

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, Johnson, Solt, Shaffer, McEwen and Rice.

PRESENTATION Mayor Gutierrez presented the Distinguished Budget Presentation Award (2011 Budget) to the City of Loveland. Budget Officer John Hartman accepted the award.

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 Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

- 1. MINUTES**
- a) Minutes for the July 26, 2011 study session were approved.
 - b) Minutes for the August 2, 2011 regular meeting were approved.

2. CITY MANAGER
Board & Commission Appointments

Motion Administrative Action: A motion recommending the following appointments was approved:
Cultural Services Board: Teresa Mueller was appointed a partial term effective until December 31, 2012.
Transportation Advisory Board: Irene Fortune, Robert Massaro and David Martinez were appointed to three year terms effective until June 30, 2014.

3. PUBLIC WORKS
Supplemental Appropriation – School Crossing Guard
Ordinance #5617 Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A NEW SCHOOL CROSSING GUARD AT 29TH STREET AND MADISON AVENUE" was approved and ordered published on second reading.

4. INFORMATION TECHNOLOGY

Dissolve Communications Technologies Commission

Ordinance #5618

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 2.60.070 TO DISSOLVE THE COMMUNICATIONS TECHNOLOGIES COMMISSION" was approved and ordered published on second reading.

5. DEVELOPMENT SERVICES

Municipal Code Amendment Regarding Affordable Housing

Ordinance #5619

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 16.08.010, SECTION 16.38.085, AND CHAPTER 16.43 REGARDING AFFORDABLE HOUSING" was approved and ordered published on second reading.

6. CITY CLERK

Election Agreement with Larimer County

Resolution #R-49-2011

Administrative Action: Resolution #R-49-2011 approving and authorizing the execution of an agreement between the City of Loveland and the Larimer County Clerk and Recorder concerning the coordinated mail ballot election to be held on November 1, 2001 was approved.

RESOLUTION #R-49-2011

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE LARIMER COUNTY CLERK AND RECORDER CONCERNING THE COORDINATED MAIL BALLOT ELECTION TO BE HELD ON NOVEMBER 1, 2011

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

WHEREAS, on July 19, 2011, the City Council adopted on second reading Ordinance No. 5612 authorizing that the City's November 1, 2011, regular municipal election be governed by the Colorado Uniform Election Code of 1992 to the extent necessary in order to conduct the election as a coordinated election with the County Clerk held on November 1, 2011; and

WHEREAS, C.R.S. §1-7-116(2) of the Uniform Election Code provides that when the County Clerk is conducting a coordinated election with a municipality, the County Clerk is required to enter into an agreement with that municipality concerning the conduct of that election; and

WHEREAS, the County Clerk has presented to the City an "Intergovernmental Agreement For Coordinated Election," dated July 21, 2011, a copy of which is attached hereto as Exhibit "A" and incorporated by reference ("the Election Agreement"); and

WHEREAS, in order for the City to participate in the coordinated election with the County Clerk, it is therefore necessary for the City to enter into the Election Agreement.

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

Section 1. The Election Agreement is hereby approved and the Mayor is authorized to enter into it on behalf of the City.

Section 2. The City Clerk shall comply with the provisions of the Election Agreement and shall act as the City's designated local election official in all matters related to the November 1, 2011, regular municipal election. The City Clerk shall also comply with the applicable provisions of the City Charter, of the Municipal Election Code of 1965 and, to the extent required by Ordinance No. 5612, with the applicable provisions of the Uniform Election Code of 1992 in conducting the November 1, 2011, regular municipal election as a coordinated mail ballot election with the County Clerk.

Section 3. This Resolution shall go into effect as of the date of its adoption.

SIGNED this 16th day of August, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

7. DEVELOPMENT SERVICES

Supplemental Appropriation – Donations to Historic Preservation Commission

1st Rdg Ord & P.H. Staff requested this item be removed from the agenda. This item was not considered

8. DEVELOPMENT SERVICES

Easement Vacation – West Industrial Addition (Cardinal Glass)

1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE VACATING A PORTION OF CERTAIN WATER MAIN OR PIPELINE EASEMENTS LOCATED ON LOT 1, BLOCK 1, OF THE REPLAT OF LOTS 1, 4, 5, 6, AND 7, BLOCK 1 OF THE WEST INDUSTRIAL ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

9. FINANCE

Contract Amendment – Asplundh Tree Experts

Motion Administrative Action: A motion to approve a contract change in the amount of \$250,000 to the Asplundh Tree Experts Company contract for 2011, bringing the total not to exceed \$600,000 and authorizing the City Manager to execute the contract change was approved.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

b) Business from Council

Shaffer

Councilor Shaffer mentioned the State Rail Plan will be discussed at the September North Colorado Metropolitan Planning Organization.

Johnson

Councilor Johnson asked about the purchase agreement with United Properties. Discussion regarding financial statements and the signed contractual letter as well as environmental aspects of the purchase were signed off and no problems were reported. Staff is prepared to move on the creation of a Urban Renewal Authority and are having a valuation of the property conducted this fall.

Klassen

Councilor Klassen commended the volunteers and various boards and committees involved with the Loveland Sculpture Show for a job well done. He also stated all communications since to Council must include contact information from the sender or they will be discarded and not considered.

Gutierrez

Mayor Gutierrez reminded Council of the Business Appreciation breakfast on Wednesday, August 17 at 7:00 am. He also commented favorably on the car show held over the weekend at The Ranch.

c) City Manager Report

City Manager Cahill announced, effective August 17, 2011, the formation of the Economic Development Department with Betsey Hale as Director. The department is comprised of the following positions: senior planner, business development specialist, economic development research specialist and administrative support. Members of the Economic Development Department will staff the City Council Economic Development Subcommittee, Community Marketing Commission, Creative Sector Development Advisory Board and the Loveland Downtown Team.

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. FIRE & RESCUE

Agreement to Create Loveland Fire Rescue Authority

Resolution #R-50-2010

Administrative Action: Fire Chief Randy Mirowski introduced this item to Council. The fire authority will be established with an intergovernmental agreement (IGA), creating a partnership between the City of Loveland and the Loveland Rural Fire Protection District, to provide all fire and rescue services to the citizens living within the boundary lines of both the City and the Rural District. The IGA is the legal document that will be used for implementation of the fire authority. The Mayor allowed public comment beginning at 7:20 p.m. Paul Bennett, 3326 SCR 29, spoke about the Rural Fire Protection District and issues with fire/homeowner insurance in his area. Fire Chief Mirowski will investigate the issue. The Mayor closed the public comment at 7:35 p.m. Councilor Johnson made a motion to adopt Resolution #R-50-2011 approving an Intergovernmental Agreement between the City of Loveland and the Loveland Rural Fire Protection District creating the Loveland Fire Rescue Authority. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION # R-50-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING THE LOVELAND FIRE RESCUE AUTHORITY

WHEREAS, the City of Loveland, a Colorado home rule municipality, (the "City") and the Loveland Rural Fire Protection District, a special district, (the "District") are duly organized and existing in accordance with Colorado law as governmental entities; and

WHEREAS, since 1950, the District and the City (jointly, the "Parties), through the City's Fire and Rescue Department, have provided fire and emergency services to the District through a series of agreements between the Parties, the last being the Parties' Intergovernmental Agreement dated December 6, 2006 (the "2006 IGA"); and

WHEREAS, under the 2006 IGA and previous agreements between the Parties, the District has provided fire apparatus, equipment and supplies to the City for use by the City's Fire and Rescue Department to provide fire and emergency services both within the boundaries of the District and the City; and

WHEREAS, in furtherance of the Parties' efforts to improve fire and emergency services, the Parties have engaged in a two and one half year review of such services and concluded that a fire authority has great potential to enhance fire and emergency services for the community by improving administrative, strategic and operational planning for fire and rescue operations; and

WHEREAS, the City Council finds that is in the best interests of the City and of Loveland's citizens to enter into the "Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity between the City and the District", attached hereto as Exhibit A and incorporated by reference (the

"Agreement"), to form a separate governmental entity to be known as the Loveland Fire Rescue Authority to provide fire and emergency services within the Parties' respective jurisdictional limits beginning on January 1, 2012; and

WHEREAS, the City and the District each have the legal authority to enter into this Agreement pursuant to C.R.S. § 29-1-203(1) since each is lawfully authorized to provide fire and emergency services within their respective jurisdictions and, therefore, the Parties have the legal authority under C.R.S. § 29-1-203(4) to enter into the Agreement and establish the Loveland Fire Rescue Authority as a separate governmental entity; and

WHEREAS, on August 3, 2011, the Loveland Rural Fire Protection District Board approved the Agreement.

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

Section 1. That the Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized and directed to enter into the Agreement on behalf of the City, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 16th day of August, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

11. FINANCE

Ballot Measure for November 1, 2011 Election

Ordinance #5620

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action to refer a ballot measure to allow the City to retain revenue in excess of the TABOR (State Constitutional Amendment) revenue limits beginning January 2013. The Mayor allowed public comment beginning at 7:39 p.m. Neil Spooner, 633 Harrison Ave, spoke in support of the ordinance if a ten year sunset provision was added. Debra Elliot, 2343 Albany Ave, spoke in support of the ordinance if a ten year sunset provision was added. Jennifer Travis, Ward 4, questioned the support of the ordinance unless it included a sunset provision. She stated, as a member of the Citizens' Finance Advisory Commission, that CFAC supported adding a sunset provision. Councilor Johnson made a motion to approve and ordered published on second reading the ordinance as submitted this evening by City Attorney John Duval, "AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LOVELAND AT THE CITY'S REGULAR ELECTION TO BE HELD ON NOVEMBER 1, 2011, THE BALLOT ISSUE OF WHETHER, WITHOUT CREATING ANY NEW TAX OR INCREASING THE RATE OF ANY EXISTING TAX, THE CITY OF LOVELAND SHALL BE PERMITTED, BEGINNING IN 2013 AND EACH YEAR THEREAFTER, TO COLLECT, RETAIN AND SPEND ALL CITY REVENUES IN EXCESS OF THE SPENDING, REVENUE AND OTHER LIMITATIONS IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION TO BE USED FOR POLICE AND FIRE, STREET CONSTRUCTION AND MAINTENANCE, AND PARKS CONSTRUCTION AND MAINTENANCE" with the following amendments: 1) where the ordinance refers to a ten-year period; a twelve-year period should be substituted 2) where the ordinance refers to December 31, 2022; December 31, 2024 should be substituted. Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Gutierrez, Shaffer, Solt and Johnson voting against. The motion passed.

12. POLICE

Agreement for Shared Cost of Northern Regional Lab Group Facility

Resolution #R-51-2011

Administrative Action: Police Chief Luke Hecker introduced this item. This is an administrative action to consider adoption of an intergovernmental agreement by City Council to share equally with other members of the Northern Regional Lab Group (NRLG) in the payment of the operation and maintenance costs of the planned facility (to be constructed or purchased) that will house various forensic services provided by NRLG members and the Colorado Bureau of Investigation. The annual costs for operation and maintenance of the facility are estimated to be approximately fifty-five to seventy thousand (\$55,000.00 - \$70,000.00) per NRLG member. Councilor Johnson made a motion to adopt Resolution #R-51-2011 approving an intergovernmental agreement for the shared use of a Weld County stand-alone facility that will act as a host facility for the Northern Regional Lab Group with direction to the City Attorney, that if given the opportunity a clarification to Section VI.B be provided that addresses the disposition of funds "paid during the time of its absence from the Agreement". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION # R-51-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE SHARED USE OF A WELD COUNTY STAND-ALONE FACILITY THAT WILL ACT AS A HOST FACILITY FOR THE NORTHERN REGIONAL LAB GROUP

WHEREAS, the City of Loveland, a home rule municipality (the "City"), the City of Greeley, a home rule municipality, the City of Fort Collins, a home rule municipality, the Board of County Commissioners of Larimer County, on behalf of the Larimer County Sheriff's Office and the 8th Judicial District Attorney's Office, and the Board of County Commissioners of Weld County on behalf of the Weld County Sheriff's Office and the 19th Judicial District Attorney's Office (collectively referred to herein as the "Parties" or the "Northern Regional Lab Group") are political subdivisions of the State of Colorado duly organized and existing in accordance with Colorado law; and

WHEREAS, in approximately November of 2008 the Parties entered in to an intergovernmental agreement, entitled "Intergovernmental Agreement Regarding Shared Facilities and Forensic Operating Guidelines of the Northern Regional Lab Group" to work cooperatively to promote improved identification, collection, timeliness, quality, accuracy, consistency, court delivery and cost effectiveness of forensic services to the northern region of Colorado by pooling resources, information, expertise, equipment and money among the Parties; and

WHEREAS, since that time the Board of County Commissioners of Weld County ("Weld County") in cooperation with the other members of the Northern Regional Lab Group (the "NRLG") has sought to purchase or build a stand-alone facility that would act as a host facility for the NRLG and allow the NRLG to bring together in one location the various forensic disciplines among the Parties that currently are spread throughout various northern Colorado law enforcement agencies; and

WHEREAS, on August 17, 2010, in anticipation of a potential purchase by Weld County of a building or of land and the construction of a building for a regional forensics lab, the City Council adopted Resolution #R-41-2010, that expressed the City's intent to share equally with other NRLG members in the payment of annual costs for the operation and maintenance of a host facility for the NRLG; and

WHEREAS, the City Council finds the City's participation in the NRLG and sharing of operation and maintenance costs of a stand-alone facility for the NRLG's forensic services is a worthy endeavor and in the best interests of the City and its citizens; and

WHEREAS, the City Council further finds that it is in the best interests of the City and its citizens to enter into the "Intergovernmental Agreement Regarding a Stand-Alone Facility for Forensic Disciplines for the Northern Regional Lab Group," attached hereto as Exhibit A and incorporated by reference (the "Agreement") in anticipation of Weld County moving forward with its commitment to purchase or construct a facility to host the NRLG's forensic services; and

WHEREAS, pursuant to C.R.S. § 29-1-203(1), the Parties are authorized to cooperate with one another to provide any function or service lawfully authorized to each and are therefore each authorized under C.R.S. § 29-1-203(1) to enter into the Agreement.

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

Section 1. That the Agreement is hereby approved.

Section 2. That the City Manager is hereby authorized and directed to enter into the Agreement on behalf of the City, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 11th day of August, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

13. DEVELOPMENT SERVICES

Purchase and Remediation of Leslie-The-Cleaner Property

1st Rdg Ord & P.H.

Administrative Action: City Planner Mike Scholl introduced this item to Council. Also present was City staff member Tracy Turner-Naranjo. This was a public hearing to consider an administrative action to adopt an ordinance on first reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the purchase and remediation of the Leslie-the-Cleaner property located at 301 N. Lincoln Avenue. The Mayor opened the public hearing at 9:09 p.m. and hearing no comments closed the hearing at 9:09 p.m. Councilor Johnson move to approve and ordered published on first reading "AN ORDINANCE ON FIRST READING ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE PURCHASE AND REMEDIATION OF THE LESLIE-THE-CLEANER PROPERTY LOCATED AT 301 N. LINCOLN AVENUE". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

14. DEVELOPMENT SERVICES

Amendments to Project Areas of Downtown and Lincoln Place Urban Renewal Authorities

Motion


Administrative Action: City Planner Mike Scholl introduced this item to Council. Kevin Brinkman was also present. This is an administrative action. To facilitate the North Catalyst Project public/private partnership with the Brinkman Partners, staff is will be requesting some amendments to the Downtown Urban Renewal Authority (URA) project area and the Finley's Block (Lincoln Place URA) project area. Specifically, staff is requesting that three parcels be added to the Lincoln Place URA including the North Catalyst project site, the existing museum and the proposed museum expansion site. The major modification of adding the parcels to the Lincoln Place URA will require a blight study. No blight study is required for the minor modification of removing the three parcels from the Downtown Urban Renewal Authority. The following options for the project were discussed: 1) make the proposed changes in the URAs and leverage the gains to repay the CEFs and for additional improvements; 2) Use Council Reserve or other funds 3) Do not do the project. Councilor Shaffer noted offices located adjacent to the property are rentals, including her office, but there is no conflict. Staff will communicate Council action to affected taxing entities such as the School District and Larimer County. Councilor Johnson move to direct staff to take the necessary actions to amend the Urban Renewal Authority to facilitate the North Catalyst Project including securing a blight study and developing the necessary financing for the public improvements and to repay the Museum CEFs. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

ADJOURNMENT

Having no further business to come before Council, the August 16, 2011
Regular Meeting was adjourned at 9:57 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

