

**Southwest Enclave Annexation-Fossil Creek Meadows Subdivision  
Neighborhood Meeting**

**DATE:** July 7, 2004

**TIME:** 6:30- 8:00 pm

**MEETING LOCATION:** St. Peter Evangelical Lutheran Church

**CITY STAFF PRESENT:** Cameron Gloss, Current Planning Director  
Cam McNair, City Engineer  
Sherrie Temple, Assistant Finance Director  
Bob Smith, Water Engineering and Environmental Svcs.  
Monica Moore, Electric Utility Engineer  
Kathleen Reavis, Senior Transportation Planner  
Joe Gerdorn, Police Services  
David Averill, Transportation Planning Specialist

**PROPERTY OWNERS  
PRESENT:**

John Sundragon Waitz, 5104 Parkway Circle W  
Bob & Ruth Soar, 5317 Mail Creek Lane  
Richard Noel, 5401 Mail Creek Lane  
Marilyn Nierman, 5104 Greenway  
Sharon Zappe, 5329 Fossil Ridge Dr.  
Trudy Driver, 5321 Fossil Ridge Dr.  
R. Cook Cloninger, 5327 Fossil Ridge Dr.  
Jan Hamsher, 317 Greenvale Dr.  
Molly & Gene Fiechtl, 5430 Fossil Ct. N  
Robert L. Seymour, 5314 Fossil Ridge Dr.  
Don Silar, 5220 Griffith Dr.  
Mr.& Mrs. Hattan, 5209 Griffith Dr.  
Andrew Pasini, 5205 Greenway Dr.  
Sherrie A. Kachel, 5538 Fossil Court East  
Thomas D. Lynady, 5105 Parkway Circle West  
Phillip D. Keller, 5108 Greenway Dr.  
Reba & Marshall Fowler, 5109 Greenway  
Betty Dohn, 5305 Fossil Ridge Dr.  
Bruce W. Moulds, 5309 Fossil Ridge Dr.  
Ray McGitry, 115 Fossil Court West  
Ron Carey, 838 Courtenay Circle  
Deb Boileau, 5300 Parkway Circle East  
Erin Branchflower, 5306 Fossil Ridge Dr.  
Fossil Creek Meadows HOA Contact Pamm  
Rick & Tom Mallette, 505 Mail Creek Court  
John Fisher, 102 Fossil Court West

## **QUESTIONS, CONCERNS, COMMENTS, RESPONSES**

Following introductory remarks and the introduction of City staff members, Cameron Gloss gave a PowerPoint presentation providing an overall picture of the Southwest Enclave Annexation, local agreements and State statutes governing the process, and the most relevant annexation impacts on properties within the Fossil Creek Meadows Subdivision.

Area property owners generated the following questions, comments and concerns. Most responses were provided by staff at the meeting, although follow-up research was necessary in some cases.

Q = Question

A = Answer

C = Comment

### **Utilities/City Services**

Q: Is there a change to water service upon annexation?

A: No, Fort Collins/Loveland Water District (FCLWD) will continue to serve the area.

Q: Why do we have to change to City electric service?

A: The Current City Charter requires the transfer under agreements with other electric service providers.

Q: Can we maintain service with REA/Xcel; Can the Charter be changed?

A: No, service would need to be transferred per City Ordinance #153, 2000

Q: When will the electric utility transfer occur?

A: In approximately 2-3 years

Q: What is the electric base rate and how does it compare?

A: The Residential Energy Service Rate includes the following:

(1) Fixed charge, per account .... \$3.37

(2) Demand charge, per kilowatt-hour.... \$0.0218

(3) Distribution facilities charge, per kilowatt-hour....\$0.0163

(4) Energy charge, per kilowatt-hour....\$0.0155

(5) In lieu of taxes and franchise, the rate shall be six and zero-tenths percent of all charges billed pursuant to this section.... 6.0%

Q: What is an electric demand charge?

A: Cheaper electricity rate during off-peak hours.

Q: Will we get new electric meters?

A: Yes.

Q: Will the electric fees go up?

A: Only with the demand rate.

Q: Will sales tax be applied to utilities?

A: Yes, electric, cable, and gas services are subject to sales tax.

Q: Does the City have budget billing?

A: Yes

Q: How long do you need to be on City service to be eligible for budget billing?

A: 6 months.

Q: Does the City regulate trash hauling?

A: The Pay As You Throw (PAYT) ordinance says that you pay only for what you throw away. The monthly fee for trash pick-up is determined by a licensed collector (hired by resident or homeowners association) who is required to offer many sizes of containers, bags, and labels that have a volume number on them. Monthly rates may vary between collectors. There may also be a flat monthly fee charged by the collector for operational costs, etc. The flat monthly fee shall not exceed one half of the aggregated customer cost. Recycling is included in the service, and recycle bins are provided. PAYT is meant to get people to recycle more and throw away less, for example instead of paying to have grass clippings hauled away people have opted to buy mulching lawnmowers to save money on trash pick-up. The recycling service is free, extra trash and extra containers to haul away costs more.

Q: Is this taxed?

A: No.

Q: Are there improvement districts for surface water/stormwater?

A: No.

Q: Will we have to adhere to City water restrictions?

A: No, water restrictions would be created and enforced by the Fort Collins/Loveland Water District.

C: We need a formula to calculate run-off fees.

### **Laws & Regulations/Police Services**

Q: What laws change when we come in to the City?

A: There are some differences between the City's Land Use regulations, animal ordinances and code enforcement. These will be highlighted in a summary document that will be posted on the project web page.

Q: Any change in Homeowner's Association (HOA) status?

Q: How can policing happen in our private park?

A: The Police Department can work directly with the Homeowner's Association to determine an appropriate amount of police presence at a private park. This would involve authorization for police officers to access the park grounds.

Q: Can City police stop speeding?

A: Citizens can request increased patrol in the area.

Q: How many homes & square miles are within our subdivision? Can the police protect us?

A: There are approximately 140 square acres in the Fossil Creek Meadows area with approximately 262 homes. There are 157 sworn officers on the police force.

Q: Are more police officers going to be added?

A: No, officers are added on a per year basis, not a per population basis. Given the current budget situation, no new officers have been added in the past few years. Five more officers are slated to be added next year.

C: For emergency vehicles there will be another entrance into Fossil Creek.

Q: How does mail service change re: rural routes?

A: If you have a rural route address and it is converted to a City street, you do not have to file a change of address with the Post Office; they will already have this information. Residents will need to notify people who send them mail that the address has changed.

Q: Is there a change in zoning from County to City?

A: Yes, the annexation area will be zoned per the City Structure Plan – the Fossil Creek Meadows area will be zoned Low Density Residential.

Q: Are there any City departments that could come in and say “how we have to do this, you help pay (charge)?”

A: No, except for creation of a Special Improvement District (SID) for future road improvements. Otherwise, all other public improvement costs are recovered from existing fees.

Q: Are there overlaps with HOA covenants and City codes & ordinances?

A: Yes. Private covenants are typically much more restrictive than City ordinances although there may be some unusual cases when the reverse is true.

Q: Can anything be “grandfathered” in?

A: All current land uses will be allowed to remain – any kind of expansion or development in the future may trigger certain regulations and changes to the use.

Q: Are we taxed for undeveloped areas?

A: Yes, Larimer County will still collect property taxes on private parks and undeveloped areas.

Q: Have you added all the extras up so we know how much more this is going to cost per month?

A: A summary of costs to the “typical” resident within the annexation area will be posted on the project web page later this year.

Q: Who is the City contact for school zones & speeding?

A: If the violation occurred within the city limits and is an ongoing problem with the same location or driver, call 970-221-6842. If it's a one-time occurrence, call 970-221-6540. You will need to provide the following information when you call.

- date and time of incident,
- type of traffic violation (i.e. speeding, careless, etc.),

- location of incident,
- vehicle description,
- description of driver, and
- your name, address and phone number

Eric Bracke is the contact within the Traffic Operations department; questions/concerns about speeding can be directed to him at 970-224-6062

### **Street Improvements**

Q: What are the costs to homeowners for street improvements?

A: Costs will vary based on the design of the new streets. An accurate number can only be prepared when detailed engineering design has been completed.

C: We should only have to pay for City street improvements based on the 1968 City standard when the subdivision was developed.

Q: Will the City be flexible for/with street improvements? Can we work with the City on design?

A: Yes, the City has the option of approving a more “rural” street cross section.

Q: Who does one complain to about school flashing lights by/around Werner Elementary School?

A: The person to contact about school zone flashing light timing around Werner is Eric Bracke at 970-224-6062.

Q: Would the City be “interested” in our open spaces and parks to offset the costs of street improvements?

A: Probably not, but such decision would be made by either the Parks Department or the Natural Areas Program.

Q: Do property values increase with improved streets?

A: Generally, property values increase due to increased property owner investment in their houses and property. City staff is not aware of any scientific data to suggest that street improvements trigger increased private investment, but anecdotally, that seems to be the case.

Q: How does payment work with Special Improvement Districts?

A: Costs for improvements are financed through the issuance of bonds or other financial instruments. Payments are then made by property owners on a regular basis over a period of years.

- Q: Is a special improvement district a lien on your property?
- A: Yes
- Q: If annexation happens, will my house be re-assessed?
- A: No, there is no impact on Larimer County's assessment schedule.
- Q: Do transportation projects/improvements happen with or without annexation?
- A: City transportation capital projects will probably be constructed even without annexation, however, such improvements will likely be delayed.
- Q: Will transportation improvements happen for better access onto College.
- A: Yes. The City has developed the South College Access Management Plan in conjunction with CDOT and Larimer County. It is anticipated that new access will be safer as new development occurs along S. College and other public improvements are constructed.

### **General Annexation Questions**

- Q: Do we have to be annexed? Can we fight it?
- A: In addition to this neighborhood meeting, there will be several public hearings over the next six months giving residents the opportunity to state their position relative to the annexation. Comments can also be e-mailed or submitted in writing to the Current Planning Department. All public comments will be relayed to the Planning and Zoning Board and the City Council.
- C: I see more costs to me and benefits to the City.
- Q: In January 2005, will the Council take action? Can a portion of the area be annexed?
- A: Yes, Council will take action in January 2005. Per State Statute, the entire enclave will have to be considered for annexation.
- Q: Were there any other enclaves NOT annexed?
- A: Staff is not aware of any eligible enclaves within the Fort Collins Growth Management Area that have not been annexed.
- Q: Why are you coming to us with only 6 months to go before annexation?
- A: The timing of the public meetings and data collection is primarily a function of limited City staff resources facing several other high priority projects. Also, the costs associated with the annexation need to be up to date in order to

accurately  
assess the impact to area residents and the City.

C: There is inadequate time to organize and fight the annexation.

Q: Will the decision to annex be made by the existing City Council? Can we voice our opinions? Who are the Council representatives?

A: There will be an election for open City Council seats in April so it will depend when Council hears the item. Yes, statements can be made in writing or in person to Council. Representatives are Kurt Kastein and Eric Hamrick. Two City Council districts surround the annexation area, Districts 3 and 4. If the annexation occurs, the new district lines are anticipated to align with College Avenue. The annexation area west of College Avenue will be in District 4, with Kurt Kastein as their City Council representative. Properties east of College Avenue will be in district 3, with Eric Hamrick as their City Council representative. During the annexation review process, these two Council members would represent the residents within the two respective areas.

Q: How do we send/post more questions?

A: Questions and comments can be e-mailed to: [cgloss@fcgov.com](mailto:cgloss@fcgov.com) or mailed to Cameron Gloss, Current Planning Department, P.O. Box 580, Fort Collins, CO 80522

C: Why don't you just leave us alone if there are no huge benefits or big costs to the City?

Q: When will we get our next notices as part of the public process?

A: A mail notice will be sent to all affected property owners a minimum of two weeks prior to the Planning and Zoning Board Hearing. The project has been scheduled for a hearing before the Planning and Zoning Board December 2, 2004 then will go to City Council on December 7, 2004 to initiate the annexation. The first reading of the Annexation will come before City Council at a public hearing on January 18, 2005. The second reading of the Annexation Ordinance will be February 1, 2005.

Q: Do we know when the annexation will go into effect?

A: If the annexation continues as scheduled, the effective date of the annexation will be February 11, 2005.

Q: Does the City website have all meeting dates & City staff contact information?

A: Yes, [www.fcgov.com/currentplanning](http://www.fcgov.com/currentplanning)