

**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.

**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.

**CONSENSUS OF COUNCIL** Mayor Gutierrez announced Items 18 & 19 will not be considered. Please direct any questions about the August 2011 Financial Report to Renee Wheeler and questions about the August 2011 Investment Report to Alan Krcmark.

**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 McKean asked for Item 11 to be removed from the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 11. 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 September 13, 2011 study session were approved.
- b) Minutes for the September 20, 2011 regular meeting were approved.

**2. DEVELOPMENT SERVICES**

**Annexation Agreement Amendment Ozzie's First Addition (Habitat for Humanity Restore)**

**Ordinance #5628**

Legislative Action: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN OZZIE'S FIRST ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO" was approved and ordered published on second reading.

**3. DEVELOPMENT SERVICES**

**Easement Vacation Windemere 1<sup>st</sup> Subdivision**

**Ordinance #5629**

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 7, BLOCK 2, WINDEMERE FIRST SUBDIVISION" was approved and ordered published on second reading.

#### **4. DEVELOPMENT SERVICES**

##### **Easement Vacation McKee Meadows 9<sup>th</sup> Subdivision (Liquor Max)**

**Ordinance #5630**

Legislative Action: "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" was approved and ordered published on second reading.

#### **5. CULTURAL SERVICES**

##### **Supplemental Appropriation – Museum Programs and Exhibits**

**Ordinance #5631**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR MUSEUM PROGRAMS AND EXHIBITS" was approved and ordered published on second reading.

City Council adjourned and convened as the Board of Directors for the Loveland General Improvement District #1 (GID).

#### **6. PUBLIC WORKS**

##### **Supplemental Appropriation – Traffic Signal & Lighting Upgrades**

**Ordinance #5632**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 FOR TRAFFIC SIGNAL POLE AND ARM UPGRADES" was approved and ordered published on second reading.

The Board of Directors for the General Improvement District #1 adjourned and reconvened as City Council.

#### **7. PUBLIC WORKS**

##### **U.S. 287 and Garfield Avenue Signal Replacement – CDOT Grant**

a) **Resolution #R-58-2011**

Administrative Action: Resolution #R-58-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Department of Transportation, for U.S. 287 and Garfield Avenue signal replacement was approved.

##### **RESOLUTION #R-58-2011**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, FOR U.S. 287 AND GARFIELD AVENUE SIGNAL REPLACEMENT

WHEREAS, the City of Loveland desires to the replace the traffic signal at the intersection of U.S. 287 and Garfield Avenue on the State Highway System in Loveland (the "Project"), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting by and through the Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$301,000, and state funds are available for the Project in the amount of \$33,444 (for a total of \$334,444); and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by reference (the "Intergovernmental Agreement"), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- b) **1<sup>st</sup> 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 SIGNAL REPLACEMENT AT THE US 287 AND GARFIELD AVENUE INTERSECTION" was approved and ordered published on first reading.

## **8. PUBLIC WORKS**

### **Supplemental Appropriation – Safe Routes to School Program**

**1<sup>st</sup> 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 THE SAFE ROUTES TO SCHOOL PROGRAM" was approved and ordered published on first reading.

## **9. PUBLIC WORKS**

### **Supplemental Appropriation – Installation of Traffic Signals at I-25 & US34**

**1<sup>st</sup> 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 MANAGEMENT OF THE INSTALLATION OF THE I-25 AND U.S. 34 TRAFFIC SIGNALS" was approved and ordered published on first reading.

## **10. PARKS & RECREATION**

### **Dryland Farm Lease Agreement**

**Resolution #R-59-2011**

Administrative Action: Resolution #R-59-2011 approving a Dryland Farm Lease on Sauer Open Lands Property was approved.

#### **RESOLUTION #R-59-2011**

A RESOLUTION APPROVING A DRYLAND FARM LEASE ON SAUER OPEN LANDS PROPERTY

WHEREAS, the City of Loveland and the City of Fort Collins (the "Owners") own approximately 785 acres of land between Loveland and Fort Collins in May 2000 known as the Sauer Farm (the "Property"); and

WHEREAS, the Owners entered into an Intergovernmental Agreement ("IGA") dated March 22, 2000, regarding their joint ownership of the Property and related rights and responsibilities thereto; and

WHEREAS, the IGA provided that the Owners would use their best efforts to negotiate a lease with Tenant for farming the Property; and

WHEREAS, the IGA further provided that the City of Loveland (the "Managing Entity") was responsible for the management of the Property; and

WHEREAS, the Owners have in previous years entered into a Dryland Farm Lease with Tenant; and

WHEREAS, the City of Loveland desires to enter into a new lease agreement with Tenant for dryland farming of the Property, which is attached hereto as Exhibit A and incorporated herein by reference.

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

Section 1. That the Dryland Farm Lease attached hereto and incorporated herein as Exhibit A is hereby approved.

Section 2. That the Mayor is hereby authorized and directed to enter into the Dryland Farm Lease, subject to such modifications in form or substance as the Mayor, 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 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **11. PUBLIC WORKS**

### **Support for North I-25 Final Environmental Impact Statement**

**Resolution #R-60-2011** This item was pulled from the consent agenda.

## **12. FINANCE**

### **Fund Balance Policy**

**Resolution #R-61-2011**

Administrative Action: Resolution #R-61-2011 adopting a policy establishing minimum fund balances for various City of Loveland Governmental and Enterprise Funds was approved.

#### **RESOLUTION #R-61-2011**

**A RESOLUTION ADOPTING A POLICY ESTABLISHING MINIMUM FUND BALANCES FOR VARIOUS CITY OF LOVELAND GOVERNMENTAL AND ENTERPRISE FUNDS**

WHEREAS, in the early 2000's the Citizen Finance Advisory Commission recommended that the City retain 6% of the General Fund revenue for an economic downturn; and

WHEREAS, although no policy was formally adopted, the City has included a 6% reserve in every General Fund financial master plan since that time; and

WHEREAS, it has not been necessary to appropriate the 6% reserve, notwithstanding severe economic conditions; and

WHEREAS, the City Council desires to adopt a method of establishing appropriate minimum fund balances based on a percentage of expenditures consistent with best practices in the governmental financial management industry for the City's various governmental and enterprise funds to protect against unanticipated events that may adversely affect the financial condition of the City and jeopardize the continuation of necessary public services.

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

Section 1. That the Fund Balance Policy attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and adopted, to be implemented with the 2012 Budget and continuing thereafter for each subsequent budget year.

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A

## **END OF CONSENT AGENDA**

## **CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

### **CITY COUNCIL**

a) Citizens' Reports None

b) Business from Council

Rice

Staff will look into the new signs at McDonalds in response to Councilor Rice's inquiry. Councilor Rice mentioned an upcoming Philosophy Class open to the public to be held at

the Library. Public Works Director Keith Reester addressed the matter of the trees in the median of US Highway 34 by Kohl's.

- Johnson Councilor Johnson complimented all those involved with the 2011 Governor's Colorado Tourism Conference. The Benson Sculpture party on Thursday was especially well received. The Community Marketing Commission will be moving their meeting date to the third Wednesday of the month.
- Solt Councilor Solt announced Loveland's Habitat for Humanity built their 100<sup>th</sup> home in Loveland and held a celebration of the event on September 24<sup>th</sup>. Staff was directed to prepare a report for Council on the amount of fees and other funds waived by the City in support of the homes built by Habitat.
- Shaffer Councilor Shaffer stated the Candidate Forum held Monday, October 3<sup>rd</sup> was available for viewing on Comcast Channel 16.
- Gutierrez Mayor Gutierrez attended the Cajun Boil fundraiser for the Community Kitchen, a grand opening and ribbon cutting ceremony for the new Loveland Campus of Regis University at 1605 Foxtrail Drive and the Northern Colorado Real Estate Conference that highlighted multi-family housing as one area of positive activity in the region.

c) City Manager Report

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. PUBLIC WORKS**

##### **Support for North I-25 Final Environmental Impact Statement**

##### **Resolution #R-60-2011**

Administrative Action: Public Works Director Keith Reester introduced this item to Council. This is an administrative action to adopt a resolution expressing support for the Final EIS released by the Federal Highway Administration and the Colorado Department of Transportation to examine improvements to the I-25 corridor from Denver to Wellington in northern Colorado. Councilor Johnson made a motion to approve Resolution #R-60-2011 of the City Council of the City of Loveland expressing support for the North I-25 Final Environmental Impact Statement. Councilor Heckel seconded the motion and a roll call vote was taken with eight councilors voting in favor and Councilor McKean voting against. The motion passed.

##### **RESOLUTION #R-60-2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND EXPRESSING SUPPORT FOR THE NORTH I-25 FINAL ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, in late 2003, the Federal Highway Administration and the Colorado Department of Transportation initiated an Environmental Impact Statement ("EIS") to examine improvements to the I-25 corridor from Denver to Wellington in northern Colorado; and

WHEREAS, the improvements are needed to provide modal alternatives, correct geometric deficiencies, improve safety, mobility, and accessibility, and replace aging and obsolete infrastructure; and

WHEREAS, the Final EIS identifies and evaluates impacts of multi-modal transportation improvements including three build alternatives and a No-Action Alternative, which provides a baseline for comparison; and

WHEREAS, the Preferred Alternative was developed based on public and agency comments on the Draft EIS and working with public agencies and elected officials through a collaborative decision making process; and

WHEREAS, the Preferred Alternative combines elements of the two build alternatives evaluated in the Draft EIS, and includes I-25 improvements (general purpose lanes, tolled express lanes, and interchange reconstruction), I-25 express bus, US 85 commuter bus, and commuter rail service; and

WHEREAS, the Preferred Alternative meets the project purpose and need and has public support; and

WHEREAS, the City of Loveland, as a participating local agency, has been involved in this process from the beginning and desires to express its support for the Final EIS.

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

Section 1. That the City Council of the City of Loveland hereby expresses its support for the North I-25 Final Environmental Impact Statement, a copy of which on file with the Loveland City Clerk's Office and is available at [www.coloradodot.info/projects/north-i-25-eis](http://www.coloradodot.info/projects/north-i-25-eis).

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

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

### **13. FINANCE**

#### **2012 Budget**

Administrative and Legislative Actions: Budget Officer John Hartman introduced this item to Council. This is an administrative action to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2012 Budget on First Reading. The adoption of the 2011 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2012 Budget. The Mayor opened the public hearing at 7:34 p.m. Bill Porter with Larimer Humane Society spoke in opposition to the 2012 budget because the budget for animal control was decreased. City Council will look at this item in 2012, mid-year. Mr. Porter was asked to provide statistical data to City Council on the types of calls received. Mr. Porter invited Council to the 13th Annual Top Cat & Tails Gala on October 21<sup>st</sup>. Ralph Trenary, chair of the Citizens' Financial Advisory Commission spoke in support of the recommended 2012 budget. Sheila Sharosko shared her concerns about allocating funds for the ponds at ACE Technology Park while decreasing funds for Larimer Humane Society. The Mayor closed the public hearing at 7:59 p.m.

#### **a) Resolution #R-62-2011**

Mayor Gutierrez expressed concern about the proposed fee for appeals to the Planning Commission and City Council. Councilor Johnson made a motion to approve Resolution #R-62-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the City of Loveland, other than services provided by the Water and Power Department and the Stormwater Enterprise, and superseding all prior Resolutions establishing such rates, charges and fees. Councilor Heckel seconded the motion and a roll call vote was taken with seven councilors present voting in favor and Mayor Gutierrez and Councilor Shaffer voting against. The motion passed.

#### **RESOLUTION #R-62-2011**

**A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE CITY OF LOVELAND, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES**

WHEREAS, Section 3.04.025 of the Loveland Municipal Code provides that the City Council shall, by resolution, fix the rates, charges, and fees to be collected by the City for goods and services provided by the City; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City, other than services provided by the Water and Power Department and the Stormwater Enterprise, in Resolution #R-51-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees said services to more accurately reflect the cost of providing said services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges and Fees," a copy of which is attached hereto as Exhibit A and Incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the City of Loveland, other than services provided by the Water and Power Department and the Stormwater Enterprise, and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-51-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-51-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**b) Resolution #R-63-2011**

Councilor Johnson made a motion to approve on first reading Resolution #R-63-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the Stormwater Enterprise of the City of Loveland and superseding all prior Resolutions establishing such rates, charges and fees. Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**RESOLUTION #R-63-2011**

A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE STORMWATER ENTERPRISE OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City's Stormwater Enterprise in Resolution #R-52-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Stormwater Enterprise to more accurately reflect the cost of providing such services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Stormwater Enterprise of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-52-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-52-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- c) Resolution #R-64-2011** Councilor Johnson made a motion to approve on first reading Resolution #R-64-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the Water and Power Department of the City of Loveland and superseding all prior Resolutions establishing such rates, charges and fees. Councilor McEwen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

#### RESOLUTION #R-64-2011

A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City's Water and Power Department in Resolution #R-53-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Water and Power Department to more accurately reflect the cost of providing said services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

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

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Water and Power Department of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-53-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-53-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on and after January 1, 2012 as provided herein.

Section 4. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- d) 1<sup>st</sup> Rdg Ord & P.H.** Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2011 MILL LEVY FOR THE GENERAL FUND OF THE CITY OF LOVELAND, COLORADO". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.
- e) 1<sup>st</sup> Rdg Ord & P.H.** Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING A 2012 PAY PLAN FOR CITY EMPLOYEES, AND



SUPERSEDING ALL PRIOR ORDINANCES ADOPTING SUCH A PAY PLAN". Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

f) 1<sup>st</sup> Rdg Ord & P.H.

Councilor Johnson made a motion to approve the revised ordinance and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE CITY OF LOVELAND, COLORADO" Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

g) 1<sup>st</sup> Rdg Ord & P.H.

Councilor Johnson made a motion to approve the revised ordinance and ordered published on first reading "AN ORDINANCE MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012 FOR THE CITY OF LOVELAND, COLORADO". Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

h) 1<sup>st</sup> Rdg Ord & P.H.

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE AMENDING SECTION 3.08.020 OF THE LOVELAND MUNICIPAL CODE REGARDING PLACEMENT OF GENERAL FUND TAX REVENUES IN A RESERVE ACCOUNT". Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

i) 1<sup>st</sup> Rdg Ord & P.H.

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE SUSPENDING ANNUAL INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO LOVELAND MUNICIPAL CODE SECTION 16.38.110 FOR 2012". Councilor Klassen seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Mayor Gutierrez and Councilors Shaffer, Solt and McEwen voting against. The motion passed.

#### 14. FINANCE

##### **2012 Budget for the Loveland Special Improvement District #1**

##### **1<sup>st</sup> Rdg Ord & P.H.**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the City Council acts as the governing body for the District. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must have a budget approved by the City Council. The City of Loveland serves as staff for the District. The Mayor opened the public hearing at 8:41 p.m. and hearing no comments the Mayor closed the hearing at 8:41 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1". Councilor Klassen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

At 8:41 p.m., City Council adjourned and Convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

#### 15. FINANCE

##### **2012 Budget for the Loveland Urban Renewal Authority**

**1st Rdg Ord & P.H.**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes. The Mayor opened the public hearing at 8:42 p.m. and hearing no comments the Mayor closed the hearing at 8:42 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY". Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**At 8:43 p.m., the Board of Commissioners for the Loveland Urban Renewal Authority adjourned and Convened as the Board of Directors for the Loveland General Improvement District #1 (GID)**

**16. FINANCE**

**2012 Budget for the Loveland General Improvement District #1**

Administrative and Legislative Actions: Budget Officer John Hartman introduced this item to Council. The ordinance adopting the budget is an administrative action. The ordinance setting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. The Mayor opened the public hearing at 8:43 p.m. and hearing no comments the Mayor closed the hearing at 8:43 p.m.

**a) 1st Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**b) 1st Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE SETTING THE 2011 MILL LEVY FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof

**At 8:45 p.m., the Board of Directors for the General Improvement District #1 adjourned and reconvened as City Council**

**17. FINANCE**

**Airport Schedule of Rates, Charges & Fees and 2012 Budget**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. The Mayor opened the public hearing at 8:46 p.m. and hearing no comments the Mayor closed the hearing at 8:46 p.m.

**a) Resolution #R-65-2012**

Councilor Johnson made a motion to approve Resolution #R-65-2012 adopting the 2012 Schedule of Rates, Charges and Fees for the Fort Collins-Loveland Municipal Airport and superseding all prior Resolutions establishing such rates, charges and fees,

effective January 1, 2012. Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

RESOLUTION #R-65-2011

A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES AND FEES FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES AND FEES, EFFECTIVE JANUARY 1, 2012.

WHEREAS, the Intergovernmental Agreement (IGA) between the Cities of Loveland and Fort Collins related to ownership and operation of the Fort Collins-Loveland Municipal Airport (the "Airport") provides that the City of Loveland serves as the staff support for administrative services and the City has historically set the Airport rates, charges and fees; and

WHEREAS, the City Council last set rates, charges and fees for the Airport pursuant to Resolution #R-54-2010, for calendar year 2011;

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

Section 1. The 2012 Schedule of Rates, Charges and Fees for the Fort Collins-Loveland Municipal Airport is hereby adopted for services provided by the Airport on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council setting the rates, charges and fees now being set, including those set in Resolution #R-54-2010, except with respect to any fee there under remaining due and owing on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges and fees as set forth in Resolution #R-54-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. This Resolution shall take effect as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**b) 1<sup>st</sup> Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT". Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**18. FINANCE**

**August 2011 Financial Report**

This item was not heard by City Council. Questions should be directed questions to Renee Wheeler.

**19. CITY MANAGER'S OFFICE**

**Investment Report for August 2011**

This item was not heard by City Council. Questions should be directed to Alan Krcmarik.

**20. CITY MANAGER**

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

At 8:53 p.m., Councilor Johnson moved that City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (4)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation with CAMT and private developers concerning the ACE Park, including, without limitation, the City's sale of the Agilent property recently purchased by the City, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or

bargaining advantage; and related to these matters; to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

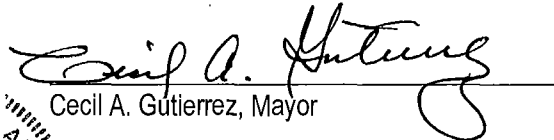
City Council reconvened at 9:51 p.m. Discussion ensued. Councilor Johnson moved that: (1) the City Manager be directed to proceed with negotiations with Cumberland & Western to enter into a thirty-day exclusive right to negotiate agreement for Cumberland & Western's potential purchase of the ACE Park property under a purchase agreement to be negotiated during the 30-day exclusivity period, the terms of which purchase agreement should be consistent with Cumberland & Western's proposal it submitted to the City in response to the RFP; (2) the City Manager be authorized to sign the exclusive right to negotiate agreement on behalf of the city provided it is only for a 30-day term and requires Cumberland & Western to deposit \$150,000 in escrow, but may contain such other terms and conditions as the City Manager determines, in consultation with the City Attorney, are in the City's best interest; and (3) that the City Manager be further directed to return to Council for its ordinance approval, any purchase agreement negotiated with Cumberland & Western. Councilor Klassen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof. City Manager Cahill stated CAMT supports City Council's decision of selecting Cumberland & Western. Jim Neenan of the Neenan Company thanked Council for their consideration of his proposal.

**ADJOURNMENT**

Having no further business to come before Council, the October 4, 2011 Regular Meeting was adjourned at 11:00 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor



**CALL TO ORDER**

Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 5:30 PM.

**ROLL CALL**

Roll was called and the following responded: McEwen, Solt, McKean, Shaffer, Johnson, Klassen, Rice and Gutierrez. Mayor Pro-Tem Heckel was absent.

**1. CITY MANAGER**

**Executive session for Staff Evaluations for City Manager Bill Cahill, Judge Starks and City Attorney John Duval**

At 5:37 p.m., Councilor Johnson moved for the City Council go into executive session, as authorized under CRS Sections 24-6-402(4)(f), (4)(b) and (4)(g) and City Charter Sections 4-4(c)(3), (c)(5) and (c)(6) to consider and discuss personnel matters, the Council's annual performance evaluations of the City Manager, Municipal Judge and City Attorney and, in connection with this purpose, to receive and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product, and to receive legal advice from the City Attorney. Councilor McEwen seconded the motion and a roll call vote was held with all councilors present voting in favor thereof. Council reconvened from Executive Session at 9:55 p.m.

**Motion**

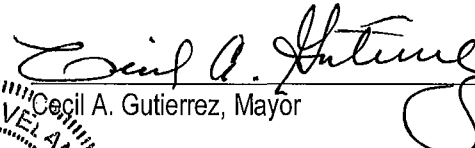
Councilor Johnson moved to give the City Manager and the City Attorney a 2% increase. The motion seconded by Councilor Klassen passed with all councilors present voting in favor thereof. Staff will bring Resolutions for council consideration implementing the 2% increase for the City Manager and the City Attorney, on November 1, 2011.

**ADJOURNMENT**

Having no further business to come before Council, the October 5, 2010 Special Meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

