



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

April 4, 2006

Doug Hutchinson, Mayor  
Karen Weitkunat, District 2, Mayor Pro Tem  
Ben Manvel, District 1  
Diggs Brown, District 3  
Kurt Kastein, District 4  
Kelly Ohlson, District 5  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 14  
on the Comcast cable system

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### Proclamations and Presentations 5:30 p.m.

- A. Proclamation Naming "Tolerance" as the Community Character Focus for the Month of April, 2006.
- B. Presentation of the Marcille N. Wood Award by the Commission on the Status of Women.

### Regular Meeting 6:00 p.m.

**OPENING** by Music Students from Traut Core Knowledge Elementary School Singing a Patriotic Song.

#### PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.

3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

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

### Consent Calendar

The Consent Calendar consists of Items 6 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 Item No. 28, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of Minutes from the February 21, 2006 Regular Meeting and the February 28, 2006 Adjourned Meeting.

7. Second Reading of Ordinance No. 045, 2006, Appropriating Unanticipated Grant Revenue in the General Fund From the Colorado Department of Revenue, Enforcement of Underage Drinking Law Program.

The Colorado Department of Revenue, Enforcement of Underage Drinking Laws Program has awarded the Fort Collins Police Services with a grant in the amount of \$51,983. This Ordinance, which was adopted unanimously on First Reading on March 21, 2006, appropriates the unanticipated grant revenue in the General Fund to pay for overtime in possession/illegal sales operations, joint enforcement activities with Colorado State University Police, and educational supplies and implementation through CSU's Office of Alcohol and Other Drug Prevention and Education Services Department.

8. Second Reading of Ordinance No. 046, 2006, Authorizing the Appropriation of Operating Funds of the Fort Collins-Loveland Municipal Airport for the Fiscal Year Beginning January 1, 2006, and Authorizing the Appropriation of Unanticipated Revenue and Prior Year Reserves for Capital Improvements at the Fort Collins-Loveland Municipal Airport.

This Ordinance, which was unanimously adopted on First Reading on March 21, 2006, appropriates the City of Fort Collins contribution of the 2006 Airport budget, which is a 50% share and totals \$269,185. It also appropriates the City of Fort Collins 50% share of capital funds for the Airport from federal and state grants; passenger charges; contributions from Fort Collins and Loveland; and the Airport General Fund. The capital funds are to be used to construct improvements to the Airport's ramp area for commercial aircraft, reconstruct taxiway Alpha, replace taxiway Alpha's lighting system, replace the airfield lighting control system, fog seal the main runway and replace the markings, and other measures aimed at increasing Airport safety.

9. Second Reading of Ordinance No. 048, 2006, Amending Chapter 2, Article IV of the City Code by the Addition of a New Division 4 Regarding the Urban Renewal Authority.

Ordinance No. 048, 2006, unanimously adopted on First Reading on March 21, 2006, adds the Urban Renewal Authority to the listing of Authorities contained in Chapter 2, Article IV of the City Code.

10. Second Reading of Ordinance No. 049, 2006 Authorizing the Lease of City-Owned Property at 2313 Kechter Road, Fort Collins, Colorado, for Up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program (the "Land Bank Program"). The property is composed of 15.959 acres of development land and is improved with a 2,967 square foot single family house and three outbuildings. This Ordinance, which was unanimously adopted on First Reading on March 21, 2006, authorizes the lease of this property and will include the entire 15.959 acres with the single family residence and the three outbuildings.

11. Second Reading of Ordinance No. 050, 2006, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sanitary Sewer Line By the South Fort Collins Sanitation District On a Portion of Fossil Creek Reservoir Regional Open Space.

The South Fort Collins Sanitation District wishes to acquire a permanent right-of-way as well as temporary construction easements in order to install, maintain, and repair a sanitary sewer line on the Fossil Creek Reservoir Regional Open Space. The new sanitary sewer and related easements will parallel an existing right-of-way and sewer line that the District currently maintains on the property. The new sewer line will replace the existing sewer line which is not capable of providing adequate service. This Ordinance, which was unanimously adopted on First Reading on March 21, 2006, authorizes the conveyance of non-exclusive easement interests to the South Fort Collins Sanitation District.

12. Second Reading of Ordinance No. 051, 2006, Authorizing the Dedication of Certain Street Rights-of-Way and the Disposition of Certain Interests in Real Property in Connection with the Fort Collins Police Services Facility Site and the Spring Creek Farms North Plat.

Ordinance No. 051, 2006, unanimously adopted on First Reading on March 21, 2006, dedicates certain street rights-of-way in connection with the Fort Collins Police Services Facility site. These streets surround the Police Services Facility site and are Charles Brockman Drive, Joseph Allen Drive, Nancy Gray Avenue, and Timberline Road. It also conveys two utility easements included within the boundary of the Police Services Facility site.

13. Items Relating to the Airpark Village Annexation and Zoning.

- A. Second Reading of Ordinance No. 053, 2006, Annexing Property Known as the Airpark Village Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 054, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Airpark Village Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 148 acres in size. The site is an existing, privately owned airport and three abutting properties, all generally located north of East Lincoln Avenue, south of East Vine Drive and west of Timberline Road. Contiguity with the existing municipal boundary is gained along portions of the west and east property lines. The east property line abuts the Dry Creek Subdivision.

These Ordinances were unanimously adopted on First Reading on March 21, 2006.

14. First Reading of Ordinance No. 055, 2006, Appropriating Prior Year Reserves in the General Fund for Police Asset Forfeiture Activity.

The funds obtained through civil asset seizure and forfeiture actions will be used by Police Services to purchase new equipment, fund additional training, and contribute to partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

15. First Reading of Ordinance No. 056, 2006, Appropriating Unanticipated Revenue in the Street Oversizing Fund for Transfer to the Capital Projects Fund - Trilby and Ziegler Road Improvement Project and Authorizing the Transfer of Existing Appropriations from the Street Oversizing Fund to the Capital Project Fund - Trilby and Ziegler Road Improvements Project to be Used to Construct a Roundabout at the Intersection of Ziegler and Kechter Roads.

The Ziegler and Kechter Roundabout Project (the "Project") includes intersection and arterial street improvements for Ziegler Road, from Kechter Road south to Kinard Junior High School (approximately 1800 linear feet). These street improvements include widening Ziegler Road to minor arterial street standards from its existing two-lane configuration and

the construction of a modern roundabout at the intersection of Ziegler Road and Kechter Road. The Fort Collins Loveland Water District will install a 24-inch water main prior to roadway paving and is including some of this work in conjunction with the Project. Roadway improvements include the installation of curb-and-gutter, sidewalks, asphalt paving, bike lanes, and storm sewers.

The construction is planned to begin in June 1, 2006 and be completed prior to the start of fall semester of the Poudre School District on August 16, 2006.

16. First Reading of Ordinance No. 057, 2006, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Ziegler Road, Kechter Road Intersection Improvements Project.

Intersection improvements are planned for Zeigler Road and Kechter Road and include the construction of a modern roundabout at the Zeigler and Kechter intersection.

Right-of-way acquisition for the Project is now underway. Because of the round configuration of the improvements and the square shape of the existing right-of-way, two small slivers of property are needed on the west side. One of these properties has been purchased and the other property owner, in spite of staff's diligent efforts, has not responded.

17. Items Relating to the Northside Aztlan Community Center Located at 112 Willow Street.

- A. First Reading of Ordinance No. 058, 2006, Authorizing the Conveyance of an Exclusive Easement For a High Pressure Natural Gas Line to Public Service Company of Colorado Located at 112 Willow Street.
- B. First Reading of Ordinance No. 059, 2006, Exempting the Relocation of a High Pressure Gas Line in Connection with the Redevelopment of the Northside Aztlan Community Center From Regulation Under the Land Use Code.
- C. First Reading of Ordinance No. 060, 2006, Authorizing the Conveyance of a Permanent, Non-Exclusive Easement to Public Service Company of Colorado and the United States Environmental Protection Agency For Environmental Remediation Activities and Facilities On the Northside Aztlan Community Center Property and Gustav Swanson Natural Area.
- D. First Reading of Ordinance No. 061, 2006, Vacating an Alley Right-of-way Established as Part of the 1873 Map of the Town of Fort Collins.

This item includes four Ordinances related to the completion of the plat and preliminary work associated with the construction of the new Northside Aztlan Community Center ("NACC") at 112 Willow Street. The new building is adjacent to the existing facility. Two of the Ordinances relate to the relocation of a high pressure gas line, which will be necessary in order to allow the platting and construction of the NACC to proceed. In addition to a new

easement for Public Service Company of Colorado for the gas line, an exemption from the requirements of the Land Use Code is in order to allow the relocation to proceed without separate advance review of the relocation. Ordinance No. 060, 2006, authorizes the grant of an easement to Public Service Company and the U.S. Environmental Protection Agency for permanent facilities for the environmental work along the Poudre River near the NACC. The Council has previously authorized this easement, but a new authorization is being requested in light of modifications to the easement area described. Ordinance No. 061, 2006, vacates an alley right-of-way that was shown on the original Town Plat and is located on the site of the NACC. These items are each needed in order to allow staff to finalize the plat for the NACC project.

18. First Reading of Ordinance No. 062, 2006, Authorizing the Conveyance of a Right-of-Way Easement and Temporary Construction Easement for the Construction of a Natural Gas Pipeline on Meadow Springs Ranch.

Presently, there are several existing pipelines running through Meadow Springs Ranch at the northeastern-most corner of the Ranch, in Weld County, Colorado. Entrega Gas Pipeline, LLC is constructing a new interstate natural gas pipeline from Meeker, Colorado, to the Cheyenne Hub in Weld County, Colorado. This Ordinance authorizes conveyance of a right-of-way easement and temporary construction easement for construction of a natural gas pipeline at Meadow Springs Ranch.

19. First Reading of Ordinance No. 063, 2006, Vacating a Portion of Right-of-way as Dedicated At Book 1174, Page 543 of the Larimer County Records.

In 1962, a 25 foot-wide strip of land south of Plum Street, between Shields Street and City Park Avenue was dedicated to the City (Book 1174, Page 543) for street right-of-way purposes. The owners of the properties at 813 Scott Street, 809 Scott Street and 1201 W. Plum Street have requested the City vacate this 25 foot by 349.70 foot strip of land that is adjacent to and on the west side of their properties. The applicants have requested this vacation because they wish to upgrade, renovate or redevelop their properties and feel this land is needed in order to do so. This area of land is not paved and is not used for access or as a driveway to the properties, nor is it planned as use for public access. It does contain several utilities within the area. The applicants have been notified and are aware the City does not determine who will get the vacated property and that ownership of the vacated property is determined in accordance with state statutes.

All public and private utilities have been notified of the proposed vacation and no objections have been stated, provided the area is retained as a utility easement. The entire area proposed to be vacated will be retained as a utility easement.

20. Resolution 2006-039 Authorizing Extension of a Lease of the City Ditch on City-owned Property at 2005 North Overland Trail in Larimer County, Colorado to Larimer County Canal No. 2 Irrigating Company Through April 5, 2008.

This Resolution authorizes the extension of a lease to Larimer County Canal No. 2 Irrigating Company of the City Ditch on the City's old Water Works Property at 2005 North Overland Trail Road. Although the original 1906 lease provided for an automatic renewal of the lease for an additional 99-year term at the Ditch Company's option, the Council's authorization at the time only authorized the lease for the initial 99 years. Pending resolution of this matter for the long term, a short term extension will allow the continued use of the City Ditch for irrigation flows on the same terms as have been in place during the original lease term, and will avoid disruption of the right to run those irrigation flows in the City Ditch for the 2006 irrigation season. In March 2005, the Council authorized extension of the lease for one year, but permanent arrangements have not yet been developed.

21. Resolution 2006-040 Making Appointments to the Affordable Housing Board.

Vacancies currently exist on the Affordable Housing Board due to the resignation of Jane Phelan and the expiration of the term of Kay Rios. Applications were solicited and Councilmembers Kastein and Ohlson conducted interviews. The Council interview team is recommending Donna Wetzler and Chris Crutcher to fill the vacancies with terms to begin immediately and set forth to expire on December 31, 2007 and December 31, 2009 respectively.

22. Routine Easement.

Easement for construction and maintenance of public utilities from Richard and Pamela Dunlap, to underground existing electric system, located at 947 East Prospect. 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.

## Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

26. Second Reading of Ordinance No. 047, 2006, Authorizing an Addendum to the Existing Intergovernmental Agreement with the Fort Collins-Loveland Water District, Extending for Five Years the Time for Annexations of Subdivisions to be Eligible Under the Agreement. (no staff presentation - 15 minute discussion)

Under the provisions of the existing Intergovernmental Agreement, certain developing properties in the Fort Collins-Loveland Water District service area have the option of meeting either City or District water development requirements. The Agreement specifies that the properties were within the City limits at the time of the Agreement or must be annexed into the City within five years from the date of the Agreement to be eligible. The initial five-year period is nearly passed. The Agreement allows for two five-year extensions to the period under which properties can annex and be eligible. This Ordinance authorizes a five-year extension of the Agreement and was unanimously adopted on First Reading on March 21, 2006.

27. Second Reading of Ordinance No. 052, 2006, Appropriating Prior Year Reserves in the Storm Drainage Fund For a Loan to the Urban Renewal Authority. (no staff presentation - 10 minute discussion)

On September 20, 2005, Council, acting as the Urban Renewal Authority (URA), approved the use of URA funds to reimburse Valley Steel for an extension of a sanitary sewer line serving its property and several other properties along Hickory Street. The amount of assistance was established at an amount not to exceed \$150,000. Since the Valley Steel improvement was for utilities infrastructure, staff recommended a loan to the URA from Stormwater Utility Reserves in the amount of \$150,000 for the Valley Steel utility improvement. Ordinance No. 052, 2006, which was adopted on March 21, 2006 with a vote of 6-1 (Nays: Ohlson), authorizes use of prior year reserves in the Storm Drainage Fund for a loan to the URA.



28. Pulled Consent Items.

29. Other Business.

30. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.