

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

January 16, 2001

## **Proclamations and Presentations**

**5:30 p.m**

***\*\*Presentation of 8 Year Plaques to Board and Commission Members\*\****

## **Regular Meeting**

**6:00 p.m.**

### PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.
  - ◆ **City Manager John Fischbach will introduce the "State of the City" video**
3. CITIZEN PARTICIPATION (limited to 30 minutes)
4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: CITY MANAGER

## 6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 22. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Agenda Item #27, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

## **CONSENT CALENDAR**

7. Second Reading of Ordinance No. 1, 2001, Appropriating Unanticipated Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a one-year grant for the period of January 1 to December 31, 2001 by the Eighth Judicial Victims and Law Enforcement (V.A.L.E.) Board to help fund victim services in Fort Collins. Ordinance No. 1, 2001, was unanimously adopted on First Reading on January 2, 2001, and appropriates the in-kind match in the General Fund for the Police Services Victim Services Team.

8. Second Reading of Ordinance No. 2, 2001, Designating the Deines Barn and Twin Silos, 7225 and 7309 South College Avenue, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the Shenandoah Home Owners Association, is initiating this request for Fort Collins Landmark designation for the Deines Barn and Twin Silos. These structures have architectural importance to Fort Collins as locally rare examples of farmstead architecture, and historical importance for their association with the agriculture development of Fort Collins. Ordinance No. 2, 2001 was unanimously adopted on First Reading on January 2, 2001.

9. Items Relating to an Intergovernmental Agreement with Larimer County Regarding the Fossil Creek Area Regional Open Space Properties.
- A. Second Reading of Ordinance No. 3, 2001, Authorizing an Intergovernmental Agreement with Larimer County Regarding Fossil Creek Reservoir Area Regional Open Space Properties, and Authorizing the Conveyance of an Interest in Certain of Those Properties to Larimer County.
  - B. Second Reading of Ordinance No. 4, 2001, Appropriating Unanticipated Revenue in the Open Lands Fund for Partial Reimbursement Toward the Purchase Price of Fossil Creek Area Parcels E, F, and G.

Staff from both entities developed the IGA to address the purchase, ownership and management of all seven of the parcels within the Fossil Creek Area Regional Open Space. The intergovernmental agreement provides for the transfer of ownership between the entities such that both entities will have a 50% undivided interest in all of the parcels. Larimer County will pay \$2,276,950 to the City of Fort Collins to balance the cost between the two entities. Ordinance No. 3 and Ordinance No. 4, 2001, were unanimously adopted on First Reading on January 2, 2001.

10. Second Reading of Ordinance No. 5, 2001, Authorizing Acquisition by Eminent Domain Proceedings of Certain Easements Necessary for Drainage Improvements to Spring Creek at Lemay Avenue.

Construction of the proposed improvements will require the acquisition of a permanent private access easement, a permanent utility easement, and a temporary construction easement, all from property owned by Spring Creek Health Care Center. Staff has initiated the easement acquisition process – discussing the project with representatives and legal counsel of the owners, obtaining preliminary value estimates, preparing final design drawings, and negotiations to secure the required easements. Staff will continue good faith negotiations; however, to ensure that the City can secure all of the easements in time to begin construction of the project, it is necessary to initiate the first step of the eminent domain process. Ordinance No. 5, 2001, was unanimously adopted on First Reading on January 2, 2001, authorizing acquisition by eminent domain.

11. Second Reading of Ordinance No. 6, 2001, Authorizing the City of Fort Collins to Grant a Non-exclusive Easement on Meadow Springs Ranch to Nunn Telephone Company Within the Existing Poudre Valley Rural Electric Association Non-Exclusive Easement.

Ordinance No. 6, 2001, which was unanimously adopted on First Reading on January 2, 2001, authorizes an easement providing necessary telephone service to Diehl Ranch.

12. Second Reading of Ordinance No. 7, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Johnson Farm Rezoning.

Ordinance No. 7, 2001, which was unanimously adopted on First Reading on January 2, 2001, rezones approximately 55.35 acres of property located on the northwest corner of Timberline Road and Drake Road. The property is currently zoned T - Transitional.

13. First Reading of Ordinance No. 8, 2001, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Projects Fund for the Timberline and Drake Roadway Improvements.

Arterial street improvements are planned for approximately one mile of Timberline Road, from Vermont Drive to approximately 2000 feet north of the intersection with Drake Road. Drake Road will be improved from the Union Pacific Railroad tracks on the west end of the project to approximately 1000 feet east of the intersection with Timberline Road. The project will construct full intersection improvements including auxiliary turn lanes.

14. Items Relating to Gateway Mountain Park.

- A. Resolution 2001-7 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State Department of Transportation for a Colorado Scenic and Historic Byways Program Grant for Gateway Mountain Park.
- B. First Reading of Ordinance No. 9, 2001, Appropriating Unanticipated Revenue in the Capital Projects Fund for Gateway Mountain Park.

Gateway Mountain Park is a 400-acre site located five miles up the Poudre Canyon. The site is owned by the City of Fort Collins and was previously the City's Water Treatment Plant. The City Council has provided direction to make the property accessible to the public as a park.

The Friends of the Poudre, on behalf of the City, applied for the Scenic Byway Grant. The City will be receiving the \$182,000 grant from the Colorado Scenic and Historical Byways program. The Colorado Department of Transportation, administers the program. The grant funds will be used to help with development of Park facilities. Grant funds will be used to fund such items as road improvements, picnic shelter(s), restroom(s), an environmental kiosk, interpretative paths and signs and other site amenities. The funds will be used in years 2001 and 2002 as the Park is developed for public use.

15. First Reading of Ordinance No. 10, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Street Improvements to Fossil Creek Parkway, from College Avenue to Mail Creek Lane.

The final development of the Huntington Hills area requires the collector street connection of Fossil Creek Parkway from College to Lemay Avenue. There is an existing portion of Fossil Creek Parkway that was constructed with an old county subdivision. The development, in conjunction with the Street Oversizing Program, will improve this segment of Fossil Creek Parkway by adding sidewalks, bike lanes, curbing, and an asphalt overlay. Although there is sufficient existing right of way, drainage and slope construction easements are required from the Fossil Creek Estates Homeowners Association's common property. However, the Bylaws of the Association make it extremely difficult to obtain the required easements, and the City and the Homeowners Association have agreed to a "friendly" condemnation of the easements. Without eminent domain, all Fossil Creek Meadows homeowners in the Association and all lending institutions holding deeds of trust would need to execute the conveyance document pursuant to the Bylaws of the Association. This Council action will begin the uncontested eminent domain proceeding.

16. Resolution 2001-8 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State Department of Transportation, Division of Transportation Development, for the Provision of Public Transportation Services in Non-Urbanized Areas.

These grant funds will be used to administer the 5311 and 5310 state grant for Specialized Transportation, and operate FoxTrot and Dial-A-Ride in non-urbanized areas.

17. Resolution 2001-9 Amending the Service Director Pension Plan.

On January 2, 2001, Council approved Resolution 2001-2, in which Council agreed to make any amendments to the Service Director 401(A) Pension Plan, in which the City Manager participates, that might be necessary in order to allow the City Manager to make employee contributions to that plan. The City Manager has requested that the Plan be amended to require him to make a 5% employee contribution into his account.

This Resolution establishes a separate eligibility group within the Service Director Pension Plan so that a mandatory 5% of employee earnings contribution may be made by the City Manager.

18. Resolution 2001-10 Finding Substantial Compliance and Initiating Annexation Proceedings for the Front Range Annexation.

The applicant, Jim Sell Design, Inc., on behalf of the property owners, Front Range Limited Partnership, has submitted a written petition requesting annexation of 4.84 acres located at the

northwest corner of State Highway 287 (South College Avenue) and Trilby Road. The property is currently functioning as the High Country Pools commercial operation. The requested zoning for this annexation is NC – Neighborhood Commercial. The surrounding properties are zoned C - Commercial in Larimer County to the south and east and C – Commercial in the City to the west and the north.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

The property is located within the Fort Collins Urban Growth Area. According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing City limits from common boundaries with the Timan First Annexation (May 23, 1988) to the west and the north.

19. Resolution 2001-11 Finding Substantial Compliance and Initiating Annexation Proceedings for the Rice Homestead Annexation.

The applicant, Shirley M. Slaton, being the property owner, has submitted a written petition requesting annexation of approximately 7.0 acres located south and west of Richard Lake, north of Long Pond, east of County Road 11, and west of State Highway 1 (Terry Lake Road). The requested zoning for this annexation is UE – Urban Estate. The surrounding properties are zoned FA - Farming in Larimer County (to the north, west, and south) and UE – Urban Estate in the City (to the north and east).

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

The property is located within the Fort Collins Urban Growth Area. According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing City limits from common boundaries with the Country Club North Second Annexation (January 17, 1984) to the north and east.

20. Resolution 2001-12 Finding Substantial Compliance and Initiating Annexation Proceedings for the Arbor South Annexation.

The Arbor South Annexation is 11.26 acres in size. The site is generally located on the west side of South College Avenue, east of the Burlington Northern Santa Fe Railroad tracks, approximately one-quarter mile south of Harmony Road. Contiguity with the existing municipal boundary is gained along the north property line with a parcel known as the Spradley Barr Annexation.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on February 20, 2001. Not less than 30 days prior published notice is required by State law.

21. Resolution 2001-13 Authorizing a Revocable Permit Over a Portion of Westfield Park for Construction of Seneca Street by Miramont Associates.

The City's Master Street Plan requires that Seneca Street be constructed along the easterly boundary of Westfield Park. The right-of-way for Seneca Street will be dedicated on the Mountain Ridge Farm, 3rd Filing Plat, which was approved by the Planning and Zoning Board on October 5, 2000. In order for Miramont Associates to construct Seneca Street, a 100-ft. wide (84,961 s.f.) revocable permit to use the easterly boundary of Westfield Park is needed from the City for grading and for reconstruction of the public sidewalk. Staff has reviewed and recommends approval of the revocable permit.

22. Routine Deeds and Easements.

- A. Deed of Dedication for Utility Easement from Darrell L. Knudson, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- B. Deed of Dedication for Utility Easement from P & B Partnership, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- C. Deed of Dedication for Right-of-Way from P & B Partnership, for a permanent right-of-way for public street purposes, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.

- D. Deed of Dedication for Right-of-Way from Darrell L. Knudson, for a permanent right-of-way for public street purposes, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- E. Deed of Dedication for Utility and Storm Drainage Easement from Darrell L. Knudson, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- F. Deed of Dedication for Temporary Construction, Grading and Storm Drainage Easement from P & B Partnership, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- G. Deed of Dedication for Temporary Construction, Grading and Storm Drainage Easement from Darrell L. Knudson, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- H. Deed of Dedication for Temporary Construction, Grading and Storm Drainage Easement from Progressive Living Structures, Inc., located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- I. Deed of Dedication for Temporary Construction, Grading and Storm Drainage Easement from Progressive Living Structures, Inc., located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.
- J. Deed of Dedication for Storm Drainage Easement from Darrell L. Knudson, located west of Shields, between Harmony and Horsetooth Roads. Monetary consideration: \$10.

**\*\*\*END CONSENT\*\*\***

- 23. Consent Calendar Follow-up.  
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 24. Staff Reports.
- 25. Councilmember Reports.  
**Committees that have met since January 2, 2001 include:**  
*Growth Management Committee*  
*NFRT&AQPC*





## ITEMS NEEDING INDIVIDUAL CONSIDERATION

26. Items Relating to Sidewalk Encroachment Leases.

- A. First Reading of Ordinance No. 11, 2001, Amending Chapter 23, Article III, Division 3 Pertaining to Encroachments on Public Property.
- B. First Reading of Ordinance No. 12, 2001, Amending Section 23-114 of the City Code Pertaining to Leases of Public Property for Outdoor Eating Establishments.

City Council has asked City staff to examine its policies regarding private business use of City-owned sidewalks. In the past, the City has granted “encroachment” permits to private businesses for the use of public sidewalks for such things as tables, chairs, or full dining areas. The City has never charged a fee for this service or required the business owners to sign a lease for the space.

Beginning in 2000, the Downtown Development Authority began granting outdoor patio permits to businesses in the Old Town Square area with a \$1 per square foot, per year cost. The cost was originally proposed at \$3 per square foot, but the price was negotiated to be \$1, with the price fixed for three years. Other cities along the Front Range charge as much as \$3 per square foot, and as little as a flat fee of \$50 per year. City staff is proposing a policy similar to the DDA’s be instituted for sidewalk encroachments on City-owned property.

The change in policy would be directed at two goals. First, concerns have been raised about the use of City property without any cost to the business. In this situation, private businesses are benefiting from publicly owned improvements. This equity issue has become a concern in light of the recent change in DDA policies. Second, this policy would address liability issues that come with private use of public properties. Currently, with no lease in place, the City may not be able to ensure that the City’s liability would be limited if an accident or injury occurred in one of these areas.

The proposed ordinance limits the usage of the sidewalk spaces under the lease to "outdoor eating establishments." This is because outdoor eating establishments can best enhance the attractiveness and ambiance of the commercial areas of the City without unduly interfering with the public's use of such rights-of-way.

27. Pulled Consent Items.

28. Other Business.

29. Adjournment.