

7-19-2011
Council Meeting

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, Solt, and Rice. Councilor Shaffer was absent.

PROCLAMATION Councilor Johnson read a proclamation declaring July 20, 2011, as "Women of Vision Day". The proclamation was received by Ann Clarke.

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

PRESENTATION Members of the Friends of the Loveland Public Library and the Library Board presented a check to the City of Loveland in the amount of \$2,000,000 to be used in the remodel of the Library. Roseanne Wheeler, Co-Chair of the Capital Campaign Committee, made comments regarding donations of \$35,000 or more and indicated the rooms that would be named if approved by Council this evening. Bob Eatman, President of the Library Board, thank Council for moving up the construction date if the Friends of the Library could raise funds. Jodi Love, member of Friends of the Loveland Public Library, expressed appreciation to the Staff for their patience with the project.

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 28, 2011 study session were approved.
- b) Minutes for the July 5, 2011 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

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

Golf Advisory Board: Jim Thompson was appointed as a regular member to a term effective until December 31, 2011.

Human Services Commission: Dell Rae Moellenberg was reappointed and April Lewis was appointed to three year terms effective until June 30, 2014. Alouette Greenridge was reappointed and Ally Miller appointed as high school members for three year terms effective until June 30, 2014.

3. DEVELOPMENT SERVICES

Supplemental Appropriation – Grant for Historic Preservation Brochure

Ordinance #5610

Administrative Action: "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 second reading.

4. CITY CLERK

November Coordinated Election with Larimer County

Ordinance #5611

Legislative Action: "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 second reading.

5. FINANCE

Municipal Code Amendments Regarding Construction Contracts

1st Rdg Ord & P.H.

Legislative Action: A public reading was held and "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" was approved and ordered published on first reading.

6. AIRPORT

Supplemental Appropriation – Airport Terminal Building

1st Rdg Ord & P.H.

Administrative Action: A public reading was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 FORT COLLINS-LOVELAND AIRPORT BUDGET FOR THE PURCHASE OF A MODULAR BUILDING" was approved and ordered published on first reading.

7. DEVELOPMENT SERVICES

Easement Vacation Ferrero First Addition (Larimer County Food Bank)

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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" was approved and ordered published on first reading.

8. DEVELOPMENT SERVICES

Development Fee Waivers

Resolution #R-45-2011

Administrative Action: Resolution #R-45-2011 waiving building permit fees for renovation of a single-family home located at 1179 E. Third Street in Loveland, Colorado was approved.

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: Teresa G. Andrews, City Clerk

9. LIBRARY

Naming Rooms in the Renovated Library

#R-46-2011

Administrative Action: Resolution #R-46-2011 approving the recommendations of the Loveland Public Library regarding the naming of rooms in the renovated Library was approved.

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 19 day of July, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

Brian Wilms, CEO of the Chamber of Commerce announced that Betsey would be the 2011 Grand Marshal in the Corn Roast Parade.

b) Business from Council

Johnson

Councilor Johnson announced there were 2 positions open on both the Affordable Housing Commission and the Community Marketing Commission.

Acting City Manager, Rod Wensing confirmed that Council would see a copy of the letter of intent from United Properties when staff had received it.

Rice

Councilor Rice announced Poudre Valley Health System and University of Colorado Hospital have signed a letter of intent to develop a joint operating agreement between the two organizations.

Councilor Rice commended all involved with the spectacular July 4th celebration.

There will be a meeting on September 17, 2011 to discuss the "Colorado Rail Plan" in Longmont.

Councilor Rice participated in an inaugural tour of a new business in town that will conduct historic tours of Loveland.

Klassen

There will be a Remembrance at the Big Thompson Association Building, July 31, 2011 at 7:00 p.m, 35 years after the Big Thompson Flood.

Gutierrez

Mayor Gutierrez attended a Roundtable with Governor Hickenlooper's cabinet to discuss ways to expedite transactions between municipalities and the State.

Mayor Gutierrez asked Staff for an update on the alignment of County Route 9.

c) City Manager Report

Assistant City Manager Rod Wensing gave Council an update on the Governor's Tourism conference scheduled for September 21 through the 23. The Community Marketing commission has proposed \$65,00 be appropriated for this event.

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

10. FINANCE

Discussion with City Attorney concerning the Reporter-Herald lawsuit

City Attorney John Duval introduced this item to Council. 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. Mr. Duval reviewed the six items that were identified in the lawsuit and explained the Court ruling on each. The outstanding issue is Attorney's fees.

Councilor Johnson moved that the City Council go into executive session, as authorized in CRS Sections 24-6-402(4)(b), (4)(c) and (4)(g) and in City Charter Sections 4-4(c)(1), (c)(3) and (c)(6). This executive sessions concerns a lawsuit currently pending in Larimer County District Court, City of Loveland v. Prairie Mountain Publishing company, LLP, doing business as the Loveland Daily Reporter-Herald Newspaper, which lawsuit is currently subject to settlement negotiations, and related to this lawsuit and those negotiations: to receive reports from City staff concerning the progress and status of those negotiations; to develop the City's negotiation positions and strategies; to instruct the City's negotiators concerning those positions and strategies; to receive legal advice from the Loveland City Attorney; and to consider documents and records related to this lawsuit and negotiations that are protected by the mandatory non-disclosure provisions of the Colorado Open Records Act, including work product documents at 7:30 p.m. The motion was seconded by Mayor Pro Tem Heckel and carried with six voting in favor and Councilor Solt and Mayor Gutierrez voting against. Council reconvened at 8:32. Mr.

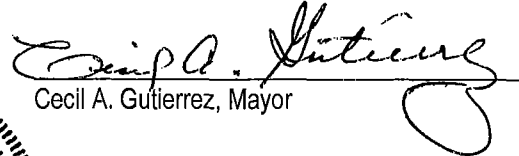
Duval explained that Council had directed him to negotiate with the Reporter-Herald on the settlement.

ADJOURNMENT

Having no further business to come before Council, the July 19, 2011 Regular Meeting was adjourned at 8:33 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

