

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 Boy Scout Troop #587 led the Pledge of Allegiance

ROLL CALL Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Johnson, Solt, Shaffer, McEwen and Rice.

PROCLAMATION Councilor Rice read the proclamation. Sylvia Fiscus and Sharon Johnson from the Daughters of the American Revolution accepted the proclamation.

PROCLAMATION

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, it is of the greatest import that all citizens fully understand the provisions and principles contained in the Constitution in order to support it, preserve it and defend it against encroachment; and

WHEREAS, the two hundred twenty third anniversary of the signing of the Constitution provides a historic opportunity for all Americans to learn about and recall achievements of our Founders, and to reflect on the rights and privileges of citizenship, as well as its attendant responsibilities; and

WHEREAS, the independence guaranteed to the American people by the Constitution should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by a proclamation of the President of the United States of America in accordance with Public Law 915.

NOW, THEREFORE, we, the Loveland City Council of the City of Loveland, do hereby proclaim September 17 through 23, 2011 as

CONSTITUTION WEEK

in the City of Loveland, and urge all our citizens to pay special attention during that week to our Federal Constitution and the advantage of American Citizenship.

Signed this 20th day of September, 2011

Cecil A. Gutierrez, Mayor

**PROCEDURAL
INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Solt asked that Item 13 be removed from the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 13. 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 6, 2011 regular meeting were approved.

2. DEVELOPMENT SERVICES

Municipal Code Amendment – Title 18 Temporary & Minor Exempt Signs

Ordinance #5623

Legislative Action: "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT" was approved and ordered published on second reading.

3. DEVELOPMENT SERVICES

Easement Vacation Civic Center Campus

Ordinance #5624

Legislative Action: "AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

Supplemental Appropriation Historic Preservation Outreach and Education

Ordinance #5625

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION" was approved and ordered published on second reading.

5. DEVELOPMENT SERVICES

Historic Designation Larimer County Bank Building

Ordinance #5626

Legislative Action: "AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO" was approved and ordered published on second reading.

6. PUBLIC WORKS

Supplemental Appropriation CDOT Safe Routes to School Grant

Ordinance #5627

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR 7TH STREET AND GARFIELD AVENUE AREA (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS" 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)

7. PUBLIC WORKS

Supplemental Appropriation – Traffic Signal & Lighting Upgrades

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "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 first reading.

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

8. HUMAN RESOURCES

Setting Special Council Meeting Dates

Motion

Administrative Action: A motion calling for special meetings on September 27, 2011 for the purpose of discussing and considering any necessary actions regarding matters related to the ACE Manufacturing and Innovation Park and September 28 and October 5, 2011 for the purpose of holding Executive Sessions to finalize the evaluation process and to conduct evaluations with Council appointed staff was approved.

9. DEVELOPMENT SERVICES

Easement Vacation McKee Meadows 9th Subdivision (Liquor Max)

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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 first reading.

10. DEVELOPMENT SERVICES

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

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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 first reading.

11. DEVELOPMENT SERVICES

Easement Vacation Windemere 1st Subdivision

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "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 first reading.

12. FINANCE

Public Hearing Date for 2012 Recommended Budget

Resolution #R-54-2011

Administrative Action: Resolution #R-54-2011 establishing a date, time, and place for a public hearing on the 2012 Recommended Budget for the City of Loveland, Colorado was approved.

RESOLUTION #R-54-2011

A RESOLUTION ESTABLISHING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE 2012 RECOMMENDED BUDGET FOR THE CITY OF LOVELAND, COLORADO

WHEREAS, pursuant to Section 11-2(b) of the Loveland City Charter, the City Manager is required to submit to the City Council, on or before the first Tuesday in October of each year, a proposed budget for the City for the next ensuing fiscal year; and

WHEREAS, on September 13, 2011, the City Manager submitted the 2012 Recommended Budget, including the 2012-2016 Recommended Capital Projects Program, to the City Council; and

WHEREAS, in accordance with Section 11-4(a) of the Loveland City Charter, the City Council desires to set a date, time, and place for a public hearing on the 2012 Recommended Budget.

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

Section 1. That a public hearing is hereby scheduled to consider the adoption of the 2012 Recommended Budget for October 4, 2011 at 6:30 p.m., at which time objections of the electors of the City of Loveland shall be considered. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

Section 2. That the City Clerk shall give notice of said hearing in the manner prescribed by Section 11-4(b) of the Loveland City Charter and § 29-1-106, C.R.S.

Section 3. That this Resolution shall be effective as of the date of its adoption.
ADOPTED this 20th day of September, 2011.
Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk

13. ECONOMIC DEVELOPMENT

Amendment One to Eslan Park Center Fee Deferral Agreement

Resolution #R-55-2011 This item was removed from the consent agenda.

14. ECONOMIC DEVELOPMENT

Holding Costs for ACE Park Campus

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

15. CITY MANAGER

Amending Meeting Dates of Loveland Board of Retirement

Resolution #R-56-2011 Administrative Action: Resolution #R-56-2011 amending the scheduled meeting dates of the City of Loveland Board of Retirement was approved.

RESOLUTION #R-56-2011

A RESOLUTION AMENDING THE SCHEDULED MEETING DATES OF THE CITY OF LOVELAND BOARD OF RETIREMENT

WHEREAS, on December 7, 2010, City Council adopted Resolution #R-67-2010 setting forth the 2011 meeting dates for the City's boards and commissions, including the City of Loveland Board of Retirement (the "Board"); and

WHEREAS, the Board meeting time is currently set on the fourth Thursday of January, April, July and October of each calendar year at 2:00 p.m. in the Main Floor Conference Room, 500 East Third Street, Loveland, Colorado; and

WHEREAS, the City's retirement consultant, Innovest Portfolio Solutions, LLC ("Innovest"), is unable to review and provide the Board with analysis on the financial performance data of the City of Loveland Employees' Retirement Plan because the financial data is released too closely to the current Board meeting dates; and

WHEREAS, on August 31, 2011, the Board approved a motion to recommend that City Council change the Board meeting dates to provide Innovest sufficient time to review the financial performance data prior to the Board's quarterly meetings.

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

Section 1. That the meeting dates adopted in Resolution #R-67-2010 are hereby amended to change the Board's meeting dates from the fourth Thursday of January, April, July and October of each calendar year to the Second Thursday of February, May, August and November of each calendar year. The meeting time and location shall remain the same: 2:00 p.m. in the Main Floor Conference Room, 500 East Third Street, Loveland, Colorado.

Section 2. That Resolution #R-67-2010, as amended herein and by prior resolutions, shall remain in full force and effect.

Section 3. That pursuant to City Code Section 2.14.020B, the City Clerk is directed to publish the revised meeting dates established by this Resolution within seven days after the date of this Resolution to be published in a newspaper of general circulation in the City and in addition post such notice of revised meeting dates in a conspicuous place in the City Municipal Building.

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

ADOPTED this 20th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

16. CITY MANAGER

Consolidated Firemen's Pension Fund – Member Composition Change

Resolution #R-57-2011

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

RESOLUTION #R-57-2011

A RESOLUTION TO AMEND THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT TO MODIFY THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE CONSOLIDATED FIREMEN'S PENSION FUND OF LOVELAND AND THE RURAL DISTRICT AND TO SET ATTENDANCE REQUIREMENTS

WHEREAS, in 1966 the City of Loveland (the "City"), by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the Loveland Rural Fire Protection District Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into a Consolidated Firemen's Pension Fund of Loveland and Rural District (the "Consolidated Pension Fund Agreement"); and

WHEREAS, the Consolidated Pension Fund Agreement established a board comprised of seven members: three representative from the volunteer firefighters, three representatives appointed by the City Council, and one representative appointed by the LRFPD, with each representative having a two-year term (the "Consolidated Pension Fund Board"); and

WHEREAS, in 1984 the City and the LRFPD amended the Consolidated Pension Fund Agreement pursuant to an intergovernmental agreement titled "Amendment to Agreement of May 17, 1966" (the "First Amendment") to increase the term of each board member from two years to four years and to change the composition of the seven member board as follows: three representatives from the volunteer firefighters, two representatives appointed by the City Council, and two representatives appointed by the LRFPD; and

WHEREAS, over the past twenty-five (25) years, the number of volunteer firefighters available to serve on the Consolidated Pension Fund Board has diminished significantly because participation in the City's fire and rescue department, which pursuant to an intergovernmental agreement also serves the LRFPD jurisdiction, has shifted from primarily volunteer firefighters to paid City employee firefighters; and

WHEREAS, Loveland Volunteer Fire Department, Inc., the organization which previously acted as a voice for the volunteer firefighters and designated volunteer firefighters for the Consolidated Pension Fund Board, is no longer in existence; and

WHEREAS, the City and the LRFPD desire to amend the 1966 intergovernmental agreement to modify the composition of the Consolidated Pension Fund Board to reflect the reality of fewer volunteer firefighters being available to serve on the board and the lack of any formal volunteer firefighter organization to designate representatives to the board by modifying the board composition as follows: three representatives appointed by the City Council with preference for a volunteer firefighter in one representative position, three representatives appointed by the LRFPD with preference for a volunteer firefighter in one representative position, and one representative appointed by the Consolidated Pension Fund Board with preference for a volunteer firefighter; and

WHEREAS, the City and the LRFPD also desire to maximize the opportunity for volunteer firefighters to act as representatives on the Consolidated Pension Fund Board by expanding the definition of a volunteer firefighter to include retired volunteer firefighters and retired volunteer firefighters returned to active service, in the event there are no current volunteer firefighters able, willing and qualified to act as a Consolidated Pension Fund Board representative; and

WHEREAS, the City and the LRFPD also desire to set attendance requirement for those appointed to serve as members of the Consolidated Pension Fund board to further ensure that the board is adequately staffed to fulfill its designated functions; and

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to enter into the "Second Amendment to Agreement of May 17, 1966, Regarding the Consolidated Firemen's Pension Fund of Loveland and Rural District," attached hereto as Exhibit A and incorporated by reference (the "Agreement"), to address the lack of volunteer

firefighters available to serve on the Consolidated Pension Fund Board and to ensure participation of appointed board members; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:

Section 1. That the Agreement is hereby approved.

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

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

Dated this 20th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

17. CULTURAL SERVICES

1ST 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 MUSEUM PROGRAMS AND EXHIBITS" was approved and ordered published on first reading. Donors were: the Erion Foundation (\$17,000); Colorado Creative Industries (\$8500); Medical Center of the Rockies (\$5,000); First Western Trust (\$7,725); Audiology and Hearing Center (\$1,000); Kroh Foundation (\$8,685) and Poet Laureate Silver Sponsors (\$2,000). Total donation amount is \$49,910. Cultural Services Director Susan Ison also mentioned the Loveland Choral Society's Christmas Concert will move from the Rialto to the Roberta Price Auditorium which has a 1,200 seating capacity during the Rialto reconstruction.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

b) Business from Council

McKean

Councilor McKean and his family volunteered at the Community Kitchen in response to the "Day of Service" observation of 9/11. Mayor Gutierrez noted the second annual Cravin' Cajun Block Party to benefit the Community Kitchen will be 6-10 p.m. Friday, Sept. 23, at 437 N. Garfield Ave.

Shaffer

Councilor Shaffer thanked those people involved with organizing the "Peace in the Park" event last weekend.

Johnson

Councilor Johnson mentioned the walking tour brochure created by a subcommittee involving Historic Preservation Commission members, Loveland Historical Society members and Museum staff which was made possible through a \$3,000 grant from the Community Marketing Commission. Councilor Johnson suggested shuttle buses or diagonal parking on Cleveland may be options to alleviate traffic congestion during the annual Corn Roast events.

Gutierrez Mayor Gutierrez mentioned the 2011 Governor's Tourism Conference is September 21-23, at Embassy Suites in Loveland. City Council Staff evaluations are due Friday, September 23. The Mayor attended several emergency services event held as part of the 9/11 observance.

c) City Manager Report

Wheeler Assistant City Manager Wheeler mentioned the Northern Colorado Economic Development Corporation Annual Meeting is October 12, 2011 from 11:30 a.m. to 1:30 p.m. Please RSVP to Rochelle by Friday, September 30, 2011. She also noted the joint meeting with the Board of Education was cancelled with a reschedule date to be determine and emailed to Council.

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

13. ECONOMIC DEVELOPMENT

Amendment One to Eslan Park Center Fee Deferral Agreement

Resolution #R-55-2011

Administrative Action: Economic Development Director Betsey Hale introduced this item to Council. This is an administrative action to consider a resolution approving an amendment to a fee deferral agreement approved by Council in 2006. Pine Hill Partners, LLLP, has requested that in consideration of a payment of \$5,000.00 on or before November 1, 2011, the payment date for capital expansion fees and building permit fees which were deferred until October 31, 2011 under the Deferral Agreement be extended until November 1, 2014. Deferred capital expansion fees and building permit fees will be reduced by City sales tax from the Eslan Park Event Center collected and paid to the City through November 1, 2014. Councilor Johnson requested the Economic Development Subcommittee be apprised of fee waiver matters before they go to Council for consideration. Councilor Johnson moved to approve Resolution #R-55-2011 approving Amendment Number One to Eslan Park Center Fee Deferral Agreement. Councilor McKean seconded the motion and a roll call vote was held and all Councilors present voted in favor thereof.

RESOLUTION #R-55-2011

A RESOLUTION APPROVING AMENDMENT NUMBER ONE TO ESLAN PARK CENTER FEE DEFERRAL AGREEMENT

WHEREAS, Eslan Park, LLC, a Colorado limited liability company ("Eslan Park") and the City entered into that certain Eslan Park Event Center Fee Deferral Agreement dated July 25, 2006 (the "Agreement"), approved by City Council by adoption of Resolution No. 66-2006; and

WHEREAS, the Agreement permitted Eslan Park to assign its interest in the Agreement to Pine Hill Partners, LLLP, a Colorado limited liability limited partnership ("Pine Hill") provided that Pine Hill assumed all of Eslan Park's obligations under the Agreement, and such an assignment has been accomplished and accepted and approved on behalf of the City pursuant to that certain Assignment of Agreement dated June 14, 2011 (the "Assignment"); and

WHEREAS, the Agreement deferred, for a period of 36 months ending October 31, 2011, payment of certain Fees, including CEF's and building permit fees, in the total amount of \$160,000.00 due in connection with construction of an Event Center (the "Deferred Fees"), as more specifically set forth in the Agreement; and

WHEREAS, the Agreement further provided that one hundred percent (100%) of the City's sales taxes collected from sales at the Event Center during the 36 month deferral period be credited to the payment of the Deferred Fees, with the balance of the Deferred Fees, if any, to be paid to the City on November 1, 2011 (the "Payment Date"); and

WHEREAS, the Hamid Eslan and Janice Eslan (collectively, the "Eslans"), as managers and members of Eslan Park, guaranteed any payment of the Deferred Fees due under the Agreement; and

WHEREAS, Pine Hill and the Eslans have requested that the Payment Date for the Deferred Fees be extend to November 1, 2014, and in consideration of such extension has offered to make a payment of \$5,000.00 on or before November 1, 2011 to be credited against the Deferred Fees, all as more fully set forth in Amendment Number One to Eslan Park Center Fee Deferral Agreement attached hereto as Exhibit A and incorporated herein by this reference ("Amendment Number One"); and

WHEREAS, the City Council believes the execution of Amendment Number One will further the public purposes of providing significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased property tax revenues to the City, that were served by the Agreement and, therefore, that the provisions of Amendment Number One are in the best interests of the public and the City.

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

Section 1. That the City Council finds that the Amendment Number One will further the public purposes of providing the social and economic benefits to the citizens of Loveland in the form of jobs, economic development, and increased property tax revenues to the City that were served by the Agreement and, therefore, that Amendment Number One is in the best interest of the public and the City.

Section 2. That Amendment Number One is hereby approved.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to modify Amendment Number One in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute Amendment Number One on behalf of the City of Loveland.

Section 5. That this Resolution shall be effective as of the date and time of its adoption.

ADOPTED this 20th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

18. DEVELOPMENT SERVICES

Municipal Code Amendment – Title 18 Small Wind Energy Systems

1st Rdg Ord & P.H.

Legislative Action: City Planner Brian Burson introduced this item to Council. A public hearing to consider a legislative action to adopt an ordinance, on first reading, to add provisions to Title 18 of the Municipal Code to allow Small Wind Energy Systems (small wind turbines) on residential properties, and establish standards and procedures for City review and approval of such devices. The Mayor opened the public hearing at 7:23 p.m. Bob Eatman, President of HOA at Mariana Glen asked if HOA's will have the option to "opt out". The Mayor closed the hearing at 7:24 p.m. Discussion ensued. Loveland's City Attorney will come back with a legal opinion regarding the City's obligation to regulate. Staff will explore commercial applications in 2012. Council did not take action on this item.

19. CITY MANAGER

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

Economic Development Director Betsey Hale reported four firms submitted proposals and were interview by City staff last Friday: The Beck Group of Dallas; Cumberland and Western of Bowling Green, Ky.; Loveland Commercial of Loveland; Neenan Cos. of Fort Collins (in no particular order). Council will received another update at the special meeting on Tuesday, September 27th following the study session.

ADJOURNMENT

Having no further business to come before Council, the September 20, 2011 Regular Meeting was adjourned at 8:26 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor