

**LOVELAND CITY COUNCIL MEETING
GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS
TUESDAY, SEPTEMBER 20, 2011
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING SEPTEMBER 17 THROUGH 23, 2011 AS "CONSTITUTION WEEK"

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

- 1. MINUTES
CONSIDERATION OF MINUTES FOR:
a) September 6, 2011 Regular Meeting**

- 2. DEVELOPMENT SERVICES
MUNICIPAL CODE AMENDMENT - TITLE 18 TEMPORARY & MINOR EXEMPT SIGNS
Consideration on second reading of an ordinance amending Title 18 of the Loveland Municipal Code by amending Chapter 18.50 regarding temporary signs, exempt signs, project marketing signs and enforcement**

Consideration of a legislative action to adopt an ordinance on second reading amending Title 18 relating to various sign provisions. On September 6, 2011, City Council unanimously adopted the ordinance on first reading.

3. **DEVELOPMENT SERVICES**

EASEMENT VACATION CIVIC CENTER CAMPUS

Consideration on second reading of an ordinance vacating the exclusive utility easement located on portions of Lot 2, Block 1, and Lot 1, Block 1, Civic Center Second Subdivision, City of Loveland, Larimer County, Colorado

A legislative action to consider an ordinance on second reading vacating portions of a utility easement within the Civic Center Campus on Lots 1 and 2, Block 1 Civic Center Second Subdivision. The applicant is the City of Loveland Parks and Recreation Department. On September 6, 2011, City Council unanimously adopted the ordinance on first reading.

4. **DEVELOPMENT SERVICES**

SUPPLEMENTAL APPROPRIATION HISTORIC PRESERVATION OUTREACH AND EDUCATION

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for Historic Preservation Outreach and Public Education

An administrative action to consider approval on second reading of an ordinance to appropriate funding from donations received in 2010 for historic preservation outreach and public education. The total funding is from donations received by the Historic Preservation Commission from the Loveland Historical Society in September of 2010. On September 6, 2011, City Council unanimously adopted the ordinance on first reading.

5. **DEVELOPMENT SERVICES**

HISTORIC DESIGNATION LARIMER COUNTY BANK BUILDING

Consideration on second reading of an ordinance of the City Council designating as a historic landmark the Larimer County Bank Building located at 247 East Fourth Street in Loveland, Colorado

This is a legislative action to consider approval on second reading of an ordinance to designate as a Historic Landmark the "Larimer County Bank Building" at 247 East 4th Street. The property would be designated a Historic Landmark under Section 15.56 of the Municipal Code. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation. On September 6, 2011, City Council unanimously adopted the ordinance on first reading.

6. **PUBLIC WORKS**

SUPPLEMENTAL APPROPRIATION – CDOT SAFE ROUTES TO SCHOOL GRANT

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the installation of 7th Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements

This is an administrative action to consider on second reading an ordinance to appropriate Federal Safe Routes to School (SRTS) funds for the installation of 7th Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements. The project is funded from grant funds and City funds. The source of City funds is the approved 2011 budget for the Transportation Capital Program. The Ordinance was approved unanimously on first reading at the September 6, 2011 City Council Meeting.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

**7. PUBLIC WORKS
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION – TRAFFIC SIGNAL & LIGHTING UPGRADES

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland General Improvement District #1 for traffic signal pole and arm upgrades

This is an administrative action for consideration of an ordinance on first reading. The ordinance appropriates reserved funds not appropriated at the time of adoption of the General Improvement District #1 budget for 2011 for traffic signal pole, arm and street lighting upgrades at Cleveland Avenue (US 287) and 4th Street. The funds will provide decorative signal pole bases, luminaire arms and LED lighting in concert with the recent Downtown plan. This funding request and appropriation is for \$11,000. The request appropriates funding from reserved funds within the General Improvement District #1 fund.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE GENERAL IMPROVEMENT DISTRICT #1 AND RECONVENE AS CITY COUNCIL

**8. CITY MANAGER & HUMAN RESOURCES
SETTING SPECIAL COUNCIL MEETING DATES**

Consideration of a motion to set special meetings dates for September 27, September 28, and October 5, 2011

This is an administrative action requesting City Council call special meetings on the following dates: September 27, 2011 for the purpose of discussing and considering any necessary actions regarding matters related to the ACE Manufacturing and Innovation Park and September 28 and October 5, 2011 for the purpose of holding Executive Sessions to finalize the evaluation process and to conduct evaluations with Council appointed Staff.

**9. DEVELOPMENT SERVICES
PUBLIC HEARING**

EASEMENT VACATION MCKEE MEADOWS 9TH SUBDIVISION (LIQUOR MAX)

Consideration on first reading of an ordinance vacating a portion of a utility and drainage easement on Lot 2, Block 1, amended plat of Lots 1 & 2, Block 1, of the amended plat of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision

A public hearing and legislative action to consider an ordinance on first reading vacating a 1,295 square foot portion of a utility and drainage easement located in Lot 2, Block 1, Amended Plat of Lots 1 & 2, Block 1, of the Amended Plat of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision. The applicant is Hal Rogers, the owner of the subject property.

**10. DEVELOPMENT SERVICES
PUBLIC HEARING**

ANNEXATION AGREEMENT AMENDMENT OZZIE'S FIRST ADDITION (HABITAT FOR HUMANITY RESTORE)

Consideration on first reading of an ordinance of the City Council of the City of Loveland, Colorado approving an amendment to the annexation agreement for certain property located within the Ozzie's First Addition, City of Loveland, County of Larimer, Colorado

A public hearing and consideration of a legislative action for adoption of an ordinance on first reading to amend the Ozzie's First Addition Annexation Agreement. The agreement pertains to the Loveland Habitat for Humanity Restore located at 5250 N. Garfield Avenue. The

property is approximately 2.16 acres in size and zoned B – Developing Business. The owner of the property is Loveland Habitat for Humanity, Inc.

11. **DEVELOPMENT SERVICES**

PUBLIC HEARING

EASEMENT VACATION WINDEMERE 1ST SUBDIVISION

Consideration on first reading of an ordinance vacating a portion of a utility and drainage easement on Lot 7, Block 2, Windemere First Subdivision

A public hearing to consider a legislative action to adopt an ordinance, on first reading, vacating a portion of a utility and drainage easement on Lot 7, Block 2, Windemere 1st Subdivision, aka 2629 West 28th Street.

12. **FINANCE**

PUBLIC HEARING DATE FOR 2012 RECOMMENDED BUDGET

Consideration of Resolution #R-54-2011 establishing a date, time, and place for a public hearing on the 2012 Recommended Budget for the City of Loveland, Colorado

This is an administrative action. The resolution sets the date for the public hearing for October 4, 2011.

13. **ECONOMIC DEVELOPMENT**

AMENDMENT ONE TO FEE DEFERRAL AGREEMENT

Consideration of Resolution #R-55-2011 approving Amendment Number One to Fee Deferral Agreement

This is an administrative action to consider a resolution approving an amendment to a fee deferral agreement approved by Council in 2006. Pine Hill Partners, LLLP, has requested that in consideration of a payment of \$5,000.00 on or before November 1, 2011, the payment date for capital expansion fees and building permit fees which were deferred until October 31, 2011 under the Deferral Agreement be extended until November 1, 2014. Deferred capital expansion fees and building permit fees will be reduced by City sales tax from the Eslan Park Event Center collected and paid to the City through November 1, 2014.

14. **ECONOMIC DEVELOPMENT**

HOLDING COSTS FOR ACE PARK CAMPUS

This is an information only item. The City purchased the former Agilent Technologies campus on June 23, 2011. At that time, funding was appropriated to cover two months of holding costs for the operations of the site. City staff is conservatively estimating the City may own the property until April of 2012. Staff is estimating total holding costs for 8 months to be \$490,000.00. Because the incentive fund is currently appropriated, the only new funding not currently appropriated is \$245,000 for the January to April 2012 time frame. This funding will be incorporated into the 2012 Budget.

15. **CITY MANAGER**

AMENDING MEETING DATES OF LOVELAND BOARD OF RETIREMENT

Consideration of Resolution #R-56-2011 amending the scheduled meeting dates of the City of Loveland Board of Retirement

This is an administrative action to change the meeting dates of the City of Loveland Board of Retirement from the fourth Thursday of January, April, July and October of each calendar year to the second Thursday of February, May, August and November of each calendar year.

16. CITY MANAGER

CONSOLIDATED FIREMEN'S PENSION FUND - MEMBER COMPOSITION CHANGE

Consideration of Resolution #R-57-2011 to amend the 1966 Intergovernmental Agreement between the City of Loveland and the Loveland Rural Fire Protection District to modify the composition of the Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and to set attendance requirements

This is an administrative action to modify the board composition of the Consolidated Firemen's Pension Fund of Loveland and the Rural District (the "Consolidated Pension Fund"), effective January 1, 2012, to reflect the reality of fewer volunteer firefighters being available to serve on the board, the lack of any formal volunteer firefighter organization to designate representatives to the board, and the need to assure participation by board members. The proposed composition of the board is as follows: three representatives appointed by City Council with preference for a volunteer firefighter in one position, three representatives appointed by the Loveland Rural Fire Protection District ("LRFPD") with preference for a volunteer firefighter in one position, and one representative appointed by the sitting members of the board with a preference for a volunteer firefighter.

17. CULTURAL SERVICES

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – MUSEUM PROGRAMS AND EXHIBITS

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for Museum programs and exhibits

This is an administrative action. Donations received by the Department are appropriated for programs and exhibit expenses. The appropriation is totally funded by donations received from outside entities. Total donation amount is \$49,910.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

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

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

18. DEVELOPMENT SERVICES

PUBLIC HEARING

MUNICIPAL CODE AMENDMENT – TITLE 18 SMALL WIND ENERGY SYSTEMS

Consideration on first reading of an ordinance amending Title 18 of the Loveland Municipal Code regarding regulation and zoning of small wind energy systems

A public hearing to consider a legislative action to adopt an ordinance, on first reading, to add provisions to Title 18 of the Municipal Code to allow Small Wind Energy Systems (small wind turbines) on residential properties, and establish standards and procedures for City review and approval of such devices.

19. CITY MANAGER (no packet materials)

A report, as needed, from the Economic Development Director and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

ADJOURN