

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 3, 2005

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming May 1-8, 2005, as “Days of Remembrance of Victims of the Holocaust.”
- B. Proclamation Proclaiming May 5, 2005, as “National Day of Prayer.”
- C. Proclamation Proclaiming May 5-8, 2005, as the “Cinco de Mayo Celebration.”
- D. Proclamation Proclaiming May 7, 2005, as “National Animal Sanctuary Day.”
- E. Proclamation Proclaiming May 14, 2005, as “Kids Day America / International.”
- F. Proclamation Proclaiming May 2005, as “Older Americans Month.”
- G. Proclamation Proclaiming May 2005, as “Historic Preservation Month.”
- H. Presentation of “Friend of Preservation” Awards.

## **Regular Meeting**

**6:00 p.m.**

### PLEDGE OF ALLEGIANCE

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.
- 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 #29, 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. 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.

Ordinance No. 039, 2005, was unanimously adopted on First Reading on April 19, 2005.

8. Second 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.

Ordinance No. 040, 2005, was unanimously adopted on First Reading on April 19, 2005.

9. Second 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.

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, which was unanimously adopted on First Reading on April 19, 2005, would appropriate the unanticipated revenue into the project.

10. Second 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 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, which was unanimously adopted on First Reading on April 19, 2005, will authorize amendments to Section 14 of the Cemetery rules and regulations to implement this new procedure.

11. Second 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, which was unanimously adopted on First Reading on April 19, 2005, is necessary to bring Section 2-

353(4) into harmony with the provisions of the Land Use Code and the established practices arising therefrom.

12. Second 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, which was unanimously adopted on First Reading on April 19, 2005, 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.

13. Second 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.

Ordinance No. 045, 2005, was unanimously adopted on First Reading on April 19, 2005.

14. Second 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.

Ordinance No. 046, 2005, was unanimously adopted on First Reading on April 19, 2005.

15. Items Relating to the Crawford Annexation and Zoning.

- A. Second Reading of Ordinance No. 047, 2005, Annexing Property Known as the Crawford Annexation to the City of Fort Collins, Colorado.
- B. Second 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.

Ordinance Nos. 047 and 048, 2005 were unanimously adopted on First Reading on April 19, 2005.

16. First Reading of Ordinance No. 049, 2005, Appropriating Unanticipated Revenue in the General Fund to the Fort Collins Housing Authority to Fund Affordable Housing and Related Activities.

The Fort Collins Housing Authority (“Authority”) paid the City of Fort Collins \$12,033 as a 2004 payment for public services and facilities. The Authority annually requests that the City refund the Payment in Lieu of Taxes (PILOT) to fund sorely needed affordable housing related activities and to attend to the low-income housing needs of Fort Collins residents.

Resolution 1992-093 reinstated the requirement that the Authority make annual PILOT payments to the City. The City may spend the PILOT revenues as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has remitted the PILOT payment to the Authority annually since 1992.

17. First Reading of Ordinance No. 050, 2005, Authorizing the Transfer of Existing Appropriations Between Funds to be Used to Purchase the Property Located at 212 West Laporte Avenue.

The City of Fort Collins developed the Downtown Civic Center Master Plan in 1996. At that time, the Plan called for Block 32 to have municipal government offices and a library. The Plan includes a pedestrian corridor through the middle of the block. The City has purchased most of the Block, but there are currently two properties still under individual ownership.

During the design phase of the office building at 215 North Mason, staff attempted to acquire the property 212 West LaPorte Avenue. The owner did not want to sell. The decision was made to design and construct the building without impacting the property at 212 West LaPorte Avenue. The existing building impacted the continued flow of the pedestrian corridor and there have been parking issues since the City's occupation of the office building.

The owner of 212 West LaPorte Avenue is moving his business and has approached the City to purchase the property. This is a good opportunity to purchase this site for our future use on the Block. With this property, the City will own the entire Block except for the southwesterly corner. Buying today with a willing seller will save the City money in the future and, until the Block is developed, the City will rent the property to generate income.

18. First Reading of Ordinance No. 051, 2005, Amending Section 238(1) of the Fort Collins Traffic Code Pertaining to License Plates.

At the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with State traffic laws. This amendment will require motorcycles, trailers, and other vehicles to attach license plates to the rear of the vehicle. This change is necessary for the section to be consistent with state law.

Staff will submit the changes to Colorado Department of Transportation (CDOT) for approval pursuant to statute. As this amendment is made to conform to state law, it is anticipated that CDOT will approve the amendment.

19. First Reading of Ordinance No. 052, 2005, Vacating a Portion of Right-of-Way as Dedicated on the Plat of Prospect Industrial Park.

The Liberty Commons School site is located on the north and west sides of March Court cul-de-sac. The current school building is at the northwest corner of March Court and Sharp Point Drive. The area to the west of the cul-de-sac is currently vacant land. The Liberty Commons School desires to build a running track for the school's use on this vacant land. The width of the land is not adequate to build a running track that will meet competition standards, thus they would like to shorten the existing cul-de-sac, vacate a portion of the existing right-of-way and use this area for construction of a running track. At the completion of the project the revised cul-de-sac will have the same functionality as the original March Court cul-de-sac.

All public and private utilities have been notified of the proposed vacation and they report no objections, provided portions of the cul-de-sac are retained as utility easements. With this ordinance the entire area proposed to be vacated will be retained as a utility, drainage and access easement. This will allow the cul-de-sac to remain until the new March Court cul-de-

sac can be built and accepted. Portions of the easement will then be vacated to allow for the construction of the running track in this area.

20. Resolution 2005-041 Finding Substantial Compliance and Initiating Annexation Proceedings for the Airpark Village Annexation.

The Airpark Village is 147.83 acres in size. The site is existing privately owned airport 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.

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.

21. Resolution 2005-042 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kingdom Hall Annexation.

The Kingdom Hall Annexation is 3.87 acres in size. The site is 2104 Kechter Road located at the northeast corner of South Timberline Road and Kechter Road. Contiguity with the existing municipal boundary is gained along the entire west boundary which abuts Timberline Road the Willow Springs subdivision.

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.

22. Routine Easements.

- A. Easement for construction and maintenance of public utilities from The Duke and Barbara Schaeffer Living Trust, to install an oval vault to place the existing overhead electric service underground, located at 2300 South College Avenue. Monetary consideration: \$250.

**\*\*\*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.

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

26. Resolution 2005-043 Determining that a Modern Roundabout is the Appropriate Type of Intersection Improvement to be Constructed at the Crossing of Ziegler and Kechter Roads. (20 minutes - 10 minute staff presentation)

Ziegler and Kechter are both two-lane arterial roadways with low to moderate traffic volumes compared to other roadways in the City. However, its location in this southeast area makes it an important crossroad for the neighborhood. There are four schools within one mile of the intersection, including a high school, junior high and two elementary school where the majority of students are bussed in. Transportation staff feels safety is a key design criteria at this location.

The Street Oversizing Program is preparing to construct the last remaining leg of these roadways, including the intersection of Ziegler/Kechter. In accordance with City policy, an alternative analysis was completed.

The alternative analysis showed a roundabout design would reduce delays, reduce emissions, and decrease the severity and related costs of accidents while being neutral with respect to pedestrians and bicyclists. However, the roundabout design did have a higher cost for both construction and right-of-way acquisition than a traditional intersection.

27. Items Relating to Making Board and Commission Liaison Assignments and Various Committee, Board and Authority Appointments. (15 minutes - 5 minute staff presentation)

A. Resolution 2005-044 Making Board and Commission Liaison Assignments and Various Committee, Board, and Authority Appointments.

B. Resolution 2005-045 Making an Appointment to the Fort Collins Housing Authority Board of Commissioners.

C. Resolution 2005-046 Approving and Endorsing the Appointment of a Councilmember to the Larimer County Fair Board.

D. Resolution 2005-047 Appointing a Representative to the Larimer County Open Lands Advisory Board.

Following the Council reorganization meeting in April of odd-numbered years, Councilmembers decide which of the various board and commission liaison assignments and committee appointments are of interest to them as individuals. Resolution 2005-044 has



been prepared so that the names of individual Councilmembers can be inserted in the blank spaces. Separate Resolutions have also been prepared approving appointments to the Fort Collins Housing Authority, the Larimer County Fair Board and the Larimer County Open Lands Advisory Board.

28. Resolution 2005-048 Making Findings of Fact and Conclusions Pertaining to the Appeal of the Determination of the Planning and Zoning Board Regarding the Feather Ridge Modification of Standard. (10 minutes - no staff presentation)

At its April 19, 2005 hearing, by a 5-2 vote (Nays: Councilmember Weitkunat and Mayor Hutchinson), the City Council upheld the Planning and Zoning Board's denial of the Feather Ridge request for modification of the standard pertaining to the separation from residential areas contained in Section 3.8.27(C) of the Land Use Code.

City Council upheld the Planning and Zoning Board's action based on the findings that the Board did not fail to conduct a fair hearing either by considering evidence that was substantially false or grossly misleading or by exceeding its authority or jurisdiction.

29. Pulled Consent Items.
30. Other Business.
31. Adjournment.