

October 16, 2018

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

• ROLL CALL

PRESENT: Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT: Overbeck
Staff Present: Atteberry, Daggett, Coldiron

• AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated the Resolution for Item No. 11, *Resolution 2018-104 Fact and Conclusions Regarding the Appeal of the Planning and Zoning Board Decision to Approve with Conditions the External Storage Lockers Minor Amendment*, has been edited to clarify that church representatives, rather than church staff, must be present during the hours of locker use.

• PUBLIC COMMENT

Alan Braslau, Energy Board member, stated Fort Collins has some of the lowest energy rates in the state and the proposed upcoming rate increase will help manage the smoothing of future electric rate increases.

Eric Sutherland stated one of the reasons Fort Collins has low electricity rates is the tax advantage it has for public power financing. Fort Collins is likely to face litigation regarding the broadband bonds as it did not follow the Charter.

Amanda Shores, Energy Board Vice Chair, stated the Board supports a 5% electric rate increase, but noted that does not go far enough to support vital programs necessary to meet the 2020 greenhouse gas reduction goals. She stated the Board strongly supports a 5.63% increase which will allow those goals to be met without compromising grid reliability.

Carol Miller discussed the multi-cultural community retreat in Fort Collins and encouraged Council to keep the funding for the event in its budget.

Nick Mitchell, Energy Board Chair, reiterated the Board's support for the 5.63% rate increase. He recommended Council support the budget offer for the electric distribution training field.

Debra James, Fort Collins Homeless Coalition, thanked Council for what it has helped accomplish for homeless residents. She encouraged Council allow the locker program to have a chance.

Cheryl Distaso congratulated Council on the success of Sunday bus service and encouraged Council to fund additional 365-day bus service in the upcoming budget. She opposed funding additional parking for MAX service.

Nancy York discussed the seriousness of global warming and encouraged Council to put major resources toward its reduction. She stated automobiles must be replaced with buses.

Lynn Thompson, Fort Collins Homeless Coalition, read a letter from the Coalition encouraging Council to include funding for extended Murphy Center hours.

Shirley Coenen, Fort Collins Community Action Network Coordinator, supported funding additional bus service on route 6 and discussed the importance of reliable public transportation.

Nicholas Mouton encouraged Council to prioritize public transportation in its budget.

Jessica Kerr encouraged Council to continue funding the multi-cultural community retreat.

• **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and noted the budget has yet to be finalized.

Mayor Pro Tem Horak suggested Council and the Transportation Board receive a periodic report on Transfort route performance. City Manager Atteberry agreed.

Councilmember Martinez requested staff also provide solutions on route modifications as necessary.

• **CONSENT CALENDAR**

Mayor Troxell noted Item Nos. 7, *Items Relating to the Sanctuary on the Green Annexation*, and 8, *Public Hearing and First Reading of Ordinance No. 127, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sanctuary on the Green Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map*, are public hearings.

Ernest Frank withdrew Item Nos. 7, *Items Relating to the Sanctuary on the Green Annexation*, and 8, *Public Hearing and First Reading of Ordinance No. 127, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sanctuary on the Green Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map*, from the Consent Agenda.

Councilmember Martinez withdrew Item No. 6, *First Reading of Ordinance No. 125, 2018, Amending Chapter 3 of the Code of the City of Fort Collins to Add a New Article IV Allowing Entertainment Districts and Authorizing the Liquor Licensing Authority to Approve and Regulate Promotional Associations and Common Consumption Areas Within Entertainment Districts*, from the Consent Agenda.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT AGENDA ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

1. **Consideration and Approval of the Minutes of the September 18, 2018, Regular Council Meeting and the September 25, 2018 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the September 18, 2018, regular Council meeting and the September 25, 2018, adjourned Council meeting.

2. **Second Reading of Ordinance No. 121, 2018, Appropriating Unanticipated Revenue and Prior Year Reserves in Various City Funds. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 2, 2018, combines dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2018 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

3. **Second Reading of Ordinance No. 122, 2018 Amending Sections 17-141 and 17-161 of the Code of the City of Fort Collins Regarding Alcohol. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 2, 2018, will ensure correct terms are defined for provisions of the Code of the City of Fort Collins regarding carrying or drinking alcohol or fermented malt beverages in certain places, and for offenses involving substance abuse.

4. **Second Reading of Ordinance No. 123, 2018, Annexing the Property Known as the Hughes Stadium Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 2, 2018, annexes 164.55 acres of land generally located at the northwest corner of Dixon Canyon Road and Overland Trail. The annexation area is owned by Colorado State University and is the former location of Hughes Stadium and Rodeo Arena. The Initiating Resolution was adopted on August 21, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

5. **Second Reading of Ordinance No. 124, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Hughes Stadium Annexation to the City of Fort Collins, Colorado. (Adopted)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

The purpose of this item is to amend the zoning map and zone the property included in the Hughes Stadium Annexation into the Transition (T) zone district.

6. **Resolution 2018-097 Approving an Art Project for the Fossil Creek Trail Project and Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project Pursuant to the Art in Public Places Program. (Adopted)**

The purpose of this item is to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the Fossil Creek Trail Project. The expenditures of \$50,000 will be for design, materials, signage, fabrication, installation, and contingency for Stephen Shachtman to create a sculpture at the site on the Fossil Creek Trail.

7. **Items Relating to an Updated Process for City Council Evaluation of the Performance of the City Manager, City Attorney and Chief Judge and a Fifteenth Addendum to the Chief Judge's Employment Agreement. (Adopted)**

- A. Resolution 2018-098 Adopting an Updated Process for City Council Evaluation of the Performance of the City Manager, City Attorney and Chief Judge.
- B. Resolution 2018-099 Authorizing the Fifteenth Addendum to Chief Judge Lane's Employment Agreement.

The purpose of this item is to modify the performance evaluation process for the City Manager, City Attorney and Chief Judge to allow flexibility in the timing of the evaluations and to allow the Chief Judge to use a designated facilitator. Resolution 2018-099 authorizes execution of an addendum to the Chief Judge's employment agreement for a new two-year term.

8. **Resolution 2018-104 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board's Decision Approving the External Storage Lockers Minor Amendment MA 180033. (Adopted)**

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Planning and Zoning Board decision to approve with one condition the External Storage Lockers Minor Amendment. City Council heard the appeal on October 9, 2018.

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

9. **First Reading of Ordinance No. 125, 2018, Amending Chapter 3 of the Code of the City of Fort Collins to Add a New Article IV Regarding Entertainment Districts. (Adopted on First Reading)**

The purpose of this item is to consider an Ordinance establishing City Code provisions that allow City Council to adopt Entertainment Districts and granting the Liquor Licensing Authority the authority to approve and regulate Promotional Associations and Common Consumption Areas within Entertainment Districts.

Tyler Marr, City Manager's Office, stated Entertainment Districts are an association of two or more liquor-licensed establishments that are associating together to provide an additional form of entertainment they could not provide individually. Once an Entertainment District is formed, it can apply for a common consumption area where alcoholic beverages purchased from any of the District's establishments can be consumed. Marr stated this Ordinance is the first step to allowing Entertainment Districts in the city. It establishes a process for Council to approve each District and allows the Municipal Court to approve common consumption areas and certify a promotional association which is responsible for activities within the common consumption area.

Marr noted Council maintains the authority to approve or deny each entertainment district and set forth further restrictions such as hours of operation or size. The Municipal Court can then approve or deny each common consumption area.

Eric Sutherland questioned how an Entertainment District could be revoked.

Councilmember Martinez requested staff input on Mr. Sutherland's question. Marr replied the promotional association would require an annual recertification and liquor license violations can result in the revocation of the association. Additionally, Council can modify the restrictions it sets in authorizing the Entertainment District at a subsequent date to the ordinance.

Councilmember Cunniff asked if Entertainment Districts could be removed in the future should a future Council change its mind. City Attorney Daggett replied staff will follow-up and make related changes to the Ordinance as appropriate prior to Second Reading.

Councilmember Martinez made a motion, seconded by Councilmember Mayor Pro Tem Horak, to adopt Ordinance No. 125, 2018, on First Reading.

Councilmember Cunniff stated he does not necessarily support Entertainment Districts as there are already alcohol consumption related issues in the areas that are likely to be some of the Districts.

Councilmember Stephens asked about the experiences of other communities. Marr replied Greeley activates its Entertainment District in a portion of its downtown a couple evenings a year. He noted Police Services support will be critical in a positive staff recommendation.

Councilmember Stephens asked if staff is anticipating many applications. Marr replied staff is aware of one interested applicant at this time.

Councilmember Martinez stated he is also looking at this from a cautionary perspective.

Mayor Pro Tem Horak stated he would support the Ordinance as it simply enables Entertainment Districts to form and Council will be looking at each individual application.

Councilmember Stephens stated this could be used to create some community events that may otherwise not occur.

RESULT:	ORDINANCE NO. 125, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Gerry Horak, District 6
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

● **DISCUSSION ITEMS**

10. **Items Relating to the City Council's Position on Amendment 74 and Propositions 109, 110, and 112.** (Resolutions 2018-100, 2018-101, 2018-102 Adopted; Resolution 2018-013 Postponed Indefinitely)

- A. *Resolution 2018-100 Expressing the City Council's Opposition to Amendment 74, an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government at a High Cost to Taxpayers and Urging the Citizens of Fort Collins to Vote "No" on this Ballot Issue.*
- B. *Resolution 2018-101 Expressing the City Council's Opposition for the Passage of Proposition 109 Relating to Transportation Bonds and Urging the Citizens of Fort Collins to Vote "No" on this Ballot Issue.*
- C. *Resolution 2018-102 Expressing the City Council's Support of Proposition 110, Authorizing a 0.62 Percent State Sales Tax to Fund Transportation Infrastructure, and Authorizing Related Bonds, and Urging the Citizens of Fort Collins to Vote "Yes" on this Ballot Issue.*
- D. *Resolution 2018-103 Expressing the City Council's Opposition to the Passage of Proposition 112 Relating to Oil and Gas Setbacks and Urging the Citizens of Fort Collins to Vote "No" on this Ballot Issue.*

The purpose of this item is to consider City Council positions for statewide ballot measures up for election on November 6, 2018. These measures are Amendment 74, which would dramatically change state "takings" law; Proposition 109, which would bond \$3.5 billion in transportation money to be repaid with existing revenue; Proposition 110, which would increase the state sales tax by 0.62% with those monies going to transportation; and Proposition 112, which would impose a mandatory 2,500 foot setback for all oil and gas production in the state. The Legislative Review Committee (LRC) took the following positions on the initiatives, which mirrored those of the Colorado Municipal League:

Proposition/Amendment	LRC position
Amendment 74	Oppose
Proposition 109	Oppose
Proposition 110	Support
Proposition 112	Oppose

Tyler Marr, City Manager's Office, stated four ballot measures are included in this item as they are the four on which the Colorado Municipal League (CML) took positions.

Marr stated Amendment 74 is a constitutional amendment that requires local government to award just compensation to private property owners when a local regulation or ordinance reduces the property's fair market value. The Colorado Municipal League and Council's Legislative Review Committee (LRC) oppose that Amendment.

Marr stated Proposition 109 would bond \$3.5 billion for transportation projects with no increase in state revenue. There is no local share back for this item; therefore, CML and the LRC oppose that Proposition.

Marr stated Proposition 110 would raise the state sales tax by 0.62% for transportation projects. It also allows for bonding and includes a 40% local share back, half of which would go to cities. Both CML and the LRC support the Proposition.

Proposition 112 establishes a 2,500-foot setback for oil and gas production within certain areas of a community. It is expected to have an impact on severance tax revenue in the state; therefore, CML and the LRC oppose the Proposition.

City Manager Atteberry noted the LRC consists of Councilmembers Summer, Martinez, and Overbeck.

Councilmember Summers stated the LPC blanketly adopted the recommendations of CML.

Eric Sutherland noted Fort Collins charges sales tax on food and questioned whether local taxes would be reduced by not renewing KFCG should Proposition 110 pass.

Ann Hutchison, Fort Collins Area Chamber of Commerce Executive Vice President, opposed Proposition 112 and supported Propositions 109 and 110.

Lief Youngs encouraged Council to switch its position on Propositions 110 and 112.

Kevin Cross, Fort Collins Sustainability Group, supported Proposition 112 and stated opposing it is disconnected with the expressed will of the community and City Council.

Cheryl Distaso opposed Amendment 74, supported Proposition 112, and opposed Proposition 110 stating more funding should be dedicated to transit.

Forest Carlson stated companies and governments that form the world military industrial complex are terrorist organizations that have brought the world to the brink of ecological collapse.

Vicky McLane, League of Women Voters of Larimer County, requested Council remain neutral on Proposition 112. She stated the League supports the Proposition, but recognizing differing views, a neutral position is best for Council.

Sally Douet supported Proposition 112 as Fort Collins residents have already voted in favor of a moratorium on fracking.

Jason Knieval stated oil and gas lobbyists get unlimited time to talk to Council and stated Council should stand up for Fort Collins residents and their wishes.

Jamie Nagel opposed Proposition 112 and discussed jobs the oil and gas industry creates.

Jim Vassallo discussed the water use of fracking wells and stated less than 1% of Colorado jobs are in the oil and gas industry.

Monica Lynn expressed concern the LRC did not conduct its own independent research on these issues. She stated the oil and gas industry cannot be considered an independent source of analysis of the economic, environmental, safety, and health impacts of fracking. She supported Proposition 112.

Harry Michaels supported Proposition 112.

Ted Walker encouraged Council to consider water quality in its analysis of Proposition 112 and stated fracking converts enormous amounts of fresh water into wastewater unfit for plant, animal, and human consumption.

Gayla Maxwell Martinez supported Proposition 112 and requested Council do the same.

Nicholas Mouton supported Proposition 112 and encouraged Council to do the same.

Elizabeth Hudetz supported Proposition 112 and stated it is disappointing to make it seem as though this recommendation represents the entire Council as only Councilmembers Martinez and Summers were part of the recommendation.

Mary Delphs stated Proposition 112 is a crucial first step in protecting all species. She stated the economy can be sustained without oil and gas.

Jeremy (no last name given) urged Council to support Proposition 112 and stated violence increases when oil and gas operations are present.

Tim Gosar supported Proposition 112 and urged Council to do the same.

Chris McGowan, Colorado Petroleum Council, opposed Proposition 112.

Aisha Martinik supported Proposition 112.

Tinar Hurety supported Proposition 112.

Dena Munos supported Proposition 112.

Liz Kekahbah supported Proposition 112 and opposed Amendment 74.

Doug Dennison stated he lives in Windsor and is an employee of the oil and gas industry. He opposed Proposition 112.

Craig Rasmussen stated he is an employee of the oil and gas industry and is proud of the work of the industry. He opposed Proposition 112.

Debra (no last name given) supported Proposition 112 and encouraged Council to support it or refrain from taking a stance.

Jeff Jensen urged Council to oppose Proposition 112 and stated laws governing oil and gas are quite strict in Colorado.

Nancy York supported Proposition 112 citing health and environmental concerns.

Greg Anderson stated he is an employee of the oil and gas industry and opposed Proposition 112.

Councilmember Cunniff suggested postponing a position on Proposition 112 indefinitely as there is not a consensus on Council.

Councilmember Martinez noted the LRC did have a discussion and suggested a process be put in place to notify the alternate member if staff is made aware a member will be absent from a meeting. City Manager Atteberry agreed and stated staff will further refine that process.

Councilmember Martinez stated the LRC receives information from both sides of the issues.

Councilmember Summers noted the Colorado Municipal League is an association of cities across Colorado and is not the oil and gas industry. He stated Proposition 112 is a statewide issue, not just a local issue; however, its passage will impact Fort Collins economically.

Mayor Troxell noted he is the president of CML this year. He stated Amendment 74 is of concern to CML and noted fair market value is a new, undefined variable. He opposed adoption of the Amendment.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2018-100 opposing Amendment 74.

RESULT:	RESOLUTION 2018-100 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2018-101 opposing Proposition 109.

RESULT:	RESOLUTION 2018-101 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2018-102 supporting Proposition 110.

Mayor Pro Tem Horak stated funding for Colorado roads has leveled off and the tax increase is necessary for funding the third lane of I-25. Additionally, Fort Collins will receive approximately \$5 million annually for transit-related items should the Proposition pass.

Councilmember Cunniff noted highway funding has remained unchanged since the early 1990s.

RESULT:	RESOLUTION 2018-102 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

Councilmember Cunniff made a motion, seconded by Councilmember Stephens, to postpone consideration of Resolution 2018-103 indefinitely.

Councilmember Cunniff stated this item pits opposing interests and Council should not provide an opinion.

Councilmember Stephens thanked the speakers and commended the respectful nature of the conversation.

RESULT:	RESOLUTION 2018-103 POSTPONED INDEFINITELY [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

• **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

11. **Items Relating to the Sanctuary on the Green Annexation. (Adopted)**

- A. *Resolution 2018-096 Setting Forth Findings of Fact and Determinations Regarding the Sanctuary on the Green Annexation.*
- B. *Public Hearing and First Reading of Ordinance No. 126, 2018, Annexing the Property Known as the Sanctuary on the Green Annexation to the City of Fort Collins, Colorado.*

The purpose of this item is to annex 16.98 acres. The site is located generally at the northwest corner of North Taft Hill Road and LaPorte Avenue and addressed as 325 North Taft Hill Road. The New Mercer Canal forms the western boundary. This is a voluntary annexation. The Initiating Resolution was adopted on September 4, 2018.

Ted Shepard, Chief Planner, stated this is an annexation and zoning request for 14 acres generally located at the northwest corner of North Taft Hill Road and Laporte Avenue. According to the Northwest Subarea Plan, Low-Density, Mixed-Use Neighborhood zoning is being recommended.

Ernest Frank questioned the acreage mentioned by Shepard and noted he previously provided Council with various documents related to the item.

Shepard stated land development proposals are described by a site plan and the perimeter determines the gross acreage of a plan. Developers are not allowed to use public right-of-way to apply toward their gross acreage calculation.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Resolution 2018-096.

RESULT:	RESOLUTION 2018-096 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 126, 2018, on First Reading.

RESULT:	ORDINANCE NO. 126, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

12. Public Hearing and First Reading of Ordinance No. 127, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sanctuary on the Green Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted on First Reading)

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

The purpose of this item is to zone 16.98 acres. The site is located generally at the northwest corner of North Taft Hill Road and LaPorte Avenue and addressed as 325 North Taft Hill Road. The New Mercer Canal forms the western boundary.

In accordance with the City Plan's Structure Plan Map and the Northwest Subarea Plan, the requested zoning for this annexation is L-M-N, Low Density Mixed-Use Neighborhood.

Mayor Troxell outlined the hearing process for this type of Ordinance.

Stephanie Hansen, Ripley Design, stated she and representatives from Poudre Fire Authority are available for any questions.

APPLICANT PRESENTATION

Ms. Hansen stated this project is located well within Fort Collins' growth management area. She stated a full project development plan will be going before the Planning and Zoning Board in the future but noted a neighborhood meeting has already occurred.

PUBLIC COMMENT

Ernest Frank discussed the demolition of structures on the property and stated the Colorado Department of Public Health and Environment (CDPHE) has yet to receive asbestos removal applications for the structures. He stated asbestos must be removed prior to demolition. He also discussed the Poudre Fire Authority report regarding the structures.

APPLICANT REBUTTAL

Ms. Hansen stated the demolition permit covered the house and storage barn. The other structures were a former chicken coop, a converted pig storage crib, a portable storage shed on palettes, and an open horse shed. A resident took the portable shed for his use and the other buildings were given to a recycler who uses the wood for decorative tables. All necessary paperwork was filed with CDPHE over multiple filings. Roofing samples were taken with a separate form and no asbestos was found in those samples.

COUNCIL DISCUSSION

Mayor Pro Tem Horak asked if this issue is related to the annexation. City Attorney Daggett replied Council is deciding the zoning of the property and specific standards are articulated regarding that decision. Though some of Mr. Frank's issues may be of interest to Council, they may have no relevance in relation to the question of the zoning of the property.

Mayor Pro Tem Horak asked if the applicant could provide copies of all of the documentation to Mr. Frank. Ms. Hansen replied in the affirmative.

Mayor Pro Tem Horak requested a comment from Poudre Fire Authority. Chief Tom DeMint stated the property hosted a training fire during which international research on attacking fires occurred. Battalion Chief Gene Maccarini stated all permit documents were filed and are available for public viewing. The home owner took care of the demolition permit and asbestos mitigation and inspection.

Councilmember Cunniff asked if CDPHE's jurisdiction over hazardous materials removal changes whether the property is annexed or zoned. City Attorney Daggett replied in the negative.

Councilmember Cunniff thanked Mr. Frank for his concern but noted the issue is not part of this particular item.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 127, 2018, on First Reading.

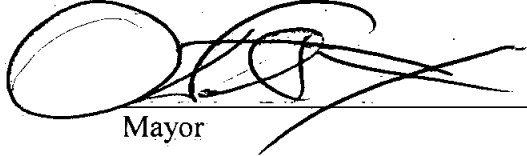
RESULT:	ORDINANCE NO. 127, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

• **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to direct staff to help connect Mr. Frank with answers to his questions.


• **ADJOURNMENT**

The meeting adjourned at 8:15 PM.



Mayor

ATTEST:



City Clerk

