

December 22, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, all Councilmembers, staff, and citizens attended the meeting remotely, via teleconference.)

Mayor Troxell outlined the public participation options.

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff  
STAFF: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW**

City Manager Atteberry stated Item No. 1, *District 4 Council Vacancy*, was amended to include all applicants and related application materials and Item No. 2, *Consideration of Resolution 2020-119 Approving an Intergovernmental Agreement with the City of Loveland and Larimer County Related to Corrective Measures at the Larimer County Landfill*, was added to the agenda. Additionally, Council may consider a motion to adjourn into Executive Session to discuss legal issues related to the Hughes Property Citizen Initiative Declaratory Judgement Action.

1. **District 4 Council Vacancy. (NO ACTION TAKEN)**

*The purpose of this item is to provide opportunity for the public to offer comments on the applicants for the District 4 Council vacancy, to give Councilmembers an opportunity to identify finalists who will move forward to the interview process, and to consider changes to the established process to fill the vacancy, if desired.*

*Applications for the District 4 Vacancy were received from:*

- |                     |                     |
|---------------------|---------------------|
| 1. Jessica Dyrdaahl | 5. Shirley Peel     |
| 2. Erin Hottenstein | 6. Melanie Potyondy |
| 3. Philip Jensen    | 7. Sidna Rachid     |
| 4. Veronica Olivas  | 8. William Wright   |

Delynn Coldiron, City Clerk, noted the District 4 vacancy exists due to the resignation of Mayor Pro Tem Stephens who was recently elected as a Larimer County Commissioner. She outlined the advertisement process seeking applicants for the vacancy and stated eight applications were received. She discussed the public input process, outlined the necessary qualifications, and stated the oath of office to the selected incoming Councilmember will be administered January 19.

William Wright announced his candidacy and stated he is the right person to fill the seat because of his passion about affordable housing and lessening food insecurity.

Jillian Bush endorsed Dr. Melanie Potyondy for the Council appointment.

John Berg endorsed Dr. Melanie Potyondy for the Council appointment.

Shirley Peel announced her candidacy and stated she would like to help continue to mitigate the negative impacts of COVID-19 on the community and work to limit negative environmental impacts based on sound science and data-driven facts.

Kiera Beckham endorsed Dr. Melanie Potyondy for the Council appointment.

Chris Rosazza endorsed Dr. Melanie Potyondy for the Council appointment.

Tom List endorsed Dr. Melanie Potyondy for the Council appointment.

Dr. Melanie Potyondy announced her candidacy and stated she has a good perspective on the strengths and needs of the community given her work in the public education system. She commented on the importance of equity, access, and environmental protection.

Lea Goodrich endorsed Dr. Melanie Potyondy for the Council appointment.

Lindsay Mason endorsed Jessica Dyrdaahl for the Council appointment.

Mark Stenglein endorsed Dr. Melanie Potyondy for the Council appointment.

Jen Johnson endorsed Jessica Dyrdaahl for the Council appointment.

Jeffrey Bauer endorsed Shirley Peel for the Council appointment.

Jeff Pace endorsed Shirley Peel for the Council appointment.

Emily Gallichotte endorsed Dr. Melanie Potyondy for the Council appointment.

Steve Undy endorsed Erin Hottenstein for the Council appointment.

Kurt Knierim endorsed Dr. Melanie Potyondy for the Council appointment.

Veronica Olivas announced her candidacy and stated she would like to continue the work started by Mayor Pro Tem Stephens.

Zachary Sumner endorsed Jessica Dyrdaahl for the Council appointment.

Sidna Rachid announced her candidacy and discussed her qualifications, specifically related to budget issues.

Jerick Flores endorsed Jessica Dyrdaahl for the Council appointment.

Heather Siegel endorsed Dr. Melanie Potyondy for the Council appointment.

Reina Robles endorsed Dr. Melanie Potyondy for the Council appointment.

Jason Hevelone endorsed Dr. Melanie Potyondy for the Council appointment.

Carissa Dunlap endorsed Jessica Dyrdaahl for the Council appointment.

Lyss de laTorre endorsed Dr. Melanie Potyondy for the Council appointment.

Staff Sergeant Molina endorsed Jessica Dyrdaahl for the Council appointment.

Leslie Lees endorsed Shirley Peel for the Council appointment.

Marty Tharp endorsed Erin Hottenstein for the Council appointment.

Jessica Dyrdaahl announced her candidacy and discussed her qualifications.

Mayor Troxell thanked the speakers and commented on the strong commitment of individuals to the community.

Councilmember Gutowsky thanked the speakers and candidates who introduced themselves.

Councilmember Pignataro stated Council should proceed with the process as it has been outlined and asked how the interview process worked two years ago when Councilmember Overbeck's seat was filled. City Clerk Coldiron replied she would follow up with that information.

Councilmembers commented on the appropriate process for the interviews.

Mayor Pro Tem Stephens thanked the candidates and those who spoke on their behalf.

Mayor Troxell suggested leaving the pool at the full eight candidates and he outlined the upcoming dates for the interview and appointment process.

2. **Resolution 2020-119 Approving an Intergovernmental Agreement with the City of Loveland and Larimer County Related to Corrective Measures at the Larimer County Landfill.**

(Secretary's Note: Mayor Pro Tem Stephens recused herself from the discussion of this item due to a conflict of interest.)

Matt Zoccali, Utilities Environmental Regulatory Affairs Senior Manager, stated staff is recommending approval of this intergovernmental agreement to help facilitate the cleanup that is needed at the landfill, which is jointly owned by the Cities of Fort Collins and Loveland and Larimer County. He stated the source of the environmental contamination is an interaction between the landfill debris and groundwater in the area and a specific chemical has started to leech into the groundwater necessitating remediation.

Judy Schmidt, City Attorney's Office, discussed the key elements of the intergovernmental agreement including shared remediation, closure, and transaction costs as well as the definitions of roles and responsibilities of each party in carrying out the remediation work. She stated Fort Collins' role would be to defer to the County in dealings with the Colorado Department of Public Health and Environment (CDPHE); however, there are specifically identified instances wherein the City could be more involved. Other key provisions include an agreement by the cities to begin to pay tipping fees for municipal waste streams at the beginning of 2021 and a requirement that

the City Manager obtain Council approval of an ordinance to allow work in the Natural Area to the extent that is required as part of a CDPHE approved plan.

Councilmember Summers thanked staff for their work on this item and asked if estimated costs have been developed. Zoccali replied there is a great deal of uncertainty at this point; however, there will likely be a suite of remedial options.

Councilmember Summers asked about the funding sources for the City's share. City Manager Atteberry replied that is to be determined; however, the General Fund will play a significant role. Travis Storin, Interim Chief Financial Officer, concurred and stated staff has determined dedicated revenues within funds such as the Natural Areas, Stormwater, or Wastewater Funds would not be eligible for contributions. He stated staff is looking at possible contributions from the self-insurance fund.

Councilmember Cunniff thanked staff for their work and asked if there is still a concern about aquifer depletion. Zoccali replied that was discussed and any type of remediation would need to be done with some evaluation of injury to water rights.

- Councilmember Cunniff asked if the City has a bit of room to maneuver regarding the surface remediation at the Cathy Fromme Prairie Natural Area. Schmidt replied that is accurate and while the County will be the main point of contact with CDPHE, the City may have to communicate to protect the interests of the City in certain circumstances.

Councilmember Cunniff asked if there is a need for additional conversation in Executive Session. City Attorney Daggett replied the basic terms of the agreement are not unexpected and most of the language is quite detailed.

Councilmember Gorgol thanked staff for their work on the negotiations.

Councilmember Cunniff made a motion, seconded by Councilmember Summers, to adopt Resolution 2020-119.

Councilmember Cunniff stated the financial agreement seems to be fair given the ownership structure of the landfill; however, he is not completely comfortable regarding the CDPHE communication aspect.

<b>RESULT:</b>	<b>RESOLUTION 2020-119 ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff
<b>RECUSED:</b>	Stephens

● **OTHER BUSINESS**

- A. Consideration of a Motion to enter into an Executive Session to discuss legal issues related to the Hughes Property Citizen Initiative Declaratory Judgment Action.

(Secretary's Note: Mayor Pro Tem Stephens withdrew from the discussion of this item due to a conflict of interest.)

Councilmember Cunniff made a motion, seconded by Councilmember Summers, that the City Council go into executive session for the purpose of meeting with the City's attorneys and staff to discuss specific legal questions related to litigation regarding the Hughes Property Citizen Initiative Declaratory Judgment Action as permitted under: City Charter Article Roman Numeral Two, Section 11(2), City Code Section 2-31(a)(2), and Colorado Revised Statutes Section 24-6-402(4)(b).

<b>RESULT:</b>	<b>MOTION ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff
<b>RECUSED:</b>	Stephens

● **ADJOURNMENT**

The meeting adjourned at 7:46 PM.

  
Mayor

ATTEST:

  
City Clerk



