

Mayor Protem Pielin called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM. Roll was called and the following responded: Brown, Clark, Dozier, Heckel, Pielin, Rousey, Skowron and Weak. Mayor Walsh was absent.

Minutes The Minutes for the January 3, 2006 Regular Meeting were approved as submitted. Councilor Skowron abstained from voting due to not being present at the January 3rd meeting.

CONSENT AGENDA Mayor Protem Pielin asked if anyone in the audience wished to speak on any of the items or public hearings listed on the Consent Agenda. Staff memorandum furnished in connection with items remaining on the Consent Agenda will be considered as the only evidence presented. A citizen from the audience pulled item #11 for discussion. Councilor Dozier moved to approve the consent agenda with the exception of item #11 and with the substituted Resolution for item #8 (this item allowed for two readings and only one is necessary). Councilor Rousey seconded the motion and a roll call vote was taken with all Councilors present voting yes.

Ord. #5033: Vacation
With Buck 4th PDP/PP

1. "AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT LOCATED WITHIN THE BOUNDARIES OF BUCK 1ST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered it published on second reading. The applicant is requesting the vacation to proceed with further review and platting of the Buck Fourth Subdivision.

Res. #R-2-2006: PH
Copper Ridge Addn.

2. The following Resolution was approved setting a public hearing date of February 21, 2006 to consider the annexation to be known as Copper Ridge Addition:

RESOLUTION #R-2-2006

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS COPPER RIDGE ADDITION, FILED AUGUST 31, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on August 31, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for February 21, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the 17th day of January, 2006.

EXHIBIT A

LEGAL DESCRIPTION COPPER RIDGE ADDITION

That portion of the Southwest Quarter of Section 26, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows;

Considering the South line of said Southwest Quarter as assumed to bear South 88°27'23" East and with all bearings contained herein relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 26, said point being the TRUE POINT OF BEGINNING; thence along the East line of said Southwest Quarter North 01°43'47" East 2635.59 feet to the Northeast corner of said Southwest Quarter; thence along the North line of said Southwest Quarter North 88°44'19" West 1704.34 feet to a point that is 50.00 feet East of and parallel to the centerline of the Burlington Northern Railroad; thence along a line that is 50.00 feet East of and parallel to said centerline the following four (4) courses and distances; South 27°39'14" East 2312.97 feet to the beginning of a spiral curve concave to the Southwest having a radial line in of South 62°20'46" West 61,176.66 feet and a radial line out of North 66°45'49" East 2157.82 feet, the long chord of which bears South 26°10'21" East 317.96 feet; thence Southeasterly along the arc of said curve 318.04 feet to the beginning of a simple curve concave to the Southwest, having a central angle of 09°05'04" and a radius of 2087.56 feet, the long chord of which bears South 18°41'39" East 330.65 feet; thence Southeasterly along the arc of said curve 330.99 feet to the beginning of a spiral curve concave to the Southwest having a radial line in of South 76°17'57" West 2157.82 feet and a radial line out of North 75°50'53" East 2157.82 feet, the long chord of which bears South 13°55'35" East 16.99 feet; thence Southeasterly along the arc of said curve 16.99 feet to a point on the South line of said Southwest Quarter; thence along said South line South 88°27'23" East 300.65 feet to the Southeast corner of said Southwest Quarter and the TRUE POINT OF BEGINNING.

The above described parcel contains 58.7 Acres, more or less, and is subject to all existing easements and/or rights of way of record.

Res. #R-3-2006: PH

Mountain Pacific Addn. 3. The following Resolution was approved setting a public hearing date of February 21, 2006 to consider the annexation to be known as Mountain Pacific Addition:

RESOLUTION #R-3-2006

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS MOUNTAIN PACIFIC ADDITION, FILED SEPTEMBER 4, 2003, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 4, 2003, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for February 21, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the day of January, 2006.

EXHIBIT A

LEGAL DESCRIPTION
MOUNTAIN PACIFIC ADDITION

Those portions of the Northwest Quarter of Section 25, Southwest Quarter of Section 24, and Southeast Quarter of Section 23, all in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°15'00" West and with all bearings contained herein relative thereto;

BEGINNING at the Northwest corner of the Northwest Quarter of said Section 25; thence along the Northerly and Easterly lines of the Longview-Midway Fourth Addition to the City of Loveland, Colorado South 89°02'12" West 50.00 feet; and again North 00°15'00" West 30.00 feet; thence along the Easterly prolongation of the Northerly right of way of West 71st Street as shown on the plat of said Longview-Midway Fourth Addition North 89°02'12" East 49.92 feet, more or less, to a point on the Westerly prolongation of the Northerly right of way of Larimer County Road 30; thence along said prolongation and said Northerly right of way South 89°50'41" East 1025.18 feet, more or less, to a point on the Northerly prolongation of the approximate centerline of the Loudon ditch as described at Reception Number 93002686, records of said County; thence departing said Northerly right of way and along said approximate centerline the following seven (7) courses and distances:

- 1) South 17°53'40" West 127.36 feet;
- 2) South 04°21'54" West 100.32 feet;
- 3) South 02°11'11" West 100.14 feet;
- 4) South 14°02'35" East 92.55 feet;
- 5) South 23°00'37" East 270.89 feet;
- 6) South 14°41'30" East 146.50 feet

to the beginning of a tangent curve concave to the Northwest having a central angle of 48°29'59" and a radius of 199.50 feet, the long chord of which bears South 09°33'30" West 163.88' feet; thence Southwesterly along the arc of said curve and said approximate centerline 168.87 feet; thence departing said approximate centerline and non-tangent from said curve North 89°50'41" West 1058.60 feet, more or less, to a point on the Easterly right of way of U.S. Highway No. 287; thence along said Easterly right of way South 00°15'00" East 1716.66 feet; thence departing said Easterly right of way North 89°28'17" West 50.00 feet, more or less, to the Southwest corner of the Northwest Quarter of said Section 25, said point also being the Southeast corner of said Longview-Midway Fourth Addition; thence along the West line of said Northwest Quarter and along the Easterly line of said Longview-Midway Fourth Addition North 00°15'00" West 2649.84 feet, more or less, to the Northwest corner of the Northwest Quarter of said Section 25, said point also being the TRUE POINT OF BEGINNING.

The above-described parcel contains 25.16 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Res. #R-4-2006: PH
Peakview Comm. Park

4. The following Resolution was approved setting a public hearing date of March 7, 2006 to consider the annexation to be known as Peakview Commercial Park Addition:

RESOLUTION #R-4-2006

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS PEAKVIEW COMMERCIAL PARK ADDITION, FILED OCTOBER 24, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on October 24, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for March 7, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the 17th day of January, 2006.

EXHIBIT A

LEGAL DESCRIPTION
PEAKVIEW COMMERCIAL PARK ADDITION

A parcel of land located in the Southeast Quarter of Section 26, Township 6 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 26, monumented by a 3 1/4" Brass Cap in range box at the Southeast Corner; and a 3 1/4" Aluminum Cap, LS 9656, at the East Quarter Corner, as bearing North 00°15'17" West with all bearings contained herein relative thereto:

COMMENCING at the Southeast Corner of said Section 26, Thence along said East line of the Southeast Quarter of Section 26, North 00°15'17" West 1374.24 feet to a point on the South line of Wintergreen First Addition, on file at the Clerk and Records Office of Larimer County at Reception Number 2002025167, Thence along the South line of said Wintergreen First Addition, South 89°44'43" West 60.00 feet to a point on the West Right of Way Line of US Highway 287 as described at Book 1864 Page 0944, of the Clerk and Records Office of Larimer County, and the TRUE POINT OF BEGINNING, Thence along said West Right of Way Line the following three (3) courses: 1) South 00°14'17" East 125.50 feet, 2) South 00°16'17" East 279.30 feet, 3) North 89°43'43" East 10.00 feet, Thence continuing along said West Right of Way Line as described at Book 1064 Page 0395, of the Clerk and Records Office of Larimer County South 00°16'17" East 126.63 feet, Thence continuing along said West Right of Way Line as described at Book 878 Page 0121 of the Clerk and Records Office of Larimer County the following two (2) courses: 1) South 16°06'43" West 28.67 feet, 2) South 00°15'17" East 150.02 feet to the Southeast corner of that parcel described at Reception Number 92025782 of the Clerk and Records Office of Larimer County, Thence departing said West Right of Way Line, and along the South line of said parcel, also being the North line of parcels described at Reception Numbers 20050042215 and 2000086995, South 89° 32'56" West 651.05 feet to a point on the Easterly line of said Wintergreen First Addition, Thence along said Easterly line North 00°14'05" West 711.19 feet, Thence continuing along the Southerly line of said Wintergreen First Addition, North 89°44'43" East 648.80 feet to the TRUE POINT OF BEGINNING.

The above-described parcel contains 10.618 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Res. #R-5-2006: PH
Ranch Acres Addn.

5. The following Resolution was approved setting a public hearing date of March 7, 2006 to consider the annexation to be known as Ranch Acres Addition:

RESOLUTION #R-5-2006

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS RANCH ACRES ADDITION, FILED SEPTEMBER 29, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 29, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

- (a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

- (b) That said Petition requests the City of Loveland to annex said area; and

- (c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for March 7, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the 17th day of January, 2006.

EXHIBIT A
LEGAL DESCRIPTION
RANCH ACRES ADDITION

SERIAL #1:

Those portions of the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36, both in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 1076.30 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 11°18'01" West 252.59 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287), said point also being the Northwest Corner of Ozzie's First Addition to the City of Loveland, Colorado; thence departing said Westerly right of way and along the Northerly line of said Ozzie's First Addition South 89°43'28" East 101.22 feet, more or less, to a point on the Easterly right of way of said North Garfield Avenue, said point also being the Northwest Corner of Parcel 3 of said Ozzie's First Addition; thence departing said Easterly right of way North 11°46'22" West 253.51 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 0.29 acres (12,548 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 2:

Those portions of the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36, both in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 226.60 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 08°28'04" East 347.88 feet, more or less, to a point on the Easterly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way South 00°10'10" East 753.80 feet, more or less, to the Northwest Corner of Parcel 3 of Ozzie's First Addition to the City of Loveland, Colorado; thence departing said Easterly right of way North 11°46'22" West 253.51 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35; thence departing said East line South 11°18'01" West 252.59 feet, more or less, to a point on the Westerly right of way of said North Garfield Avenue and the Easterly line of Ranch Acres Subdivision 2nd Addition, Larimer County, Colorado, said point also being the Northwest Corner of said Ozzie's First Addition; thence along said Westerly right of way and the Easterly line of said Ranch Acres Subdivision 2nd Addition and the Easterly line of Ranch Acres Subdivision, Larimer County, Colorado South 00°07'00" East 94.52 feet, more or less, to the Easterly prolongation of the Southerly right of way of Ranch Acres Drive; thence departing said Westerly right of way and along said Easterly prolongation and said Southerly right of way of said Ranch Acres Drive South 89°53'00" West 304.05 feet, more or less, to a point on the Southerly prolongation of the Westerly line of Tract DD of said Ranch Acres Subdivision 2nd Addition; thence departing said Southerly right of way and along said Southerly prolongation and the Westerly line of said Tract DD North 00°07'00" West 334.50 feet, more or less, to the Northwest Corner of said Tract DD; thence along the Northerly and Easterly lines of Tracts CC, BB, and GG of said Ranch Acres Subdivision 2nd Addition North 37°46'00" West 172.04 feet, more or less; and again North 08°25'00" West 276.82 feet, more or less, to the Northwest Corner of Tract EE of said Ranch Acres Subdivision 2nd Addition; thence along the Northerly line of said Tract EE North 89°23'43" East 41.31 feet, more or less; and again North 65°36'00" East 169.13 feet, more or less; and again North 82°27'00" East 255.77 feet, more or less, to the Northeast Corner of said Tract EE, said point being on the Westerly right of way of said North Garfield Avenue; thence departing said Westerly right of way North 08°08'56" East 347.80 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 8.62 acres (375,924 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 3:

Those portions of the Southwest Quarter of Section 25, Southeast Quarter of Section 26, Northeast Quarter of Section 35, and the Northwest Quarter of Section 36, all in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 226.60 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 08°28'04" East 347.88 feet, more or less, to a point on the Easterly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way for the following two (2) courses and distances: North 00°10'10" West 570.39 feet; thence North 00°13'29" West 539.93 feet; thence departing said Easterly right of way North 14°42'08" West 200.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 26; thence departing said East line South 14°15'10" West 200.00 feet, more or less, to a point on the Westerly right of way of said North Garfield Avenue; thence along said Westerly right of way South 00°13'29" East 500.00 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and the Northerly right of way of West 57th Street; thence departing said Westerly right of way South 82°02'13" West 300.19 feet, more or less, to a point on the South line of the Southeast Quarter of said Section 26; thence departing said South line South 82°38'36" East 300.00 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and the Southerly right of way of West 57th Street; thence along said Westerly right of way South 00°07'00" East 530.62 feet; thence departing said Westerly right of way North 08°08'56" East 347.80 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 2.65 acres (115,501 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 4:

Those portions of the Southwest Quarter of Section 25 and Southeast Quarter of Section 26, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 26 as bearing North 00°13'29" West and with all bearings contained herein relative thereto;

Beginning at the Southeast Corner of said Section 26; thence along the East line of said Southeast Quarter North 00°13'29" West 733.58 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 14°15'10" West 200.00 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Westerly right of way North 00°13'29" West 125.38 feet, more or less, to a point on the Southerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287); said Southerly line described in deed recorded in Book 878 at Page 121, records of said County; thence departing said Westerly right of way and along the Southerly and Westerly lines of said right of way of North Garfield Avenue (U.S. Highway No. 287) and along said parcel of land as described in deed recorded in Book 878 at Page 121 the following three (3) courses and distances: South 89°34'43" West 8.00 feet; North 00°13'29" West 150.02 feet; North 16°08'31" East 28.39 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287); thence departing said Westerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287) and said parcel of land as described in deed recorded in Book 878 at Page 121 and along said Westerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287) North 00°13'29" West 126.75 feet, more or less, to a point on the Southerly right of way of North Garfield Avenue (U.S. Highway No. 287; said point also being the Southeast corner of that certain parcel of land as described in deed recorded in Book 1864 at Page 944, records of said County; thence departing said Westerly line of said right of way of North Garfield Avenue (U.S.

Highway No. 287) and along the Southerly, Westerly and Northerly right of way of North Garfield Avenue (U.S. Highway No. 287) and along said parcel of land as described in deed recorded in Book 1864 at Page 944 the following three (3) courses and distances: South 89°45'30" West 10.00 feet; North 00°13'56" West 279.30 feet; North 00°12'30" West 125.50 feet, more or less, to a point on the Southerly line of Parcel A of Wintergreen First Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Westerly right of way of North Garfield Avenue (U.S. Highway No. 287) and said Westerly line of said parcel of land as described in deed recorded in Book 1864 at Page 944 and along said Southerly line of said Parcel A of Wintergreen First Addition and along the Easterly prolongation of said Southerly line of said Parcel A of Wintergreen First Addition North 89°46'31" East 110.00 feet, more or less, to a point on the Easterly right of way of said North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way South 00°13'29" East 834.16 feet; thence departing said Easterly right of way North 14°42'08" West 200.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 26, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 1.82 acres (79,098 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 5:

Those portions of the Southeast Quarter of Section 26 and Northeast Quarter of Section 35, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 35 as bearing South 89°41'40" West and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the North line of said Northeast Quarter South 89°41'40" West 347.45 feet to the TRUE POINT OF BEGINNING; thence departing said North line North 82°02'13" East 300.19 feet, more or less, to the intersection of the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287) and the Northerly right of way of West 57th Street; thence along the Northerly right of way of said West 57th Street South 89°41'40" West 1150.06 feet; thence departing said Northerly right of way South 00°18'20" East 80.00 feet, more or less, to a point on the Southerly right of way of said West 57th Street; thence along said Southerly right of way North 89°41'40" East 1149.87 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and said Southerly right of way of West 57th Street; thence departing said Southerly right of way North 82°38'36" West 300.00 feet, more or less, to a point on North line of the Northeast Quarter of said Section 35, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 1.84 acres (80,100 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

**Boards & Commission
Appointments**

6. The following individuals were appointed to various Boards and Commissions:

Parks & Rec. Advisory – Noreen Flood & Rick Brent (reappointed)
& Lori McWhinney appointed (12-31-08)
Senior Advisory Board – Meghan Willis and Christie O'Hanlon
(12-31-07)

City Council Meeting
January 17, 2006

Ord. #5056: Suppl.
Appropriation #1

7. "AN ORDINANCE ENACTING SUPPLEMENTAL BUDGET AND APPROPRIATION NO. 1 FOR THE CITY OF LOVELAND" was approved and ordered published on second reading. (Construction of a 2.0 million gallon treated water storage tank.)

Res. #R-6-2006: IGA
FC/LVLD Water District

8. The following resolution was approved for an IGA between the Fort Collins-Loveland Water District and the City for construction of two elevated water storage tanks:

RESOLUTION #R-6-2006

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE FORT COLLINS-LOVELAND WATER DISTRICT AND THE CITY OF LOVELAND, COLORADO FOR CONSTRUCTION OF TWO ELEVATED WATER STORAGE TANKS

WHEREAS, the City of Loveland and the Fort Collins-Loveland Water District ("District") each desire to construct its own elevated water storage tank to ensure their respective water supplies; and

WHEREAS, in order to conserve and maximize available financial resources, the parties desire to jointly construct said tanks as set forth in the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference; and

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

WHEREAS, the City Council believes that the City of Loveland's cooperation in this endeavor is in the best interests of the ratepayers and citizens of the City of Loveland.

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 Mayor and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City of Loveland.

Section 3. That the City Manager is hereby authorized and directed to negotiate and execute a utility easement in a form acceptable to the City Attorney in accordance with the Intergovernmental Agreement.

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

Adopted this 17th day of January, 2006.

Ord. 1st Rdg: Conversion
Of Temp. Use Permits

9. "AN ORDINANCE TO APPLY AND CONTRACT FOR BENEFICIAL USE OF WATER ON BEHALF OF THE CITY OF LOVELAND, A MUNICIPAL

CORPORATION, AND PRESCRIBING THE TERMS FOR APPLICATION FOR AN ALLOCATION OF THE RIGHT TO USE COLORADO-BIG THOMPSON PROJECT WATER TO SAID CITY OF LOVELAND BY NORTHERN COLORADO WATER CONSERVANCY DISTRICT" was approved and ordered published on first reading.

PH & Res. #R-11-2006:
Electric Rate Schedule

10. The following Resolution on first reading adopts electric rate schedule IP, Interruptible 115 KV Transmission Voltage Service:

RESOLUTION #R-11-2006

A RESOLUTION ADOPTING ELECTRIC RATE SCHEDULE IP, INTERRUPTIBLE 115 KV TRANSMISSION VOLTAGE SERVICE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SAID RATE

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, City staff has presented to the City Council a revised electric rate schedule IP for interruptible 115 kV transmission voltage service, a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Rate Schedule IP"); and

WHEREAS, the City Council believes that adoption of the revised Rate Schedule IP is in the best interests of the ratepayers and citizens of the City of Loveland.

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

Section 1. That Rate Schedule IP, attached hereto as Exhibit A, is hereby adopted.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rate now being set.

Section 3. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

END CONSENT AGENDA

PH & Ord. 1st Rdg:
Suppl. Appr. #3

11. A citizen, Craig Lindberg, 4942 St. Andrews Ct. came forward to speak and express his concerns with golf operations. Among his concerns was efficiency, saving funds, higher fees and new club houses if the money is managed correctly. Councilor Rousey said that he didn't see the connection with Mr. Lindberg's concerns and the proposed ordinance. Councilor Skowron suggested that Mr. Lindberg speak with the Golf Advisory Board. After some discussion among Councilors, Gary Havener, Parks & Recreation Director came forward to answer questions. The purpose for the proposed ordinance is to fund a PGA Class A golf professional, an assistant golf professional and part-time positions to operate the Mariana Butte Golf Course Pro Shop. Councilor Dozier moved to approve "AN ORDINANCE ENACTING SUPPLEMENTAL BUDGET

AND APPROPRIATION NO. 3 FOR THE CITY OF LOVELAND 2006 BUDGET" and ordered it published on first reading. Councilor Brown seconded the motion and a roll call vote was taken with all Councilors present voting yes.

Ordinance Titles The ordinance titles were read at this time.

CITIZENS REPORTS:

Doug Marino Doug Marino, 1375 Flowering Almond Drive came forward to address the implementation of the downtown pilot overtime parking program. He stated that he did not think the program was working very well. He said that he has not had any problems but has been made aware of a situation over the holidays involving his children who were home and got a part-time job. They parked downtown and received three overtime parking tickets in six weeks. He said there were no alternatives other than moving your car every two hours. Mr. Marino spoke with the City Attorney and the Police Chief about his concern before coming to Council. Councilor Rousey stated that the pilot program ends midsummer and will be revisited. There was further discussion between Council and Mr. Marino. The City Manager also commented.

CITY MANAGER ANNOUNCEMENTS:

CML Registration The City Manager, Don Williams noted that Council received a registration form for CML Legislative Day. He asked that they return those forms to his office.

Senior Civil Eng. Don introduced the new Senior Civil Engineer, Jeff Bailey who is Chip Taylor's replacement.

New Monitors Don spoke next about the new monitors and the woodwork project in the Chambers. He read the names of those who worked on the project: Lorna Holmes, Grace Cook, John Curnes, Devin Davis, Ray Davis, Ben Ebert, Scott Fry and Mark Harris from Facility Maintenance and Shane Adamson, Library. Don also recognized Renee Wheeler, Assistant City Manager who organized the project.

Kevin Gingrey/Bill Hange Don announced that Kevin Gingrey has become a certified flood plain manager and Bill Hange has become a professional traffic operations engineer (PTOE). Don extended his congratulations to Kevin and Bill.

Special Meeting Don spoke next about the need to set January 31st as a special meeting. The only action will be the annual evaluation of the City Manager, City Attorney and the Municipal Judge. Councilor Dozier moved to set January 31st as a special meeting to begin at 6:30 PM in the City Manager's Conference Room and Councilor Brown seconded. A voice vote was taken with all Councilors present voting yes.

Councilor Skowron had some questions regarding the CML Legislative Day and the City Manager responded.

Councilor Brown spoke about how nice the modifications to the Chambers look.

REGULAR AGENDA

December 2005 Financial Report – Highlights

Jeff Barnes, Accounting Manager came forward to review the report in Council's packets. City finances are on track with the 2005 budget both for revenue and expenditures. Revenue from the City's general government operations is 100.7% of the annual budget. Sales and use taxes are 0.9% below budget projections. The increase in health claims cost has decreased in recent months. The increase now stands at less than 7% and is within the original budget for health claims. Jeff responded to questions from Councilor Skowron relating to investments. Jeff noted that at the February 14th Study Session, representatives from First National Bank will give a presentation. Jeff gave a PowerPoint presentation on the new "draft" financial format. At the conclusion of his presentation, he stated that he was open to suggestions. Councilor Brown complimented staff on the new format. Councilor Clark asked if there was a way to add budget comparisons to the format. Mayor Protem Pielin said it was very well done. Councilor Skowron stated that he would like to see monthly comparison reports on investments.

URA Status Report

Alan Krcmarik, Finance Manager and Brandi Curtis, Internal Auditor came forward to give a PowerPoint presentation on the status of the Urban Renewal Authorities. The overview consisted of an executive summary; specific information about the three-project area; Internal Auditor's report; performance compliance testing to the Master Financing Agreements; and financial and accounting reports. The City Manager asked about receiving the financial reports earlier from the Authorities and Alan noted that they have been assured that they will receive them by the June deadline. Alan responded to questions from Council. This was an information item only and did not require any action.

Res. #R-7-2006: IGA Loveland Rural Fire

Mike Chard, Fire Chief came forward to present this item which is consideration of a resolution approving a third addendum to the Intergovernmental Agreement between the City of Loveland and the Loveland Rural Fire Protection district. This is a one-year extension of the contract and it will be evaluated at years' end. The future expectation holds extensive restructuring of the contract in order for a long-term agreement to be reached. Mike responded to questions. Councilor Dozier moved to approve the following Resolution and Councilor Rousey seconded. A roll call vote was taken with all Councilors present voting yes.

RESOLUTION #R-7-2006

A RESOLUTION APPROVING A THIRD ADDENDUM TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
LOVELAND AND THE LOVELAND RURAL FIRE PROTECTION
DISTRICT

WHEREAS, the City of Loveland ("the City") and the Rural Fire Protection District ("the District") have been operating jointly under intergovernmental agreements for several years; and

WHEREAS, the City and the District entered into that Intergovernmental Agreement dated November 15, 2000 ("the Intergovernmental Agreement"); and

WHEREAS, the City and the District entered into an addendum to the Intergovernmental Agreement on September 17, 2002 ("the 2002 Addendum"); and

WHEREAS, the City and the District entered into a second addendum to the Intergovernmental Agreement on April 6, 2004 ("2004 Addendum"); and

WHEREAS, Paragraph 3 of the Intergovernmental Agreement provides a formula to determine the compensation the District is required to pay the City for services; and

WHEREAS, the parties no longer wish to use the formula to determine the amount of compensation due; and

WHEREAS, in order to accomplish this, the Intergovernmental Agreement must be amended and the parties have set forth the needed amendments in the Third Addendum to Intergovernmental Agreement attached hereto as Exhibit "A" and incorporated herein by reference ("the 2006 Addendum"); and

WHEREAS, the City and the District are authorized to enter into this Addendum pursuant to CRS §29-1-203.

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

Section 1. That the 2006 Addendum is hereby approved and the Mayor and the City Clerk are authorized and directed to execute the 2006 Addendum on behalf of the City.

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

ADOPTED this 17th day of January, 2006.

Recess

A brief recess was taken at 7:57 PM. Council reconvened at 8:08 PM.

Lee Farm Addition
Matters

Chuck Burnham, Current Planning introduced this item which is a public hearing to consider an amendment to the Master Plan for a 43.6 acre portion of the Lee Farm Addition; a resolution approving annexation proceedings; an ordinance annexing Lee Farm Addition; and an ordinance zoning the Lee Farm Addition. The applicant is Robert Dildine. The area includes approximately 245.656 acres of land, with 43.6 acres of the area proposed for a comprehensive plan amendment from Neighborhood Activity Center to Medium Density Residential. The addition would be zoned PUD with a total maximum of 1,100 residential units. Approximately 680 would be single family detached dwellings with the balance being patio homes and at least fifteen acres being reserved for duplex or attached single family. Planning Commission considered the application on December 12, 2005 and is recommending conditional approval. Chuck responded to questions from Council. It was noted that the Planning Commission minutes will be available for review prior to second reading. Tom Honn, representing the applicant gave a presentation outlining the project. Contiguity is achieved from the Hunter's Run development to the

south as well as from the buck Addition to the North and Wilson Avenue to the East. He stated that those in attendance at the neighborhood meeting questioned soil conditions; speed limits and buffers. Mr. Honn stated that the applicant is willing to add a condition that no lots adjacent to Hunter's Run will be smaller than 7,850 square feet. It is estimated that the total build out will be between 7 and 10 years. At the conclusion of his presentation, Mr. Honn responded to questions, comments and concerns from Council. The City Attorney clarified legal concerns. The City Manager responded to concerns expressed about the modification request to the Master Plan.

Mayor Protem Pielin opened the Public Hearing. The following individuals came forward to express their concerns and or comments with the project including lot sizes, elevation, drainage; density: KC Hogan, 3444 Hogan Court; Bill Wells, 3416 Windsor Ct.; Tony Benjamin, 3072 Hudson Dr.; Valerie Kenzle, 3455 Windsor Ct.; Victoria Wolfe, 3124 Williamsburg; Jane Wright, 2296 Lochbuie; Trina Swenson, 3444 Atwood Ct. No one else came forward to speak and Mayor Protem Pielin closed the Pubic Hearing.

Mr. Honn came back to the podium to respond to the comments expressed during the Public Hearing and clarify an earlier statement regarding lot size. The City Attorney spoke about Council's ability to use their discretion regarding terms and conditions in an annexation agreement. Mr. Honn stated that they would be willing to sit down with neighbors to work out their concerns. Kevin Gingery, Public Works came forward to respond to questions relating to drainage concerns in Hunter's Run. There was considerable discussion among Councilors. The City Manager stated that city staff is considering changes to Loveland's road warranty requirements. Mayor Protem Pielin stated that the developers will need to bring back plans that address Council's concerns about density, lot sizes, house sizes and elevation in order to get approval on second reading. Mr. Honn said that he would prefer to have time to incorporate some of Council's suggestions before second reading. *(The Resolution relating to amending the Comprehensive Master Plan will come back for consideration when this item is considered on second reading.)*

Res. #R-9-2006: Annex
Proceedings

Councilor Dozier moved to approve Resolution #R-9-2006 concerning the Lee Farm Addition and Councilor Rousey seconded the motion. A roll call vote was taken with all Councilors present voting yes with the exception of Weeks who voted no. Motion passed 7-1.

RESOLUTION #R-9-2006

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "LEE FARM ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY STATE STATUTE

WHEREAS, on August 31, 2005, a Petition for Annexation was filed by persons comprising more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, pursuant to Resolution No. R- 80- 05, the City Council found that said petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.; and

WHEREAS, on November 15, 2005, commencing at 6:30 p.m., pursuant to the notice required by §31-12-108, C.R.S., the City Council held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; now, therefore,

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

1. The City Council of the City of Loveland makes the following findings of fact:

A. The subject Petition for Annexation was signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed, who own more than fifty percent (50%) of said area, excluding public streets and alleys.

B. Pursuant to Resolution No. R- 80- 05, the City Council found that said petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. R- 80- 05, a public hearing was held on November 15, 2005, commencing at the hour of 6:30 p.m., to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in The Loveland Reporter Herald on December 17, 24, 31, 2005 and January 7, 14, 2006, in the manner prescribed by §31-12-108(2), C.R.S. The Loveland Reporter Herald is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail by the City Clerk to the Board of County Commissioners of Larimer County and to the Larimer County Attorney and to all special districts and school districts having territory within the area proposed to be annexed at least 25 days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 1994 Comprehensive Master Plan, as amended. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of §31-12-108.5, C.R.S. has been waived.

F. The perimeter of the area proposed to be annexed is 16,795.84 feet, of which 13,608.39 feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

G. A community of interest exists between the area proposed to be annexed and the City of Loveland.

H. The area proposed to be annexed is urban or will be urbanized in the near future, and said area is integrated with or is capable of being integrated with the City of Loveland.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

J. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment

in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

K. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

L. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

M. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.

N. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

O. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

2. The City Council reaches the following conclusions based on the above findings of fact:

A. The proposed annexation of the area described on Exhibit A complies with and meets the requirements of the applicable parts of §§31-12-104 and 31-12-105, C.R.S.

B. No election is required under §31-12-107(2), C.R.S.

C. No additional terms and conditions are to be imposed.

3. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the 17th day of January 2006.

Ord. 1st Rdg: Annex
Lee Farm Addition

Councilor Dozier moved to approve, subject to the conditions listed in the staff memorandum dated January 17, 2006, "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "LEE FARM ADDITION" TO THE CITY OF LOVELAND" and ordered it published on first reading. Councilor Rousey seconded the motion and a roll call vote was taken with all Councilors present voting yes with the exception of Weaks who voted no. Motion passed 7-1.

Ord. 1st Rdg: Zone
Lee Farm Addition

Councilor Dozier moved to approve "AN ORDINANCE AMENDING SECTION 180.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "LEE FARM ADDITION" TO THE CITY OF LOVELAND" and ordered it published on first reading. Councilor Rousey seconded the motion and a roll call vote was taken with all Councilors present voting yes with the exception of Weaks who voted no. Motion passed 7-1.

Conditions of approval follow:

GDP:

Power:

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and

Power requirements for location of meters and other electrical equipment can be met on multiplex Town homes, the Town homes will have individual services and meters per City code.

2. Five foot rear lot utility easements and five foot side lot utility easements for continuity are required for the installation of cable and telephone utilities. Joint trench with electric is not allowed in residential areas. Fourteen foot front lot utility easements are required on all streets.

Water/Wastewater:

3. The Developer shall execute an agreement, with the City, stipulating responsibilities of cost sharing, timing, construction, design and other matters related to water booster station and infrastructure requirements which facilitate adequate service to areas of the proposed P.D.P., within BPZ4. The agreement shall be executed and finalized prior to approval of the Final Plat and Final Development Plan.

Stormwater:

4. The Developer shall provide detention pond preliminary and final designs such that the detention ponds will collect 100-year developed stormwater runoff from the subdivision and release the detained stormwater runoff at the 2-year rate in accordance with City of Loveland criteria found within UD&FCD Volume 2 Table SO-1.

5. The Developer shall dedicate and convey to the City, with the first final plat approved within this GDP, the land subject to the permanent easement for the regional detention pond, which easement was dedicated at the time the annexation map was recorded.

Fire Prevention:

6. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire sprinkler system do not require heat detection

Parks and Recreation:

7. The developer shall dedicate a minimum 30' wide pedestrian easement for the Recreational Trail prior to FDP approval. Final easement size and location will be determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.

8. The developer shall dedicate a minimum 30' wide pedestrian easement for regional County trail prior to FDP approval. Final easement size and location will be determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.

9. The developer shall ensure that the owner/HOA shall maintain in perpetuity the easements associated with the trail/sidewalk along Wilson Avenue. Until the underpass is constructed, the owner/HOA shall also maintain the recreational, regional trail and associated pedestrian easements. The City will only maintain the 10 foot wide concrete trail once the underpass is completed. Any land dedicated to the City for the purposes of said underpass or trail shall be maintained by the City of Loveland. No private easements or uses will be granted within these areas unless an agreement is in place regarding maintenance.

10. The developer shall dedicate an adequately sized easement for the Recreational Trail underpass for Wilson Avenue. The easement size and location shall be determined at time of PDP and should minimize the need for retaining walls and meets ADA requirements.

11. An agreement shall be executed prior to FDP approval between the City of Loveland and the developer specifying the following conditions

a. The developer shall pay for the construction of all retaining walls on the west side of the proposed underpass should one be needed due to the expansion of the proposed regional detention pond to the south.

b. The developer shall pay for the construction of all at-grade trail connections to the underpass opening on the west end of the proposed underpass from Wilson trail/sidewalk.

c. The developer shall construct a 10' wide combined trail/sidewalk, meeting City of Loveland trail and sidewalk walk standards, the entire length of the west property line along Wilson Avenue and connections to the future underpass.

d. The developer shall provide a preliminary underpass design for the purposes of locating it on the west side of Wilson Ave. The preliminary design shall include utility information based on pot-holing (field verified utility depth and location), proposed final grades with proposed retaining wall, and proposed at-grade trail connections. The design shall meet ADA requirements, safety and access grades for both sides of Wilson Avenue.

Engineering Conditions

12. All future development within this GDP shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

13. Notwithstanding any conceptual information presented in the GDP submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.

14. Notwithstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of application for site specific development plan review and approval. Future traffic impact studies for site specific development plans shall use a study area determined by considering the cumulative trip generation within the entire GDP (i.e. – traffic from the proposed use plus traffic from previously approved site specific development plans).

15. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:

a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to the recording of the annexation.

b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.

16. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within

this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

17. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.

18. No parking will be allowed on 35th Street within this GDP. Additionally, no house or driveway shall front onto 35th Street within this GDP.

19. Cascade Avenue shall be designed and constructed to the LCUASS 2-lane arterial roadway standards within this GDP unless otherwise modified on the adopted Transportation Plan.

Current Planning:

20. Within Area A, a minimum of 15 acres shall be developed as a land use other than single family detached dwellings and as otherwise permitted in Area A, unless the applicant demonstrates and the Current Planning Manager concurs, that at the time of PDP there is not a sufficient market for such other land use.

21. Staggered setbacks shall be incorporated within the single-family areas. A setback matrix shall be included in the preliminary development plan submittals that contain single family uses.

22. Garages for paired residential units shall not extend more than 12 feet beyond the front of the façade of the living portion of the dwelling.

23. All lots along local streets shall have on tree and corner lots shall have one tree per street frontage planted prior to the issuance of a certificate of occupancy.

24. Any application for any preliminary development plan in which a wetland is located shall not be considered complete by the City unless the application includes correspondence with or a copy of any permit required by the Army Corps of Engineers for disturbance of a wetland.

25. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that the existing wetlands will be preserved in a condition similar to its present state. To preserve the wetlands, the applicant shall submit a report detailing potential impacts of the development on the wetlands and include mitigation measures to address these impacts. At a minimum, the report shall address the post-development water regime of the wetlands and buffering proposed for water quality and wildlife habitat around the wetlands.

26. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that there is no net loss in the extent to which the existing wetlands with the Lee Farm Addition would retain the quantity and quality of storm water runoff prior to being discharged.

27. Any application for a preliminary development plan within Area E (wetland area) shall include a complete updated Environmentally Sensitive Areas Report by a qualified professional. No

development shall be approved in areas identified in said reports as wetland or otherwise environmentally sensitive or buffer areas recommended in said report.

28. No private lots shall extend into existing or developed wetlands or other environmentally sensitive areas or within the buffers established as part of the mitigation and protection of these wetlands and other environmentally sensitive areas.

29. Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.

30. On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.

31. Bufferyards. The Developer shall install all curbside bufferyards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, bufferyards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system.

32. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.

33. A Type D landscape bufferyard shall be installed by the developer for all double frontage residential lots in the development. For purposes of meeting this requirement, the street trees for said bufferyards may be planted at spacing no greater than thirty-five feet on center and the bufferyard shall be a minimum width of 30 feet.

34. The Developer shall plant the tree lawn along both sides of all interior arterial or collector streets with street trees and sod. These trees shall be planted at 30-40 foot regular spacing except to allow for necessary driveways. Permanent irrigation shall be included in this installation to insure the health and vitality of the sod and trees. The sod and street trees shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the developer with the City.

35. All private walks and/or paths and other open space and/or private park amenities shall be installed by the developer before issuance of the first building permit in that construction phase, unless adequate financial security is filed with the City.

36. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.

37. **Solid fences.** Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum sideyard setback on the lot.

38. **Open space landscaping.** Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.

39. A table shall be placed on Sheet 2 of the GDP to indicate that the dwelling unit total identified in each sub-area is the maximum number of units in each sub-area. Acreage is not to be multiplied by land area to determine the maximum number of units in each area. The maximum number of units is listed individually in each bubble area.

40. No light poles shall exceed twenty-five feet in height. All lights shall be full cut off, no sag lenses are allowed.

ANNEXATION CONDITIONS:

1. **Final plat note.** Final plat note regarding electricity surcharge: A note shall be added to the final plat that reads as follows: "A surcharge of 5% will be added to all bills for the sale of electric power to additional services which came into the existence after January 31, 1987, within the territory herein annexed, which surcharge will expire ten years after effective date of this annexation."

2. **Street trees.** For lots with street trees located in the tree lawn in front of the lots, or along the side of lots, as shown on the approved final landscape plan, the street trees shall be planted by the Developer before issuance of a certificate of occupancy, unless adequate financial security is filed with the City.

3. **Front yard trees.** For all other lots, a minimum of one deciduous canopy tree shall be planted in the front yard of each lot by the Developer. For corner lots, a minimum of one deciduous canopy tree shall be planted in the front yard, and a minimum of one deciduous canopy tree in the side yard abutting the adjacent street shall be planted by the Developer before issuance of a certificate of occupancy, unless adequate financial security is filed with the City.

4. **Garage doors.** Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.

5. **Recessed garages.** On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.

6. **Prairie dog colonies.** Prior to commencing any construction or grading on the site, the Developer shall submit a report from a qualified professional to indicate whether there are any active prairie dog burrows or colonies on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or colonies, as compared to other types of more common prairie

dogs. If there are active black-tailed prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on the site, the Developer shall employ a professional exterminator licensed by the Department of Agriculture, to humanely eliminate the dogs from the site. Before extermination activities commence, the Developer shall provide to the City written confirmation from the Division of Wildlife and the licensed professional exterminator stating there will be no detrimental effect to endangered species or burrowing owls.

7. Site grading. Prior to commencing any construction or grading on the site, and prior to any removal or extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If such construction, grading or extermination activities are proposed outside the owls' normal activity period (March 1 – October 15), this shall not be required.

8. Bufferyards. The Developer shall install all curbside bufferyards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, bufferyards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system. For purposes of this condition, street trees and front yard trees, as described in conditions 1 and 2 above, shall not be deemed as part of any curbside bufferyard. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.

9. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm 1st Subdivision, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.

10. Financial security. Any financial security presented by the Developer for area improvements and enhancements, as shown on the approved plans, shall include provisions which endure for a minimum of two growing seasons following date of original completion of said measures. The required amount of this security provision shall only be for the elements that would need to be replaced or re-installed during this two year period, if failure of the original installation were to occur.

11. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum sideyard setback on the lot.

12. Tree lawns. Drought tolerant varieties of grasses shall be installed by the Developer in the tree lawns. Drought tolerant varieties of all landscape shall be planted by the Developer in upland common open spaces.

13. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.

14. Street standards. All future development within the Property shall comply with the Larimer County Urban Area Street Standards adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

15. Right-of-way for adjacent streets. The Developer shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, the Property that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be prior to, or concurrent with, approval of the first development application within the Property.

16. Off-site right-of-way. The Developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements as determined necessary by the City. Prior to the approval of any site specific development applications within the Property, the Developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the Developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

17. Electric Charge. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-9.5-204, CRS. This surcharge applies to any subsequent subdivisions of property annexed after January 31, 1987 within the REA certified service territory. In this case a note will be added to the final plat that reads as follows:

A surcharge of 5% will be added to all bills for the sale of electric power to additional services which came into the existence after January 31, 1987, within the territory herein annexed which surcharge will expire ten years after effective date of this annexation.

18. LCUASS. All future development within this addition shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

19. Street layout and alignment. Notwithstanding any conceptual information presented in the Annexation/Zoning submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.

20. Right of way dedication. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:

- a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to approval of the annexation ordinance on second reading by City Council.
- b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.

21. Right of way acquisition. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific

development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

22. Roadway improvements. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.

23. Detention Pond Easement. Prior to, or concurrently with, recordation of the annexation map the Developer shall grant the City a permanent easement for the reconfigured regional detention pond referenced in condition #5 on the Lee Farm Addition PUD #P-91.

Recess: Council took a brief recess at 10:10 PM. Council reconvened at 10:24 PM.

Merit Hearing/Vanguard
Famleco 13th Sub.

Zach Ratkai, Current Planning introduced this item to Council. He noted that this is not a public hearing and Council is to consider only the merits of the appeal of the Planning Commission's decision to approve, with conditions, the Vanguard-Famleco 13th Subdivision Preliminary Plat and Phase One of the Hunter's Run West PUD Preliminary Development Plan. If Council determines that the appeal has sufficient merit to warrant further review, a fully noticed public hearing will be scheduled before Council at a later date. If the Council determines that the appeal has insufficient merit, then the decision of the Planning Commission becomes final. On November 28, 2005, Planning Commission approved a preliminary subdivision plat and preliminary development plan for development of the first phase of Hunter's Run West General Development Plan. The appellant filed a written Notice of Appeal on a form provided by the City within the required ten day appeal period. At the conclusion of Zach's introduction, the City Attorney reviewed the intent of a merit hearing. The appellant, Tony Benjamin came forward to speak about the basis of his appeal. Mr. Benjamin noted that he had a petition with 150 signatures from the Hunter's Run Development. He said that the City Attorney indicated that the petition was not admissible. Mayor Protem Pielin explained that the petition would not make any difference because it is up to Mr. Benjamin to convince Council that Planning Commission made a mistake. The City Attorney stated that he considered the petition as new evidence and it would not be admissible. Mayor Protem Pielin suggested that Mr. Benjamin make his presentation. Mr. Benjamin stated that since his presentation contained new information and he isn't allowed to give new information that he would rather just answer any questions that council might have based on his basis for the appeal - drainage, traffic, density and compatibility with the adjoining development. There were questions, comments and discussion between Council and Mr. Benjamin. Don Williams, City Manager, John Duval, City Attorney and Greg George, Director of Development Services also responded to questions from Council. Councilor Dozier moved that the appeal has insufficient merit to

warrant further review. Councilor Brown seconded the motion and a roll call vote was taken with all Councilors present voting yes.

Res. #R-10.2006: Fare
Changes/COLT

Keith Reester, Public Works Director came forward to introduce this item which is consideration of a Resolution supporting operational and fare changes to the COLT system beginning March 1, 2006. The action is required before system changes can take place under Federal Transit Administration regulations. Keith reviewed the summary of the changes – two modified fixed routes; change of operational hours; and new fare structure using PowerPoint. Keith responded to questions from Council. Don Williams recognized Marcy Abreo for stepping in and taking over COLT. Councilor Dozier moved to approve Resolution #R-10-2006 and Councilor Brown seconded. A roll call vote was taken with all Councilors present voting yes.

RESOLUTION #R-10-2006

A RESOLUTION AMENDING RESOLUTION #R-85-2005, CONCERNING A FEE SCHEDULE FOR CITY SERVICES, BY INCREASING THE FEES FOR THE USE OF CERTAIN CITY FACILITIES

WHEREAS, pursuant to Resolution #R-85-2005, the City Council adopted fees for City services, other than services of the Water and Power Department, for the calendar year 2006; and

WHEREAS, the City Council now wishes to amend the schedule of fees adopted in Resolution #R-85-2005 relating solely to transit fares for the remainder of the year 2006.

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

Section 1. The schedule of transit fares, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.

Section 2. The fee schedule adopted herein as Exhibit A shall become effective on March 1, 2006, and shall supersede the fees for such facilities set forth in Resolution #R-85-2005. All other fees set forth in Resolution #R-85-2005 shall remain unchanged.

Section 3. Effective March 1, 2006, the fixed route system in Loveland shall be modified to incorporate the growth throughout various areas of town, specifically east Loveland which has not had any modifications since its inception in 1999.

Section 4. Effective March 1, 2006, the name of the fixed routes shall be changed from "Jitterbus" to "Blue Route" and from "Tango" to "Green Route."

Section 5. Effective March 1, 2006, the service hours for fixed route and para transit service on Saturdays shall be changed from "6:38 a.m. – 6:38 p.m." to "10:00 a.m. – 10:00 p.m.."

Section 6. That all fixed route fares for transit services may be waived by the Public Works Director for a period of time, not to exceed one month (1), sometime during the remainder of 2006 for the purpose of promoting the use of transit services within the community.

City Council Meeting
January 17, 2006

Section 7. This Resolution shall become effective on the date that it is passed and adopted by the City Council.

Passed and adopted at a regular meeting of the City Council of the City of Loveland this 17th day of January, A.D., 2006.

Ord. 1st Rdg: Suppl.
Appropriation #2

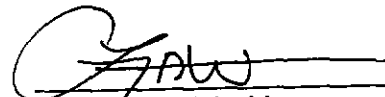
Keith introduced this item which is consideration of a supplemental appropriation to fund one additional position in the Solid Waste Enterprise Fund. The position is needed if the City wants to add corrugated cardboard and paperboard back into the curbside collection program. Keith reviewed the information included in Council's packet regarding the pilot program that took place in August and another in October 2005. No additional equipment is required to make this adjustment. Keith responded to questions and comments from Council. Councilor Dozier moved to approve "AN ORDINANCE ENACTING SUPPLEMENTARY BUDGET AND APPROPRIATION NO. 2 FOR THE CITY OF LOVELAND" and ordered it published on first reading. Councilor Brown seconded the motion and a roll call vote was taken with all Councilors present voting yes.

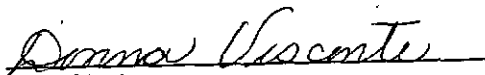
Having no further business to come before Council, the meeting was adjourned at 11:41 PM.



ATTEST:

Donna Visconti, CMC
City Clerk


Larry D. Walsh, Mayor


City Clerk