to ensure women's voices, ideas and spirits continue to provide inspiration, leadership and encouragement; and

WHEREAS, we seek to celebrate female visionaries and leaders and highlight them as role models for our community;

NOW, THEREFORE, we the City Council of Loveland, do hereby proclaim the 20th day of July, 2011 to be

WOMEN OF VISION DAY

in Loveland and call upon our citizens to recognize the important contributions women of vision have made to improve the quality of life for all.

Signed this 19th day of July, 2011

Cecil A. Gutierrez, Mayor

City Council Study Session and Special Meeting
 June 28, 2011
 Page 1 of 1

Mayor Gutierrez called the Study Session and Special Meeting of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, Heckel, Solt, Klassen, McEwen, Rice, Johnson and Shaffer. Councilor McKean was absent. City Manager, Bill Cahill was also present.

1. BUSINESS DEVELOPMENT

Update on the Community Marketing Commission Brand Assessment and Strategic Marketing Plan

Business Development Manager, Betsey Hale introduced this item for Council's consideration. Dawn Putney, of ToolBox Creative, gave a report to City Council on a draft strategic plan and initial findings on the brand assessment and event inventory and gap analysis. This information was presented to the Community Marketing Commission (CMC) on June 16, 2011. A key revelation of the research and community outreach meetings was to build Loveland as a tourism destination. The recommendation for a Destination Management Organization (DMO) was discussed. The DMO would work exclusively to enhance and develop Loveland's competitive position as a tourism and visitor destination, provide tourism services and oversee significant projects. The next step in the process will be presentation of the Activation Plan at the August CMC meeting and a Council Study Session in September. Council discussed the benefits of the DMO and the education that will be needed to implement the marketing strategy. Council thanked Ms. Putney for the presentation.

2. DEVELOPMENT SERVICES

North Catalyst Project/Museum Expansion

City Planner, Mike Scholl introduced this item to review the development proposal for the North Catalyst Project submitted by Brinkman Partners and the proposal to move the museum expansion south to the 5th Street site. Mr. Scholl discussed the following issues and decision points for Council consideration: Capital Expansion Fees; Museum Expansion/Capital Campaign; Catalyst Project/Public Partnership; Urban Renewal Authority/Tax Increment Financing; and Parking. Council expressed concerns with the long-term downtown parking situation and the effects from the project. Executive Fiscal Advisor, Alan Krcmarik addressed Council concerning the need for more analysis of the financing methods for the project. Council directed staff to move forward on negotiations with Brinkman Partners on a development agreement for the 6th and Lincoln site and further review of moving the Museum Expansion to the 5th street parking lot site. A Council Study session will be planned in the near future for more in depth discussion on the Museum expansion.

The study session was adjourned at 8:30 p.m and convened the Special Meeting.

Mayor Gutierrez called the Special Meeting to order declaring that no action was needed concerning the ACE Manufacturing and Innovation Park and the meeting was adjourned.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

Cecil A. Gutierrez, Mayor

CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, McEwen, Johnson, and Shaffer. Councilor Solt was absent and Councilor Rice arrived at 7:04 p.m.

PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor McEwen and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the June 9, 2011 special meeting were approved.
- b) Minutes for the June 14, 2011 study session were approved.
- c) Minutes for the June 14, 2011 special meeting were approved.
- d) Minutes for the June 7, 2011 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: A motion recommending the following appointments was approved.

Construction Advisory Board: Jason Baker, Bill Stenberg and Teri Volk were reappointed to three year terms effective until June 30, 2014.

Disabilities Advisory Commission: Larry Abston, Victor Beebe, Jr., and Diane Hinrichs were reappointed to three year terms effective until June 30, 2014.

Historic Preservation Commission: Cara Scohy was reappointed and Matt Newman appointed to three year terms effective until June 30, 2014.

Loveland Utilities Commission: Christopher "CJ" McKinney, Eugene Packer and Darell Zimbelman were reappointed to three year terms effective until June 30, 2014.

3. CITY MANAGER

Municipal Code Amendment – Volunteer Firefighters' Pension System

Ordinance #5598

Legislative Action: "AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT

THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND" was approved and ordered published on second reading.

4. LIBRARY

Supplemental Appropriation – Temple Hoyne Buell Foundation Grant

Ordinance #5599

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR LIBRARY MATERIALS AND AN INTERACTIVE PLAY/LEARNING AREA AT THE LOVELAND PUBLIC LIBRARY" was approved and ordered published on second reading.

5. LIBRARY

Municipal Code Amendments – 2009 Edition International Building Codes

a. Ordinance #5600

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION" was approved and ordered published on second reading.

b. Ordinance #5601

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION" was approved and ordered published on second reading.

c. Ordinance #5602

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION" was approved and ordered published on second reading.

d. Ordinance #5603

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION" was approved and ordered published on second reading.

e. Ordinance #5604

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION" was approved and ordered published on second reading.

f. Ordinance #5605

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION" was approved and ordered published on second reading.

g. Ordinance #5606

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION" was approved and ordered published on second reading.

h. Ordinance #5607

Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION" was approved and ordered published on second reading.

6. DEVELOPMENT SERVICES

Motorplex Entry Addition Annexation & Zoning

- a) **Ordinance #5608** Legislative Action: "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on second reading.

- b) **Ordinance #5609** Quasi-judicial Action: "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on second reading.

7. DEVELOPMENT SERVICES

Municipal Code Amendment – Historic Preservation

- Ordinance #5610** Legislative Action: "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION" was approved and ordered published on second reading.

8. CITY CLERK

November Election Notifications

- a) **Resolution #R-44-2011** Administrative Action: Resolution #R-44-2011 of the Loveland City Council authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City of Loveland's intention to participate in the statewide special election to be held on November 1, 2011 was approved.

RESOLUTION #R-44-2011

A RESOLUTION OF THE LOVELAND CITY COUNCIL AUTHORIZING THE CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN THE STATEWIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 1, 2011

WHEREAS, the City of Loveland intends to participate in the statewide special election to be held on November 1, 2011, and to coordinate that election with the Larimer County Clerk and Recorder; and

WHEREAS, C.R.S. Section 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder of its intention to participate in this upcoming election; and

WHEREAS, this Resolution constitutes the City's formal decision to participate in the November 1, 2011, statewide special election to be coordinated with the Larimer County Clerk and Recorder.

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

Section 1. That the City Clerk is hereby authorized to notify the Larimer County Clerk & Recorder of the City's intention to participate in the November 1, 2011, statewide special election and to coordinate its participation in that election with the Larimer County Clerk and Recorder.

Section 2. That this Resolution shall take effect as of the date and time of its adoption.

APPROVED this 5th day of July, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

- b) **1st Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD ON NOVEMBER 1, 2011, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN" was approved and ordered published on first reading.

9. Police

Application Approval for a Justice Assistance Grant (JAG)

Motion Administrative Action: A public hearing was held and a motion to approve staff's application for a Justice Assistance (JAG) Grant was approved.

10. DEVELOPMENT SERVICES

Supplemental Appropriation – Grant for Historic Preservation Brochure

1ST Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS" was approved and ordered published on first reading.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

- a) Citizens' Reports Tom Schemp, representing the Blue Knights announced the performance "drums along the Rockies" Friday night, July 8, 2011 Thompson Valley High School.
- b) Business from Council Johnson Councilor Johnson acknowledged the wonderful fireworks show on July 4, 2011. Next year the City will be seeking outside sponsors for the event.
- Heckel Councilor Heckel asked Chief Hecker to address citizen concern regarding the amount of illegal fireworks in the City this year.
- Klassen Councilor Klassen praised Loveland Business "Heska" after having toured their facilities.
- Gutierrez Mayor Gutierrez attended the Loveland Friends of Chamber Music at the McCreary House, where he narrated "Peter and the Wolf".
 Mayor Gutierrez attended the Leadership Northern Colorado, where Ted Abernathy spoke.
 Mayor and other Councilors attended the Ribbon Cutting ceremony of the I/25 and Hwy 34 corridor.
 Sunday the 101st Army Band performed at the Amphitheatre, the Dixieland section of the Band will be performing, Thursday evening at the Foote Lagoon.
 The Disability Commission will be holding an event July 12, 2011 from 12:30 p.m. to 3:30 p.m. at the "Ranch" to promote Disability awareness.
- Shaffer Councilor Shaffer attended the Maple Terrace Solar Dedication.
- c) City Manager Report None
- d) City Attorney Report None

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

11. FINANCE

May 2011 Financial Report

This is an information only item. No action is required. Assistant City Manager and Finance Director Renee Wheeler introduced this item to Council. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the five months ending May 31, 2011.

12. CITY MANAGER

May 2011 Investment Report

This is an information only item. No Council action is required. Executive Fiscal Advisor Alan Krcmarik introduced this item to Council. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first five months of 2011, the amount posted to the investment account is \$1,259,936 including realized gains. Actual year-to-date earnings are lower than the year-to-date projection by \$58,035. Based on May's monthly statement, the estimated annualized yield is about 2.01%, just over the annual target rate. Interest rates are trending lower, but annual returns should still meet the target.

ADJOURNMENT

Having no further business to come before Council, the July 5, 2011 Regular Meeting was adjourned at 7:24 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

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

AGENDA ITEM: 2
MEETING DATE: 7/19/2011
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill

TITLE:
APPOINTMENT OF MEMBERS TO THE GOLF ADVISORY BOARD AND HUMAN SERVICES COMMISSION

DESCRIPTION:
An administrative item appointing members to the Golf Advisory Board and Human Services Commission

BUDGET IMPACT:

Yes No

SUMMARY:

James Smith resigned from the Golf Advisory Board in April, 2011. Jim Thompson has been serving as an Alternate since his January, 2011 appointment. The board recommends appointing Jim Thompson as a regular member to Golf Advisory Board for a term effective until December 31, 2011.

Interviews were held in late June with candidates for three term vacancies and two high school memberships on the Human Services Commission. Dell Rae Moellenberg is recommended for reappointment to a three year term. April Lewis is recommended for appointment to a three year term. Alouette Greenridge and Ally Miller are recommended for reappointment and appointment as high school members and for three year terms. (Ms. Miller has been serving as an Alternate high school member.) Recruiting continues for one full term membership.

LIST OF ATTACHMENTS:

None

RECOMMENDED CITY COUNCIL ACTION:

Motion to appoint Jim Thompson as a regular member of the Golf Advisory Board for a term effective until December 31, 2011.

Motion to reappoint Dell Rae Moellenberg and to appoint April Lewis to the Human Services Commission for three year terms effective until June 30, 2014. Motion to reappoint Alouette Greenridge and to appoint Ally Miller as high school members on the Human Services Commission for three year terms effective until June 30, 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: 7/19/2011
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark, Community & Strategic Planning

TITLE:

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS

DESCRIPTION:

Consideration of an administrative action to adopt an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for a historic preservation brochure. The ordinance would transfer \$3,000 in grant funds from the Lodging Tax fund to the General Fund for creation of a tourism brochure of historic structures in Loveland.

BUDGET IMPACT:

Yes No

The grant funds were appropriated in the Lodging Tax fund grant program and are transferred to the General Fund, Development Services budget. Development Services serves as the staff liaison to the Historic Preservation Commission. On July 5, 2011, City Council adopted the ordinance on first reading as an item on the Consent Agenda.

SUMMARY:

On May 3, 2011 City Council unanimously approved a resolution awarding a \$3,000 Lodging Tax Grant to the Historic Preservation Commission for the purpose of creating a walking tour brochure to be distributed to area hotels, the Loveland Visitor's Center, the Loveland Museum, and other venues frequently visited by tourists. The grant funds were originally appropriated in the Lodging Tax fund grant program and need to be transferred to the General Fund in the Development Services budget. Community and Strategic Planning staff will be responsible for managing and distributing the funds to allow the Historic Preservation Commission to create and publish the brochure.

LIST OF ATTACHMENTS:

1. AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS
-

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 HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS.

REVIEWED BY CITY MANAGER:

FIRST READING July 5, 2011

SECOND READING July 19, 2011

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A HISTORIC PRESERVATION BROCHURE TO GUIDE TOURISTS

WHEREAS, the City has received or has reserved 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 and/or reserves in the amount of \$3,000 from the Lodging Tax Grants in the Lodging Tax Fund 241 are available for appropriation. Revenues in the total amount of \$3,000 are transferred to the General Fund 001 and hereby appropriated for the creation of a Historic Tourism Brochure and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund - Historic Preveration Grant**

Revenues		
001-0000-373-01-21-LT1001	Transfer from Lodging Tax Fund	3,000
Total Revenue		3,000
Appropriations		
001-1914-409-03-50	Professional Services	3,000
Total Appropriations		3,000

**Supplemental Budget
Lodging Tax Fund - Historic Preservation Grant**

Appropriations

241-1822-409-04-40	Grants	(3,000)
241-1822-473-07-01-LT1001	Transfer to General fund	3,000

Total Appropriations -

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).

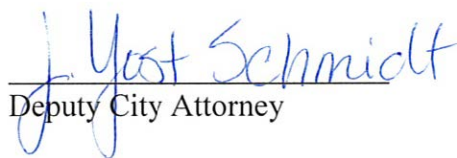
ADOPTED this 19th day of July, 2011.

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: 4
MEETING DATE: 7/19/2011
TO: City Council
FROM: City Clerk and City Attorney
PRESENTER: Teresa Andrews

TITLE:

AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD NOVEMBER 1, 2011 SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

DESCRIPTION:

The proposed Ordinance is a legislative action needed to allow the City's regular election held on November 1, 2011, to be conducted as a coordinated election with the Larimer County Clerk and Recorder. City Council approved this item unanimously on July 5, 2011.

BUDGET IMPACT:

Yes No

SUMMARY:

As provided in Section 6-2 of the City's Charter, the City of Loveland's next regular election is to be held on November 1, 2011. A statewide election is also scheduled for November 1, 2011. In the past the City has participated in this statewide election by coordinating its regular election with the Larimer County Clerk and Recorder. In addition to directing the election to be held as a coordinated election, the Ordinance provides that the City's regular election will be governed by the Uniform Election Code, but only to the extent necessary to conduct the City's election as a coordinated election with Larimer County as part of the statewide special election. In all other respects, the City's regular election will be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

LIST OF ATTACHMENTS:

Ordinance

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends approval of the Ordinance.

REVIEWED BY CITY MANAGER:

FIRST READING: July 5, 2011

SECOND READING: July 19, 2011

ORDINANCE No. _____

AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND’S REGULAR ELECTION TO BE HELD ON NOVEMBER 1, 2011, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

WHEREAS, on July 5, 2011, the Loveland City Council adopted Resolution #R-44-2011 authorizing the City Clerk to notify the Larimer County Clerk and Recorder (“the County Clerk”) of the City of Loveland’s intention to participate in the November 1, 2011, statewide special election and to coordinate the City’s participation in that election with the County Clerk; and

WHEREAS, Loveland Charter Section 6-1 provides that City elections are to be governed by the provisions of the Colorado Municipal Election Code of 1965 (C.R.S. §31-10-101, et seq) (“the Municipal Election Code”), except as otherwise provided by the City Charter or by City ordinance; and

WHEREAS, C.R.S. §31-10-102.7 provides that any municipality may provide by ordinance that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of the Colorado Revised Statutes, (“the Uniform Election Code”) in lieu of the requirements and procedures of the Municipal Election Code for any election; and

WHEREAS, since it is the intent of the City Council that the City’s regular election to be held on November 1, 2011, be a coordinated election with the County Clerk as part of the statewide special election on November 1, 2011, the purpose of this Ordinance is to provide that such coordinated election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election, and otherwise the City’s regular election on November 1, 2011, shall be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

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

Section 1. That the City's November 1, 2011, regular election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with the County Clerk as part of the statewide special election to be held on November 1, 2011. In all other respects, the City's regular election on November 1, 2011, shall be governed by the Municipal Election Code, the City Charter, and applicable City ordinances.

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).


Dated this 19th day of July, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

**CITY OF LOVELAND**
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 7/19/2011
TO: City Council
FROM: Renee Wheeler, Assistant City Manager & Finance Director
PRESENTER: Renee Wheeler

TITLE:

Public Hearing and First Reading of an Ordinance Amending the Loveland Municipal Code at Section 3.12.140 Concerning Performance and Payment Bonds Required For Construction Contracts, and Section 3.12.150 Concerning Retainage Held on Construction Contracts

DESCRIPTION:

This is a legislative action to adopt an ordinance amending the Loveland Municipal Code at Section 3.12.150 concerning retainage held on construction contracts to be consistent with House Bill 11-1115, which will go into effect on August 10, 2011. The ordinance will also amend the Loveland Municipal Code at Section 3.12.140 concerning performance and payment bonds held on construction contracts to increase the threshold for requiring bonds from \$50,000 to \$100,000.

BUDGET IMPACT:

Yes No

SUMMARY:

Currently, the City holds retainage on all construction contracts of \$50,000 or more in an amount equal to 5% of the total contract price. The City collects this amount by retaining 10% of each progress payment until 5% of the total contract price is held by the City. Once that amount is reached, the City makes full progress payments to the contractor.

The Colorado General Assembly enacted House Bill 11-1115 as a result of pressure from the construction industry to lower the amount public entities can retain on construction contracts in order to sustain contractor cash flow. House Bill 11-1115 amends state law to lower the maximum retainage amount from 10% to 5% of the total contract price, and requires public entities to pay the contractor at least 95% of the calculated value of completed work *throughout*

the contract term. Although the amount retained is the same under Section 3.12.150 and the new state law (5% of the total contract price), the method of withholding is different. Upon examination, City staff has determined that the method of withholding under the new state law would ease current accounting practice for holding retainage and reduce staff time and expense in holding retainage. Therefore, City staff recommends that City Council amend Section 3.12.150 to be consistent with the new state law.

State law requires retainage to be held only on those construction contracts exceeding \$150,000 and for bonds to be required at \$50,000. Currently, the Loveland Municipal Code requires the City to hold retainage and to require performance and payment bonds on all construction contracts of \$50,000 or more. City Staff proposes that City Council increase the threshold for holding retainage and requiring bonds from \$50,000 to \$100,000. City staff recommends that the same threshold be used in order to provide for consistent accounting for construction contracts. We believe that the \$100,000 threshold is appropriate level of accountability for contractors; it aligns our limits with Fort Collins and Longmont for better coordination with contractors; and it reduces administrative processing for smaller contracts. Provisions in the municipal code section 3.12.140 (C) allow the project manager or managing department director to require bonds on a project of lesser value than \$100,000 if they believe the type of project warrants additional assurances.

In 2010 and the first 6 months of 2011 the City entered into 52 contracts above \$50,000 with a combined not to exceed dollar amount of \$30,931,019. Of those 52 contracts 11 were between \$50,000 and \$100,000 with a combined not to exceed dollar amount of \$858,048; that represents about 2.77% of the total dollars signed into contract during this time period.

The impact to leaving the threshold at \$50,000 is more administrative paperwork on behalf of the contractor and the City, which of course means cost. The absolute cost is not calculable because of the various factors that go into the cost of bonds for individual companies.

LIST OF ATTACHMENTS:

Loveland Municipal Code (in redline)
Ordinance

RECOMMENDED CITY COUNCIL ACTION:

Approve the Ordinance on first reading.

REVIEWED BY CITY MANAGER:

Proposed Changes to Loveland Municipal Code Section 3.12.140 and Section 3.12.150

3.12.140 Bonds.

- A. For all construction contracts of \$5100,000 or more, the following security shall be required:
1. Security to ensure performance of the contract in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said security shall be in an amount equal to one hundred percent of the total contract price.
 2. Security to ensure payment of all subcontractors in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said security shall be in an amount equal to one hundred percent of the total contract price.
- B. All bonds shall be in a form approved by the city attorney.
- C. Nothing in this section shall be construed to limit the authority of the city to require security in addition to that set forth herein or to prevent the city from requiring such bonds on contracts of less than \$5100,000 as may be deemed necessary within the city's sole discretion.

3.12.150 Retainage.

The city shall hold retainage on all construction contracts of \$5100,000 or more. Unless otherwise required by special funding sources, including, without limitation, federal and state grants, the city shall hold retainage at a rate of tenfive percent of each progress payment ~~until five percent of total contract amount is held. If a change order increases the value of the contract after five percent of the original contract amount has been retained by the city, the city shall retain an additional five percent of the change order amount on the next progress payment. Notwithstanding anything herein to the contrary, for all blanket construction contracts for \$50,000 or more, the city shall hold retainage on each and every project at a rate of five percent of each invoice submitted under the blanket construction contract. The city shall hold retainage until the contract is completed satisfactorily and finally accepted by the city. The city shall release retainage in accordance with state law.~~

FIRST READING July 19, 2011

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 3.12.140 CONCERNING PERFORMANCE AND PAYMENT BONDS REQUIRED FOR CONSTRUCTION CONTRACTS, AND SECTION 3.12.150 CONCERNING RETAINAGE HELD ON CONSTRUCTION CONTRACTS

WHEREAS, the Colorado General Assembly enacted House Bill 11-1115, which requires public entities to pay at least ninety-five percent of the calculated value of completed work on all construction contracts over \$150,000; and

WHEREAS, House Bill 11-1115 takes effect on August 10, 2011; and

WHEREAS, City Council desires to amend the Loveland Municipal Code at Section 3.12.150 concerning retainage held on construction contracts to be consistent with the new state law and to streamline accounting procedures for holding retainage; and

WHEREAS, City Council also desires amend the Loveland Municipal Code at Section 3.12.140 concerning performance and payment bonds required for construction contracts to increase the threshold for requiring bonds from \$50,000 to \$100,000.

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

Section 1. That Section 3.12.150 of the Loveland Municipal Code is hereby amended to read as follows:

3.12.140 Bonds.

- A. For all construction contracts of \$100,000 or more, the following security shall be required:
 - 1. Security to ensure performance of the contract in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said security shall be in an amount equal to one hundred percent of the total contract price.
 - 2. Security to ensure payment of all subcontractors in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said

security shall be in an amount equal to one hundred percent of the total contract price.

- B. All bonds shall be in a form approved by the city attorney.
- C. Nothing in this section shall be construed to limit the authority of the city to require security in addition to that set forth herein or to prevent the city from requiring such bonds on contracts of less than \$100,000 as may be deemed necessary within the city’s sole discretion.

Section 2. That Section 3.12.150 of the Loveland Municipal Code is hereby amended to read as follows:

3.12.150 Retainage.

The city shall hold retainage on all construction contracts of \$100,000 or more. Unless otherwise required by special funding sources, including, without limitation, federal and state grants, the city shall hold retainage at a rate of five percent of each progress payment. The city shall hold retainage until the contract is completed satisfactorily and finally accepted by the city. The city shall release retainage in accordance with state 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).

ADOPTED this ____ day of August, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Shawn L. Ellis

Assistant City Attorney



CITY OF LOVELAND
MUNICIPAL AIRPORT

4900 Earhart Road • Loveland, Colorado 80538
(970) 962-2852 • FAX (970) 962-2855 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 7/19/2011
TO: City Council
FROM: Jason Licon, Airport Director
PRESENTER: Jason Licon

TITLE:

An ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins – Loveland Airport budget for the purchase of a modular building

DESCRIPTION:

This is an administrative action. The ordinance if approved will appropriate funds from the airport funding subject to future Federal reimbursement for an addition to the holding area in the terminal.

BUDGET IMPACT:

Yes No

Fund balance is available to meet the requirement.

SUMMARY:

The airport is in need of expanding the secure holding facility for airline passenger use. This is necessary to support the current growth of the airport's commercial airline service. The airline providing service at the airport will also be upgrading their aircraft to have the ability to hold 166 passengers in the near future. The current building is able to house approximately 150 people, and if there is ever weather or maintenance related delays for a flight, there is the potential to have over 300 people waiting to board multiple aircraft. The expansion will increase capacity from 150 people to approximately 400 people. It will also add additional restroom facilities, which is necessary as currently the building has only two restroom stalls. The Airport Steering Committee has reviewed the proposal, and has approved the request for improvement.

LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins – Loveland Airport budget for the purchase of a modular building
-

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance

REVIEWED BY CITY MANAGER:

FIRST READING July 19, 2011

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 FORT COLLINS-LOVELAND AIRPORT BUDGET FOR THE PURCHASE OF A MODULAR BUILDING

WHEREAS, the Airport has received or has reserved funds not anticipated or appropriated at the time of the adoption of the Airport 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 Airport 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 \$165,000 from fund balance in the Airport Fund 018 are available for appropriation. Revenues in the total amount of \$165,000 are hereby appropriated for the purchase of a modular building to provide additional terminal space and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Airport Fund 018 - Modular Terminal Purchase**

Revenues		
Fund Balance		165,000
Total Revenue		165,000
Appropriations		
018-5503-409-09-99	Other Capital	165,000
Total Appropriations		165,000

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).

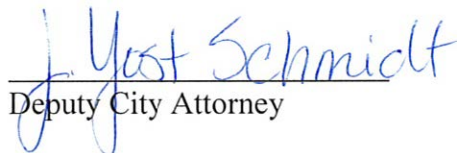
ADOPTED this ___ day of August, 2011.

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: 7
MEETING DATE: July 19, 2011
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Kerri Burchett, Current Planning

TITLE:

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOT 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1, FERRERO FIRST ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

DESCRIPTION:

A legislative action to consider an ordinance on first reading vacating a 450 square foot utility easement located on Lot 2, Block 1 of the Amended Plat of the Ferrero First Addition. The applicant is DS Constructors, LLC representing the Larimer County Food Bank.

BUDGET IMPACT:

Yes No

SUMMARY:

The application proposes to vacate a portion of a utility easement located at 2600 N. Lincoln Avenue. The property was recently purchased by the Larimer County Food Bank, who is proposing to construct improvements to the building façade that would encroach into the easement. The easement currently contains a water meter and service line that is being relocated west of the building. The Water Department has reviewed the vacation application and is in support of the request.

LIST OF ATTACHMENTS:

- A. Easement vacation ordinance
- B. Staff memorandum with attachments

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for City Council action:

“Move to make the findings in Section V of the staff memorandum dated July 19, 2011 and, based on those findings, adopt on first reading, “AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOT 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1, FERRERO FIRST ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO”

REVIEWED BY CITY MANAGER:

FIRST READING: July 19, 2011

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT LOCATED ON LOT 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1, FERRERO FIRST ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a utility easement described below, located on Lot 2, Block 1, of the Amended Plat of Lots 1 and 2, Block 1, Ferrero First Addition, City Of Loveland, Larimer County, Colorado.

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 City Council finds and determines that the utility 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:

Section 1. That the following described portion of a utility easement be and the same is hereby vacated:

Vacated Easement being a portion of a Utility Easement on Lot 2 of the Amended Plat of Lots 1 and 2, Block 1, Ferrero First Addition to the City of Loveland, located in Section 12, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of said Lot 2 as bearing North 88°56'00" East and with all bearing contained herein relative thereto:

Commencing at the Southwest corner of said Lot 2; thence along said South line, North 88°56'00" East, 362.49 feet; thence departing said South line and along the East line of a 15.00 foot Utility Easement per Record Number 94090154, North 00°12'30" East, 101.00 feet to the Southwest corner of a Utility Easement on said Lot 2; thence along the South line of said Utility Easement, North 88°56'00" East, 31.00 feet to the **POINT OF BEGINNING**; thence departing

said south line, North 01°04'00" West, 15.00 feet to a point on the North Line of said Utility Easement; thence along said North line, North 88°56'00" East, 30.00 feet to the Northeast corner of said Utility Easement; thence along the East line of said Utility Easement, South 01°04'00" East, 15.00 feet to the Southeast corner of said Utility Easement; thence along the South line of said Utility Easement, South 88°56'00" West, 30.00 feet to the POINT OF BEGINNING.

The above described Vacated Easement contains 450 square feet more or less.

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).

Section 3. That 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



Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

TO: City Council

FROM: Kerri Burchett, Current Planning Division

DATE: July 19, 2011

SUBJECT: Vacation of a utility easement on Lot 2, Block 1 of the Amended Plat of Lots 1 and 2, Block 1, Ferrero First Addition

I. ATTACHMENTS

1. Vacation Exhibit
2. Applicant's Request for Vacation

II. KEY ISSUES

Staff believes that there are no outstanding issues regarding this requested easement vacation.

III. PROJECT DESCRIPTION

The application proposes to vacate a 450 square foot portion of a utility easement located at 2600 N. Lincoln Avenue (see vicinity map below). The property was recently purchased by the Larimer County Food Bank, who is proposing to construct improvements to the building façade that would encroach into the easement. The improvements include a new entrance arcade and a cart corral with a screening wall. The easement currently contains a water meter and service line that is being relocated to a landscape median west of the building. With the relocation of the meter and service line, there will no longer be any public or private utilities located in the easement.

IV. VICINITY MAP



V. FINDINGS and ANALYSIS

The following two findings must be met in order for the City Council to vacate the utility easement. These findings are included in section 16.36.010.B of the Loveland City Code.

1. *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.*

Current Planning: Staff believes that this finding can be met. The easement proposed for vacation is located internal to the property, adjacent to the building, and does not involve the vacation of any existing public or private street rights-of-way.

2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

Water/Wastewater: Staff believes that this finding can be met. The property is within the City’s current service area for both water and wastewater. The existing easement is utilized for a water meter and service. The applicant is proposing development of a permanent structure within the utility easement; thereby causing the relocation of the

existing water meter and service. With this relocation, there will no longer be any public utilities within the vacated portion of the easement. The Department finds that:

- The existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.
- The existing easement to be vacated is no longer necessary for public use and convenience.

VI. RECOMMENDATION

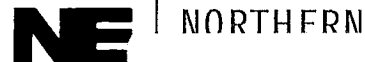
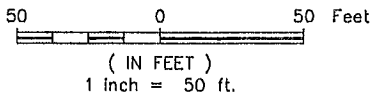
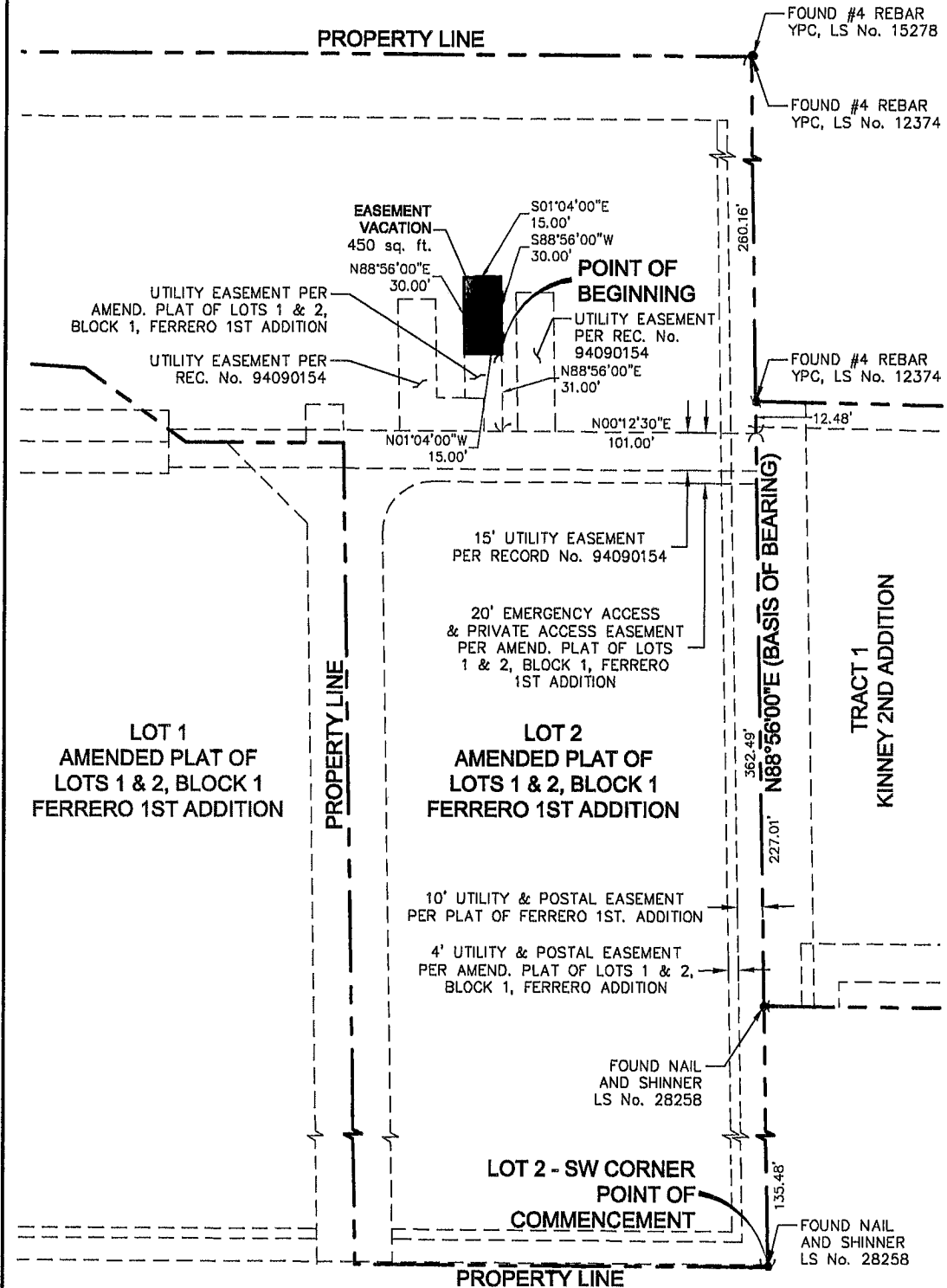
Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on first reading.

VII. CONDITIONS

There are no recommended conditions for this application.

EXHIBIT A

VACATED EASEMENT BEING A PORTION OF A UTILITY EASEMENT
PER AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, FERRERO 1ST ADDITION TO THE
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



200 S College Avenue, Suite 100
Fort Collins, Colorado 80521



**NORTHERN
ENGINEERING**

ADDRESS: 200 S. College Ave. Suite 100 Fort Collins, CO 80524	PHONE: 970.221.4158	WEBSITE: www.northernengineering.com
	FAX: 970.221.4159	

EXHIBIT A

Description: Easement Vacation

Vacated Easement being a portion of a Utility Easement on Lot 2 of the Amended Plat of Lots 1 and 2, Block 1, Ferrero First Addition to the City of Loveland, located in Section 12, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of said Lot 2 as bearing North 88°56'00" East and with all bearing contained herein relative thereto:

Commencing at the Southwest corner of said Lot 2; thence along said South line, North 88°56'00" East, 362.49 feet; thence departing said South line and along the East line of a 15.00 foot Utility Easement per Record Number 94090154, North 00°12'30" East, 101.00 feet to the Southwest corner of a Utility Easement on said Lot 2; thence along the South line of said Utility Easement, North 88°56'00" East, 31.00 feet to the **POINT OF BEGINNING**; thence departing said south line, North 01°04'00" West, 15.00 feet to a point on the North Line of said Utility Easement; thence along said North line, North 88°56'00" East, 30.00 feet to the Northeast corner of said Utility Easement; thence along the East line of said Utility Easement, South 01°04'00" East, 15.00 feet to the Southeast corner of said Utility Easement; thence along the South line of said Utility Easement, South 88°56'00" West, 30.00 feet to the POINT OF BEGINNING.

The above described Vacated Easement contains 450 square feet more or less.

June 15, 2011

CNS

D:\Projects\419-003\Dwg\Exhibits\419-003_ESMT-VACT.doc



3780 N. Garfield Ave., Ste. 101
Loveland, CO 80538
Office: 970.635.3534
Fax: 970.635.3537
www.DSConstructors.com

WORKING TOGETHER TO BUILD THE FUTURE

6/16/2011

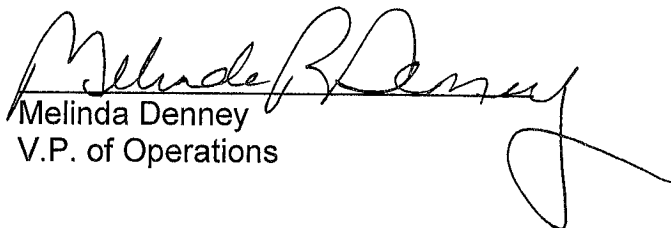
Current Planning Division
Attn: Kerri Burchett
500 East Third Street
Loveland, CO 80537

Dear Ms. Burchett,

The Food Bank of Larimer County is requesting a vacation of the water easement attached to their building. The two Northern columns of the new entry canopy sit in this easement. We are requesting that it be vacated so the canopy may be constructed. Please note the easement is totally surrounded by property owned by the Food Bank. In addition the meter is being moved to the landscape median, West of the building, so it is in an accessible area.

Thank you for your assistance in this matter.

Sincerely,


Melinda Denney
V.P. of Operations

ATTACHMENT 2



CITY OF LOVELAND
COMMUNITY PARTNERSHIP OFFICE

Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2517 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: July 19, 2011
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Alison Hade, Community Partnership Office

TITLE:

A RESOLUTION WAIVING BUILDING PERMIT FEES FOR RENOVATION OF A SINGLE-FAMILY HOME LOCATED AT 1179 E. THIRD STREET IN LOVELAND, COLORADO

DESCRIPTION:

This item is an administrative action to consider a resolution waiving plan check and permit fees in an amount not to exceed \$1,081.25.

BUDGET IMPACT:

Yes No

Total City fees for the project are estimated at \$1,081.25.

SUMMARY:

The Community Partnership Office is requesting a fee waiver for a client of the Housing Authority of the City of Loveland (HACOL) who will be receiving a low-interest rate loan via their Larimer Home Improvement Program (LHIP). LHIP offers low/no-interest loans for housing rehabilitation for clients making less than 80% of the area median income. This client receiving a LHIP loan makes about 65% of the area median income. LHIP is supported, in part, with City of Loveland Community Development Block Grant funding.

The home, located at 1179 East 3rd Street, was a former meth house. The client purchased the house not knowing how much of the internal structure had to be removed during “cleaning”. The cost to completely rehabilitate the house, including labor and materials, is around \$72,000. The HACOL client will receive a LHIP loan in the maximum amount of \$24,999, and will complete much of the work himself or with the help of family and friends. At this point, \$32,455.44 is needed to purchase the materials and pay city fees. If City fees are waived the client must still raise more than \$6,300 to make this house habitable.

Section 16.38.070 of the Loveland Municipal Code states that:

The city council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits.

The accompanying staff memorandum describes the special circumstances, extraordinary social merit, benefits to the community, and improvement to public welfare that warrant granting the exception.

LIST OF ATTACHMENTS:

- Resolution
 - Staff memorandum
-

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for Council action:

Move to adopt A RESOLUTION WAIVING BUILDING PERMIT FEES FOR RENOVATION OF A SINGLE-FAMILY HOME LOCATED AT 1179 E. THIRD STREET IN LOVELAND, COLORADO

REVIEWED BY CITY MANAGER:

RESOLUTION #R-45-2011**A RESOLUTION WAIVING BUILDING PERMIT FEES FOR RENOVATION OF A SINGLE-FAMILY HOME LOCATED AT 1179 E. THIRD STREET IN LOVELAND, COLORADO**

WHEREAS, Nicholas Dozier, the owner of a single-family home located at 1179 E. Third Street in Loveland (“House”), has requested the waiver of building permit fees required to renovate the House, construction of which will commence in 2011; and

WHEREAS, the House was used to produce methamphetamines prior to the date on which Mr. Dozier purchased it, and therefore the House requires significant renovation in order to make it habitable; and

WHEREAS, Mr. Dozier desires to renovate the House and to use it as his primary residence, and has obtained a loan from the Larimer Home Improvement Program from the Housing Authority of the City of Loveland to assist him with the cost of the renovation; and

WHEREAS, even with the above-referenced loan, Mr. Dozier is unable to fund the full cost of the renovation and has requested financial assistance from the City of Loveland in the form of building permit fee waivers in the total amount of \$1,081.25; and

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

WHEREAS, the City Council desires to waive the building permit fees for renovation of the House pursuant to Section 16.38.070 based on the finding and upon the conditions set forth below.

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

Section 1. That the City Council finds that waiver of the building permit fees for renovation of the House is in the best interests of the public because said waiver will facilitate renovation of a former methamphetamine house, eliminating a health hazard and blight to the surrounding neighborhood and thereby providing significant social and economic benefits.

Section 2. That building permit fees in an amount not to exceed \$1,081.25 required to renovate the House are hereby waived.

Section 3. That the building permit fee waiver granted in Section 2 above shall be effective through December 31, 2011 only. This City shall have no obligation to waive any building permit fees or other fees due for renovation of the House after December 31, 2011.

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

ADOPTED this 17th day of July, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant 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

MEMORANDUM

TO: City Council

FROM: Alison Hade, Community Partnership Office

DATE: July 19, 2011

RE: Nicholas Dozier - Fee Waiver

I. EXHIBITS

- A. Letter from the Housing Authority of the City of Loveland
- B. Permit Fees

II. FINDINGS

Nicholas Dozier applied for, and will receive, a Larimer Home Improvement Program loan from the Housing Authority of the City of Loveland to rehabilitate a house he purchased that had been used to produce methamphetamines located at 1179 East 3rd Street. The loan will be used to pay for materials estimated to cost \$30,691.93; City of Loveland fees total \$1,763.51 and the cost of labor has been estimated to be around \$40,000. The request is to waive City fees in the amount of \$1,081.26. The remaining fees to be paid (\$682.26) are for City Use Tax, County Open Space Tax, County Courthouse Tax, County Jail Tax, and County Fairgrounds Tax. Because Nicholas does not have the money to contract the labor, he will complete most of it himself and will rely on family and friends to assist.

Nicholas' situation is unique as described in the attached letter from the Housing Authority. He is a low income resident who still suffers from a motorcycle accident. When he purchased the house he did not understand that the house would be stripped down to the studs and would have to be re-built internally. The house is currently unlivable. Rehabilitating the house will not only provide this low income resident with a place to live, it will also greatly improve the neighborhood.

The Larimer Home Improvement Program frequently receives City of Loveland financial support via a Community Development Block Grant (the program received \$25,000 in 2010 and \$25,000 in 2011). The annual cost of the program is \$595,000, of which the remaining \$570,000 comes from Fort Collins Community Development Block Grant (\$120,000), Colorado State Division of Housing (\$400,000), and program income from clients repaying loans (\$50,000); LHIP is county-wide.

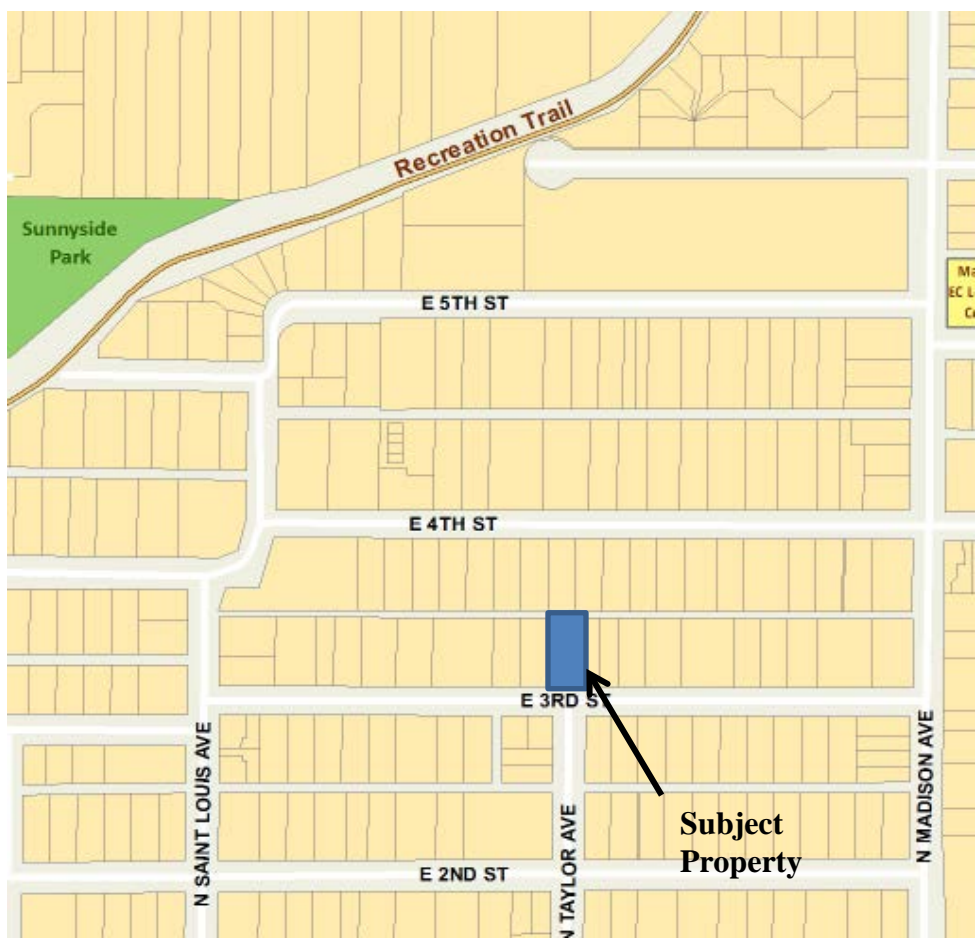
In April, Amy Irwin, Larimer Home Improvement Program manager approached the Community Partnership Office with a request for additional support. The City of Loveland contributes 4% of

the total program funding but allocates approximately 30% of city residents. City of Loveland support for the program is used to leverage funding from the Division of Housing and can come in the form of grants (CDBG) or fee waivers. Support from the City of Loveland, in any form, can be used to leverage funding received from the Division of Housing.

III. LOVELAND MUNICIPAL CODE

16.38.070 The city council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits.

IV. PROJECT LOCATION MAP



1179 East 3rd Street

*Housing Authority
of the City of Loveland*

June 30, 2011

Larimer Home Improvement Program
Managed by the Housing Authority of the City of Loveland
375 W. 37th ST. Suite 200
Loveland, CO 80538

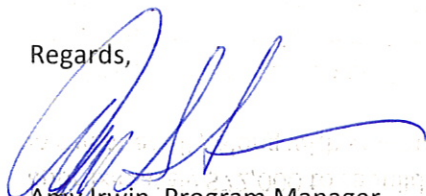
Dear Building Dept.;

We are requesting building permit fee waivers for Nicholas Dozier address 1179 E. 3rd St. Loveland, CO 80537. Mr. Dozier with the help of his parents purchased a Meth home that they were told would be stripped and cleared of all Meth residue. It has been stripped and certified clean, however Nick was not aware what that really meant when he took possession of the home. The home was been stripped down to the studs and even the plywood floor is gone all that is left is a shell.

The Dozier family has come to the Larimer Home Improvement program to apply for funding to help to rebuild this home. The program only offers \$24,999 in a low interest loan and they require approximately \$72,000 to rebuild. The builder has greatly reduced his price and the Dozier's are putting in sweat equity along with volunteers from community they have asked to help rebuild this home.

Mr. Dozier is a young man in his twenties who was almost killed in a very serious motorcycle accident, he still suffers some disability today, but works a full time job as a steel worker his income is low but steady and he qualifies for a 2% interest loan with our program. With the help of the community volunteers, the families sweat equity, monies the family is willing to put into this and our loan we can make an affordable home for this young man and take a blight on the community which was a meth house and turn it into an asset. We ask for the fee waivers because this is a very tight project even with the volunteers and reduced costs, every dollar makes a difference. Thank you for considering our request if you have any further questions feel free to contact me at 970-635-5931.

Regards,



Amy Irwin, Program Manager
Housing Authority of the City of Loveland
375 W. 37th St. Suite 200
Loveland, CO 80538
970-635-5931

City of Loveland

<u>Permit Statement</u>

Permit BP-11-00838:Addition - Dwelling Space 029-%%-005-95134-21-012 1179 E 3RD ST	Statement Printed Date: 06/22/2011
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Description	Item Amount	Total Due on Statement
A01a Res Bldg PC (New)	\$326.85	\$0.00
A01a Res Bldg PC (New) Payment	- \$326.85	\$0.00
D01b Res Bldg Permit Fee (New)	\$502.85	\$502.85
D01c Res Mech Permit Fee (New)	\$57.05	\$57.05
D01d Res Elec Permit Fee (New)	\$83.25	\$83.25
D01e Res Plum Permit Fee (New)	\$111.25	\$111.25
D14 City Use Tax	\$538.62	\$538.62
D15 County Open Space Tax	\$44.89	\$44.89
D16 County Courthouse Tax	\$35.91	\$35.91
D16 County Jail Tax	\$35.91	\$35.91
D17 County Fairgrounds Tax	\$26.93	\$26.93
Sub Total		\$1,436.66
		\$1,436.66



CITY OF LOVELAND
LOVELAND PUBLIC LIBRARY

Civic Center • 300 North Adams • Loveland, Colorado 80537
(970) 962-2665 • FAX (970) 962-2905 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 7/19/2011
TO: City Council
FROM: Ted Schmidt, Library Director
PRESENTER: Ted Schmidt

TITLE:

A Resolution Approving the Recommendations of the Loveland Public Library Regarding the Naming of Rooms in the Renovated Library

DESCRIPTION:

This is an administrative action to approve Library staff recommendations for naming of rooms in the renovated Library pursuant to the guidelines established in its Policy and Procedures for Naming Rights within the Loveland Public Library.

BUDGET IMPACT:

Yes No

SUMMARY: Attached is a list of recommended room names that are sponsored by individuals, charitable trusts and corporations that contributed to the building project. The policy and procedures for administering these naming rights were adopted by the Loveland City Council in Resolution #R-36-2008 on April 1, 2008. All names submitted in Part 1 of Exhibit A contributed at least \$50,000.00 to the Library's expansion/renovation project. All names submitted in Part 2 of Exhibit A made significant and timely monetary contributions to the expansion/renovation project, but less than \$50,000.00.

LIST OF ATTACHMENTS:

1. Resolution
 2. Exhibit A
-

RECOMMENDED CITY COUNCIL ACTION:

Staff recommends approval of the resolution.

REVIEWED BY CITY MANAGER:

RESOLUTION # R-46-2011

A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE LOVELAND PUBLIC LIBRARY REGARDING THE NAMING OF ROOMS IN THE RENOVATED LIBRARY

WHEREAS, pursuant to Resolution #R-36-2008, the City Council adopted policies and procedures that provide guidelines for naming rights within the Loveland Public Library (the “Library”); and

WHEREAS, pursuant to such policies and procedures City Council may receive recommendations as to the naming of rooms or buildings related to the Library based upon contributions to the Library of land, money or facilities or based upon an individual’s or group’s social contributions to the community or the Library; and

WHEREAS, in furtherance of such policies and procedures, the Loveland Public Library recommends that the rooms in the renovated Library be named as set forth in Exhibit A, attached hereto and incorporated by reference herein; and

WHEREAS, City Council finds that the honorary naming of rooms in the Library is a proper recognition of the contributions to the community and to the library of the individuals and groups identified in Exhibit A.

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

Section 1. That the room names recommended by staff of the Loveland Public Library as set forth in Exhibit A are hereby approved.

Section 2. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this _____ day of July, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE LOVELAND PUBLIC LIBRARY REGARDING THE NAMING OF ROOMS IN THE RENOVATED LIBRARY

Exhibit A. Part 1

The following individuals, charitable trusts, and corporations have contributed at least \$50,000 to the Loveland Public Library Expansion/Renovation project. Using the Guidelines adopted by the Loveland City Council on April 1, 2008, the following rooms are recommended for naming:

- The Children’s Room Sponsored by Carol McMurry and Pat Spieles
- The Adult Services Room Sponsored by the Kroh Charitable Trust
- Where Friends Meet (Café Area)
 Sponsored by the Friends of the Loveland Public Library
 Foundation, Inc. and the Loveland Public Library Board
 of Trustees
- The Gertrude Scott Meeting
Room Sponsored by the Gertrude Scott Charitable Trust
- Mrs. Runschmunkel’s Reading Room
 Sponsored by the Erion Foundation
- Erion Foundation Community Room
 Sponsored by the Erion Foundation
- Rotary Clubs of Loveland Small Business Center
 Sponsored by the Loveland Rotary Club, Thompson Valley
 Rotary Club, and Mountain View Rotary Club
- Mt. Meeker Children’s Conference Room
 Sponsored by Jody and Harry Love
- Lula Pulliam Colwell Local History & Genealogy Room
- Lillian Colwell Patterson Reading Room

Exhibit A. Part 2

Two other local companies made very significant and timely contributions to the Library project but did not meet the Guideline minimum of \$50,000. Staff would recommend naming conference rooms for these two local contributors:

- Mt. Dunraven Business Conference Room
 Sponsored by Praxair, Inc. Loveland
- Hagues Peak Business Conference Room
 Sponsored by Crop Production Services – Loveland



CITY OF LOVELAND
CITY ATTORNEYS' OFFICE

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

AGENDA ITEM: 10
MEETING DATE: 7/19/2011
TO: City Council
FROM: John Duval, City Attorney
PRESENTER: John Duval

TITLE:

Discussion with City Attorney Concerning the Reporter-Herald Lawsuit

DESCRIPTION:

This is a discussion item. The City Attorney will be requesting an executive session to discuss with the City Council various legal issues and matters that may be subject to negotiation concerning the *City of Loveland v. Reporter-Herald* lawsuit.

BUDGET IMPACT:

Yes No

SUMMARY:

There is currently pending in Larimer County District Court a lawsuit between the City of Loveland and the *Reporter-Herald*. This lawsuit involves a dispute over whether all or any portions of the audio recordings of City Council's executive sessions held on August 20, 24 and 26 of 2010 and on September 2, 2010, involving or related to the City Council's hiring of a new City Manager should be open for public inspection. The recordings of these executive sessions are approximately twelve hours in duration.

On June 10, 2011, the Court decided, without listening to all twelve hours of the recordings, that approximately ten hours of the executive sessions were appropriately held under the Colorado Open Meetings Law and therefore the recordings were not required to be released to the public. However, the Court also ordered the City to provide to the Court for its review the recording of the approximately two-hour executive session that was held on August 26, 2010. The City provided that recording to the Court.

On July 1, 2011, the Court issued a second order determining that of the two-hour executive session recorded on August 26, 2010, approximately forty minutes of that executive session

should be released for public inspection. In its order the Court also stated that it was reserving ruling on the question of the City's payment of the *Reporter-Herald's* attorneys' fees under the Colorado Open Meetings Law and gave the *Reporter-Herald* until July 16, 2011 in which to file its application for an award of its attorneys' fees and costs. The Court also recognized that the City would have an opportunity to respond to that application and to present its arguments as to why none or only a part of the *Reporter-Herald's* attorneys' fees should be paid by the City. The *Reporter-Herald* has recently filed a motion with the Court asking for an extension until August 18, 2011, in which to file its application for attorneys' fees and costs. The City is not opposing this motion.

The purpose of this discussion item will be to initially convene in executive session to discuss the legal issues and any matters that may be subject to negotiation relating to this lawsuit, such as possible settlement of the lawsuit. To the extent any action is desired to be taken by the Council concerning matters not related to negotiations, that action would need to be conducted after the executive session in open session.

LIST OF ATTACHMENTS:

None

RECOMMENDED CITY COUNCIL ACTION:

Give direction to City Attorney as determined necessary.

REVIEWED BY CITY MANAGER: