

January 2, 2019

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
(Councilmember Overbeck resigned his office effective January 1, 2019)
Staff Present: Atteberry, Daggett, Coldiron Overbeck

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated Item No, 10, *Resolution 2019-006 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins*, has been amended to appoint Dwight Hall to the Downtown Development Authority and reappoint Mike Webber to the Land Conservation and Stewardship Board.

● PUBLIC COMMENT

Jessica MacMillan requested the cell tower in the Chesapeake Subdivision in Northeast Fort Collins be expedited.

● PUBLIC COMMENT FOLLOW-UP

City Manager Atteberry stated he would follow-up with Ms. MacMillan's questions.

● CONSENT CALENDAR

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt and approve all items on the Consent Agenda.

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

1. Items Relating to the Adoption and Amendment of the International Codes Relating to Buildings and Building Regulations. (Adopted)

- A. Second Reading of Ordinance No. 150, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 Energy Conservation Code and Adopting the 2018 International Energy Conservation Code, with Amendments.
- B. Second Reading of Ordinance No. 152, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Adopting the 2018 International Existing Building Code, with Amendments.

- C. Second Reading of Ordinance No. 153, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Adopting the 2018 International Pool and Spa Code, with Amendments.
- D. Second Reading of Ordinance No. 154, 2018, Amending Chapter 5, Article II, Division 3, of the Code of the City of Fort Collins for the Purpose of Amending the 2006 International Property Maintenance Code.
- E. Second Reading of Ordinance No. 155, 2018, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 Mechanical Code and Adopting the 2018 International Mechanical Code, with Amendments.
- F. Second Reading of Ordinance No. 156, 2018, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Fuel Gas and Adopting the 2018 International Fuel Gas Code, with Amendments.

These Ordinances, unanimously adopted on First Reading on December 18, 2018, adopt the most up-to-date, comprehensive, and fully integrated body of codes, the 2018 International Codes (2018 I-Codes), regulating building construction and systems using prescriptive and performance-related provisions. The purpose of these Codes is to establish the minimum construction requirements to safeguard the public health, safety and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins. With factoring in local amendment costs, it is estimated the overall cost increase to build under the 2018 codes is less than 1%.

Note to Council: Please note that unlike ordinances normally adopted on Second Reading, the attached Ordinances still contain strikeouts and new language to clearly reflect the modifications made by local amendment to the various uniform Codes being adopted. Each Ordinance authorizes the City Attorney and the City Clerk to modify the formatting and to make such other amendments to the Ordinances as necessary to facilitate publication in the Fort Collins Municipal Code, so long as such modifications and amendments do not change the substance of the Code provisions.

Also, please note that Ordinance No. 149, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Building Code and Adopting the 2018 International Building Code, with Amendments; Ordinance No. 151, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Residential Code and Adopting the 2018 International Residential Code, with Amendments and Ordinance No. 174, 2018, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Amending the Colorado Plumbing Code will be considered under Discussion items on this Agenda.

2. **Second Reading of Ordinance No. 173, 2018 Submitting a Citizen-Initiated Charter Amendment Relating to Council Compensation to a Vote of the Registered Electors of the City at the Regular Municipal Election on April 2, 2019. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 18, 2018, sets the ballot title for a citizen-initiated Charter amendment relating to Council compensation.

3. **Second Reading of Ordinance No. 175, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Related to Funding of Art in Public Places Contributions for Connexion and the Expenditure of Utilities Art in Public Places Funds and Rescinding Funds Provisionally Appropriated for Such Contributions. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 18, 2018, authorizes a delayed payment in early 2023 based on the 2022 operating revenue of Connexion, along with an ongoing Art in Public Places (APP) obligation going forward, consistent with the principles of the APP program (treating Connexion as separate from the Light and Power Fund).

This Ordinance also adds back into the APP provisions of the City Code language that was inadvertently omitted in 2012, when the APP Code provisions were rewritten.

At the Council's request, the Ordinance is being amended on Second Reading to make clear that any future changes to the APP Code provisions will also apply to Connexion.

4. **First Reading of Ordinance No. 001, 2019, Appropriating Unanticipated Revenue in the Capital Project Fund and Appropriating Prior Year Reserves in the General Fund and Authorizing the Transfer of Appropriations from the General Fund to the Capital Project Fund Gardens on Spring Creek Visitors Center Project and Transferring Appropriations from the Capital Project Fund Gardens on Spring Creek Visitors Center Project to the Cultural Services and Facilities Fund for the Art in Public Places Program. (Adopted)**

The purpose of this item is to appropriate revenues raised by the Gardens on Spring Creek and Friends of the Gardens and Gardens Reserves for completion of the Visitor's Center.

5. **Resolution 2019-001 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs and Roadway Markings in the Fort Collins Growth Management Area. (Adopted)**

The purpose of this item is to approve an intergovernmental agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) for the City to maintain traffic control devices (signals, signs, and markings) on state highways within the City's Growth Management Area with reimbursement from CDOT. This is the continuation of a long-standing agreement that benefits both parties as City control allows the City to best serve residents and CDOT has fewer maintenance responsibilities. The IGA is for a five-year period and covers fiscal years 2019-2023. This IGA reflects updated costs from the previous long-term agreement.

6. **Resolution 2019-002 Authorizing the Mayor to Execute a Renewal of an Intergovernmental Agreement with Larimer County to Continue Support for the Larimer County Conservation Corps Water and Energy Program. (Adopted)**

The purpose of this item is to seek City Council approval of a renewed intergovernmental agreement (IGA) between the City of Fort Collins and Larimer County for funding of the Larimer County Conservation Corp (LCCC) Water and Energy Program. The IGA allows for four further annual renewals for a total of five years, based on budget appropriations. The City of Fort Collins Utilities has partnered with the LCCC since 2010 with tremendous success. LCCC crews have supported local resource conservation by providing home efficiency assessments to customers of Fort Collins Utilities and Loveland Water and Power. Home efficiency assessments include an on-site assessment, energy and water saving retrofits and customer education. By the end of the 2018 spring season, LCCC crews have assessed over 3,200 homes in Fort Collins and enabled these customers to save on their utility bills. Due to its success, the Program is now part of the City's Utilities Affordability Portfolio, which provides a mechanism for low to moderate income customers to control their energy use and costs for the benefit of all City electric and water utility customers.

7. **Resolution 2019-003 Approving a Waiver of the 2017 PILOT for Housing Catalyst. (Adopted)**

The purpose of this item is to approve a waiver of the 2017 PILOT of \$9,638 for Housing Catalyst per the 1971 Cooperative Agreement.

8. **Resolution 2019-004 Supporting the Grant Application for a School Yard Initiative Grant from the State Board of Great Outdoors Colorado on Behalf of Colorado Early Colleges-Fort Collins for the Innovation Urban Farms Project. (Adopted)**

The purpose of this item is to obtain Council approval to apply for a School Yard Initiative Grant from Great Outdoors Colorado (GOCO) on behalf of Colorado Early Colleges-Fort Collins (CEC) for the

Innovation Urban Farms project. Per GOCO requirements, the application must be submitted by local governments in partnership with schools.

9. **Resolution 2019-005 Appointing Councilmember Ross Cunniff to Serve as the City's Representative on the Poudre Heritage Alliance Board. (Adopted)**

The purpose of this item is to appoint Councilmember Ross Cunniff to the Poudre Heritage Alliance (PHA).

10. **Resolution 2019-006 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various City boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited during September, October, and November. Council teams interviewed applicants during November and December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

● **END CONSENT**

● **DISCUSSION ITEMS**

11. **Items Relating to the Adoption and Amendment of the International Building Code, International Residential Code and Amendment to the Colorado Plumbing Code. (Adopted on Second Reading)**

A. *Second Reading of Ordinance No. 149, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Building Code and Adopting the 2018 International Building Code, with Amendments. (Impact resistance of asphalt shingles found in amendment 64, page 29.)*

B. *Second Reading of Ordinance No. 151, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Residential Code and Adopting the 2018 International Residential Code, with Amendments. (Impact resistance of asphalt shingles found in amendment 54, page 34.)*

C. *Second Reading of Ordinance No. 174, 2018, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Amending the Colorado Plumbing Code.*

Ordinance No. 149, 2018 was unanimously adopted on First Reading on December 18, 2018. Ordinance Nos. 151 and 174, 2018, were adopted on First Reading on December 18, 2018 by a vote of 5-2 (Nays: Martinez, Summers).

The 2018 International Codes (2018 I-Codes) represent the most up-to-date body of codes regulating building construction using prescriptive and performance-related provisions. The purpose of these codes is to establish the minimum construction requirements to safeguard the public health, safety and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins. With factoring in local amendment costs, it is estimated the overall cost increase to build under the 2018 codes is less than 1%.

Note to Council: Please note that unlike ordinances normally adopted on Second Reading, the attached Ordinances still contain strikeouts and new language to clearly reflect the modifications made by local amendment to the various uniform Codes being adopted. Each Ordinance authorizes the City Attorney and the City Clerk to modify the formatting and to make such other amendments to the Ordinances as necessary to facilitate publication in the Fort Collins Municipal Code, so long as such modifications and amendments do not change the substance of the Code provisions.

Russ Hovland, Chief Building Official, stated a change has been added to the local amendments in both the commercial and residential sections of the Code that would require impact resistant class 4 all-asphalt roof shingles to be installed on any building, either new builds or re-roofs. The Building Code Review Committee concluded the 5-10% increased cost is offset by the reduced number of shingles being sent to the landfill given the number of re-roofs due to hail storms in recent years.

Jonathon Nagel, Environmental Compliance Inspector, noted the disposal of the shingles in the landfill has decreased its life expectancy and stated there is no recycle option for asphalt shingles.

Chadwick Collins, Asphalt Roof and Manufacturers Association, stated the proposed requirement implementing this performance level is a barrier to the market for asphalt shingles. He stated the lack of recycling options is not being addressed by this amendment and any performance standard should be applied equally to all roofing products.

Councilmember Martinez asked why the performance standards are not being applied to other roofing materials. Hovland replied approximately 97% of roofing materials in the city are asphalt. Additionally, he stated there is not a great deal of data on the durability of alternate roofing materials.

Councilmember Cunniff asked if the Code would be equally effective if the word "asphalt" were replaced with "non-recyclable." Nagel replied that would be plausible.

Councilmember Summers asked about the current Building Code requirement for shingles. Hovland replied there is currently no impact-resistance rating required at all.

Councilmember Martinez asked if shed re-roofs would require these shingles. Hovland replied the language is written so as to make this requirement for all structures.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 149, 2018, on Second Reading.

Councilmember Cunniff supported the amendment as written, given the costs are recovered by lower roofing costs which translate to lower insurance costs over time.

Councilmember Stephens asked if other roofing materials are recyclable. Nagel replied metal roofs are very recyclable and some tile roofs are recyclable.

Councilmember Summers asked when it would become obvious if this regulation has had an impact on the landfill life expectancy. Hovland replied part of this ordinance change requires a reporting of the amount of material removed for any roof or re-roof installation by the installer.

Councilmember Martinez asked how an inspector could determine shingles are class 4. Hovland replied the plan is for the inspector to compare the installed shingles to what is in the packaging.

Contractors can also be required to submit a field verification form, or an affidavit, from the installer.

Councilmember Martinez discussed the importance of education in ensuring this regulation is met.

Councilmember Cunniff suggested random audits of ongoing roofing projects. Hovland replied that would be possible.

Councilmember Summers asked if roofing permits will include an education component. Hovland replied in the affirmative.

Councilmember Summers asked how the amount of asphalt being taken to the landfill is determined. Nagel replied the estimate of 8,500 tons per year assumes an average roof size multiplied by the number of re-roof permits multiplied by the weight of the material.

RESULT:	ORDINANCE NO. 149, 2018, ADOPTED ON SECOND READING [5 TO 1]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Troxell, Cunniff, Horak, Martinez
NAYS:	Summers

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 151, 2018, on Second Reading.

RESULT:	ORDINANCE NO. 151, 2018, ADOPTED ON SECOND READING [5 TO 1]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Troxell, Cunniff, Horak, Martinez
NAYS:	Summers

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 174, 2018, on Second Reading.

RESULT:	ORDINANCE NO. 174, 2018, ADOPTED ON SECOND READING [4 TO 2]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Troxell, Cunniff, Horak
NAYS:	Martinez, Summers

● **OTHER BUSINESS**

Councilmember Summers asked if it would be possible for staff to brief Council on the local Building Code amendments as the process is ongoing. City Manager Atteberry replied improvements can always be made and suggested the process could be reviewed.

Mayor Troxell supported Councilmember Summers' suggestion.

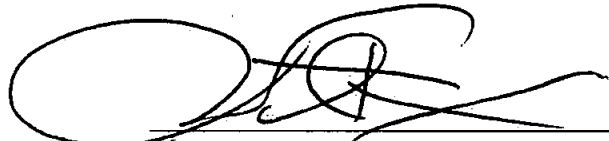
Councilmember Martinez expressed concern about the lack of availability of inspectors currently, let alone with the new regulation.

• **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adjourn to 6:00 PM Tuesday, January 8, 2019, for a proposed executive session to conduct the annual performance reviews of the City Manager, City Attorney, and Municipal Judge, and for such other business as may come before the Council.

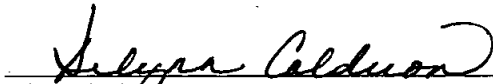
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Troxell, Cunniff, Horak
ABSENT:	Overbeck

The meeting adjourned at 6:45 PM.



Mayor

ATTEST:



City Clerk

