

AGENDA
OF THE
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 19, 2005

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming April 6, 2005 as “Colorado Tartan Day.”
- B. Proclamation Proclaiming April 23, 2005 as “Arbor Day.”

Regular Meeting
6:00 p.m.

PLEDGE OF ALLEGIANCE

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

ORGANIZATIONAL MEETING

- 3. Oaths of Office - Newly Elected Mayor and Councilmembers.

District 1 Councilmember Ben Manvel, District 3 Councilmember Diggs Brown, District 5 Councilmember Kelly Ohlson, and Mayor Doug Hutchinson will take their oaths of office at this time.

- 4. Newly Elected Councilmembers will be seated.
- 5. Resolution 2005-030 Expressing Gratitude and Appreciation to Ray Martinez for His Contributions to the Community as Mayor.
- 6. Resolution 2005-031 Expressing Gratitude and Appreciation to William J. Bertschy for His Contributions to the Community as a Councilmember.
- 7. Resolution 2005-032 Expressing Gratitude and Appreciation to Eric C. Hamrick for His Contributions to the Community as a Councilmember.
- 8. Resolution 2005-033 Expressing Gratitude and Appreciation to Marty Tharp for Her Contributions to the Community as a Councilmember.
- 9. Presentation to City Council, by Former Mayor Arvid Bloom, of a historical journal of documents, dated 1872, of the Cache la Poudre Valley Improvement Company.

***** BRIEF RECEPTION *****

10. Election of Mayor Pro Tem. (2 year term)

The Charter provides that the Council shall elect a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.

11. CITIZEN PARTICIPATION (limited to 30 minutes)

12. CITIZEN PARTICIPATION FOLLOW-UP:

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

13. AGENDA REVIEW: CITY MANAGER

14. **CONSENT CALENDAR**

The Consent Calendar consists of Item Numbers 15 through 32. 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 #37, 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

15. Consideration and approval of the regular Council meeting minutes of February 15, March 1, and March 15, 2005, and the adjourned Council meeting minutes of March 8, 2005.16. Second Reading of Ordinance No. 038, 2005, Appropriating Unanticipated Revenue in the Equipment Fund and Authorizing the Transfer of Existing Appropriations in the Equipment Fund for Construction and Installation of a Compressed Natural Gas Backup Compressor at the Transfort Alternative Fueling Station.

These actions are necessary to move forward with the installation of a backup Compressed Natural Gas facility which will provide additional fast fueling capability and a redundancy system in the event of a main compressor malfunction. This system will be critical in

Transfort's fueling capability, as Transfort continues to acquire additional Natural Gas buses. Ordinance No. 038, 2005, was unanimously adopted on First Reading on March 15, 2005.

17. First Reading of Ordinance No. 039, 2005, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund - Nix Barn Restoration Capital Project and Authorizing the Transfer of Appropriations Between Funds for the Purpose of Restoring the Exterior of the Nix Barn at the Nix Farm Natural Area, 1745 Hoffman Mill Road.

This item requests the appropriation of unanticipated grant revenue in the amount of \$97,500, and authorizes the transfer of \$54,000 from the Natural Areas Fund to be used for stabilization and restoration of the Nix Barn at the Nix Farm, 1745 Hoffman Mill Road.

The Colorado Historical Society awarded the City of Fort Collins a State Historical Fund grant to cover structural analysis and building stabilization, window inventory and restoration, chimney, doors, and siding restoration, replace the rusted leaking roof, and paint the historic barn at the Nix Farm. State Historical Fund grants are available to public entities as applicants for the purpose of historic preservation of their public buildings. The grant is designed to help applicants use historic-type materials and craftsmanship that may cost more than modern ones.

18. First Reading of Ordinance No. 040, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases in Larimer County that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and in Larimer County they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

19. First Reading of Ordinance No. 041, 2005, Appropriating Unanticipated Revenue in the Street Oversizing Fund for Transfer to the Capital Project Fund - Drake and Ziegler Road Improvements Project, Phase I.

The developer of the new King Soopers at the intersection of Drake and Timberline Roads needs to construct improvements to Drake Road to support their truck access and delivery to the site. These improvements are adjacent to and overlap the City's Drake and Ziegler Roadway Project ("Roadway Project"), Timberline to Rigden Parkway.

Staff and the developer are coordinating the construction of these improvements for King Soopers with the City's Roadway Project. The coordinated effort will avoid a joint or patch in a new asphalt roadway, and minimize the impact of two separate construction projects to the traveling public.

Since these improvements are for the special use and benefit of the King Soopers site, the developer is contributing the estimated cost, \$135,000. This ordinance would appropriate the unanticipated revenue into the project.

20. First Reading of Ordinance No. 042, 2005, Amending the Rules and Regulations Governing Grandview and Roselawn Cemeteries to Allow the Placement of Monuments on Burial Spaces by Persons Other than the Owner.

Cemetery staff have recently received inquiries from several people who want to place monuments on burial spaces where their relatives are interred, and for which the record owners cannot be located. These people are upset by the fact that their relatives' graves have no markers, but currently the rules and regulations do not allow anyone except the record owner of a burial space to have a marker or monument placed upon the space.

Cemetery staff and the City Attorney's office have developed a procedure under which a person who is not the owner of a burial space could have a monument placed on the space, provided that he or she is related to the person buried in the space; that the record owner cannot be located; and that the person making the request agrees to bear any associated costs, comply with all applicable Cemetery rules and regulations, and hold the City harmless from any claims arising out of the placement of the monument without the record owner's consent.

This Ordinance will authorize amendments to Section 14 of the Cemetery rules and regulations to implement this new procedure.

21. First Reading of Ordinance No. 043, 2005, Amending Section 2-353(4) of the City Code Pertaining to the Planning and Zoning Board.

Section 2-353(4) provides that "all" planning items shall be reviewed by the Planning and Zoning Board in accordance with the Code. The Land Use Code, which is a part of the City Code, provides that certain planning items are to be reviewed not by the Planning and Zoning Board, but by the Director in an administrative hearing. This Ordinance is necessary to bring Section 2-353(4) into harmony with the provisions of the Land Use Code and the established practices arising therefrom.

22. First Reading of Ordinance No. 044, 2005, Authorizing the Conveyance of City-Owned Property, Located in the Coventry Subdivision Filing No. 1, Fort Collins, Colorado, to Coventry Home Owners' Association, in Exchange for a Conservation Easement Preserving the Property.

This Ordinance authorizes the conveyance of a 2.197 acre tract, referred to as Hidden Cattails Natural Area, to Coventry Home Owners' Association ("HOA"). As part of the proposed transaction the HOA would convey to the City a conservation easement agreement that would give the City the right to preserve and protect the conservation values of the property in perpetuity. The conservation values include viewshed, natural area, and wetland and stream habitat values.

23. First Reading of Ordinance No. 045, 2005, Designating the Remington House, 124 North Sherwood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Mark and Elizabeth Knapp, are initiating this request for Fort Collins Landmark designation for the Remington House. The home retains excellent physical integrity and is judged to be architecturally significant to our community under Fort Collins Landmark Standard (3). It is a minimally altered, well-preserved, vernacular example of the side-gabled variant of the Prairie style.

24. First Reading of Ordinance No. 046, 2005, Vacating Two Portions of Right-of-Way as Dedicated on the Plat of Side Hill, Filing One.

The Side Hill development site is located north of Drake Road and east of Timberline Road. As a part of Side Hill, Filing One, it was anticipated that an unnamed street would extend northeasterly beyond Katahdin Drive and that Trestle Road would extend westerly beyond Windrow Drive. Street stubs for both of these anticipated streets were dedicated with Side Hill, Filing One. In Side Hill, Filing Two, for which an Administrative Hearing was held on December 16, 2004, the street stubs are no longer needed and the streets are not planned to extend beyond Windrow Drive. Therefore, the right-of-way for the two street stubs is no longer necessary and is proposed for vacation at this time. As there are currently utilities within the right-of-way, the area will be retained as a utility easement.

25. Items Pertaining to the Crawford Annexation and Zoning.

- A. Resolution 2005-034 Setting Forth Findings of Fact and Determinations Regarding the Crawford Annexation.
- B. First Reading of Ordinance No. 047, 2005, Annexing Property Known as the Crawford Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 048, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Crawford Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 30.04 acres in size. The site is located approximately one-half mile west of North College Avenue on the south side of West Willox Lane. Contiguity is gained along the eastern boundary which is shared with Hickory Village Mobile Home Park. Contiguity is also gained along a portion of the south property line which is shared with the City of Fort Collins Soft Gold Neighborhood Park. The recommended zoning is U-E, Urban Estate. This zoning complies with the Structure Plan Map.

26. Resolution 2005-035 Finding Substantial Compliance and Initiating Annexation Proceedings for the Sunrise Ridge Annexation.

The Sunrise Ridge Annexation is 10.34 acres in size. The site is located at 5101 South Strauss Cabin Road, approximately one-half mile south of East Harmony Road on the west side of Strauss Cabin Road. Contiguity with the existing municipal boundary is gained along the entire eastern boundary which is shared with the west property line of the Willow Brook Subdivision (Observatory Village). Contiguity is also gained along the entire northern boundary which is shared with the south property line of Brookfield Subdivision (Morningside Townhomes).

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 June 7, 2005. Not less than 30 days prior, published notice is required by State law.

27. Resolution 2005-036 Establishing Fee Increases Charged by Fort Collins Police Services Relating to Release of Criminal Justice Records.

The Records Division of Fort Collins Police Services receives numerous requests on a daily basis for copies of police reports. The highest percentage of these requests comes from insurance companies for copies of accident reports. Records Division staff recommends adjusting the current rates. This adjustment more accurately reflects the cost of providing this service.

Secondly, during the last few years, the volume of requests for 'special services' of the Police Services computer system database has increased dramatically. These special searches range from crimes at a specific location to the number of crimes by day of week and require much more sophisticated expertise and time to accomplish. The requested increase more closely reflects the overall cost of complete these searches.

28. Resolution 2005-037 Authorizing the Lease of City-Owned Agricultural Property at 1425 Overland Trail for Up to Two Years.

Pursuant to the City of Fort Collins Land Conservation and Stewardship Master Plan, the Andrijeski Farm was purchased on September 1, 2004. The 153-acre farm is located within the City's Growth Management Area at 1425 North Overland Trail. A portion of the property was leased by the previous owner to Roger and Keith Amey for several years for crop and grazing purposes, and it is the intent of City Natural Area staff to extend the lease for a one or two year period, at the option of both parties, subject to management direction from the staff.

29. Resolution 2005-038 Authorizing a Revocable Permit to the Colorado Department of Transportation for a Period of up to Two Years to Enter on Property Owned by the City for the Purpose of Environmental Cleanup and Monitoring.

The City of Fort Collins and the Colorado Department of Transportation ("CDOT") began negotiations in 1997 to exchange properties on East Vine Street. These negotiations were completed with a closing held on April 26, 2000, at which CDOT deeded to the City a parcel of land containing 0.82 acres and the City deeded a parcel of land to CDOT containing 2.5 acres of land. Along with the transfer of the property, CDOT also paid the City approximately \$90,000 for the difference in value between the two properties.

Prior to the City's purchase of the land from CDOT, CDOT had been working with the State on an environmental contamination on a portion of the site. At the time of closing, all parties understood that the State was issuing a Letter of No Further Action. During CDOT's occupation of the site, they continued to monitor wells that they had installed on the site. These tests did not give a completely clean reading; therefore, the State is requiring that CDOT remove the contaminated soil and replace it with new soil. Excavation of the soil will also remove the existing monitoring wells on site. These wells will need to be replaced on site and CDOT will need to continue monitoring these wells for up to two years. Issuing this Permit to CDOT allows them to proceed to clean up the City property at their expense and monitor it as required by the State.

30. Resolution 2005-039 Further Extending the Term of the Ad Hoc Compensation and Benefits Committee.

The Committee has recommended that the Council further extend its existence in order to allow the City Manager to communicate with City employees regarding the Committee's recommendations. The extension would be through June 30, 2005.

31. Resolution 2005-040 Making an Appointment to the Golf Board.

Currently a vacancy exists on the Golf Board due to the resignation of Mindy Markley. Councilmembers Bertschy and Hamrick reviewed the applications on file and are recommending Shane Houska to fill the vacancy with a term to begin immediately and set to expire on December 31, 2006.

32. Routine Easements.

A. Deed of Easement Dedication from Lake Sherwood Home Owners Association, for sidewalk improvements and for pedestrian use thereof by the general public, located on East Drake Road. Monetary consideration: \$0.

*****END CONSENT*****

33. Consent Calendar Follow-up.

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

34. Staff Reports.

35. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

36. Consideration of an appeal of the Feather Ridge Modification of Standard. (90 minutes - 20 minute staff presentation)

On February 1, 2005, the City Council overturned a recent Planning and Zoning Board denial of the proposed Feather Ridge Project Development Plan (PDP) application for a small scale reception center located on 15 acres of land north of Hewlett-Packard and east of the Woodland Park Estates Subdivision. Council's action included the remand of one aspect of the application, a request for a modification to the separation requirements between the events center and adjacent residences, back to Planning and Zoning Board for reconsideration. The Planning and Zoning Board subsequently reviewed and denied the modification request.

City Council is being asked to hear an appeal of the Planning and Zoning Board's denial of the requested modification.

37. Pulled Consent Items.

38. Other Business.

39. Adjournment.