

January 19, 2021

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular 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.)

● **CALL MEETING TO ORDER**

● Ceremonial Oath of Office for newly appointed Councilmember, Melanie Potyondy.

Dr. Melanie Potyondy was sworn in as the newly appointed District 4 City Councilmember.

● **ROLL CALL**

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

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda.

Mayor Troxell outlined the public participation options.

● **COMMUNITY REPORT:** Irene Josey, Larimer County Treasurer & Public Trustee, discusses the collection and distribution of property taxes.

Irene Josey, Larimer County Treasurer, discussed the property tax determination and distribution process in Larimer County. She outlined the percentages of property tax that go to various taxing authorities and special districts. She discussed the property tax information that is available online and mentioned the new public trustee duties of her office.

Mayor Troxell thanked Ms. Josey for her presentation and for the good work she does for the County.

Councilmember Summers commended Ms. Josey on her well-run department. He asked if the senior and veteran's property tax exemption has been funded by the state legislature this year. Ms. Josey replied she has not heard the status but does not expect any major changes.

Councilmember Summers asked if seniors could apply for those tax exemptions online. Ms. Josey replied in the affirmative and noted the County Assessor's Office administers that program.

Councilmember Summers asked if manufactured mobile homes are assessed via sales tax or property tax. Ms. Josey replied they are assessed via property tax.

Councilmember Summers asked about the possibility of exempting taxes for manufactured homes. Ms. Josey replied she has been reaching out to state representatives regarding that possibility; however, existing state statutes have provided some difficulty.

Councilmember Summers requested information regarding the impact of the fires on property taxes for affected properties. Ms. Josey replied taxes are pro-rated for any structures destroyed by fire.

● **COMMUNITY REPORT:** Tom Gonzales, Larimer County Public Health Director

City Manager Atteberry commended Mr. Gonzales and his department on their partnership throughout the pandemic.

Tom Gonzales, Larimer County Public Health Director, commended the City on its collaboration as well. He provided an update on the County's COVID metrics noting hospitalizations and ICU utilization have been slowly declining as well as test positivity. He noted Larimer County has lost 178 people to COVID and commented on the importance of remaining vigilant during this time.

Regarding the COVID vaccine, Mr. Gonzales stated the federal government is distributing the vaccine and state governors are determining distribution prioritization. He outlined Colorado's phasing plan noting the goal is to save as many lives as possible and end the pandemic as quickly as possible. He discussed the current status of vaccine rollout and planned timeline for each phase. He also discussed the plan for mass vaccinations which will occur once supplies are increased.

Mayor Troxell commended the diligence of community members.

Councilmember Potyondy asked if there has been any talk about onsite vaccinations for school personnel to decrease time away from schools. Mr. Gonzales replied in the affirmative and stated the County is currently working to test educators routinely.

Councilmember Summers asked if the second dose of each vaccine is the same as the first. Mr. Gonzales replied in the affirmative.

Councilmember Summers asked if the timing of the second vaccine is critical for efficacy. Mr. Gonzales replied there is some ability to give the second dose within a few days of the target date.

Councilmember Gutowsky requested additional information on the Level Up program and its benefits. Mr. Gonzales discussed the metrics for the various levels of risk and noted Governor Polis recently moved several counties from level red to level orange. In order to Level Up to yellow, three key metrics must remain in the orange category for seven continuous days, which has yet to occur in Larimer County. He stated businesses have been approved for the Level Up program to move to level yellow restrictions once those metrics are met.

Councilmember Gutowsky asked if level yellow would increase restaurant capacity. Mr. Gonzales replied it would increase from the current 25% to 50% at that point.

● **STAFF REPORTS**

A. Poudre River White Water Park Update (staff: Kurt Friesen, Park Planning Director)

Kurt Friesen, Parks Planning Director, stated the Poudre River Whitewater Park has been open since October of 2019. He reported on a study prepared by American Whitewater over an eight-day period in July, during which time visitation averages were at approximately 896 visitors per day. He stated the features and waves are performing well and the park has become a stop for trail users as well as those using the water specifically.

Friesen noted there have been a few complaints about overflow parking at adjacent businesses on heavy use days. He stated the native plantings are taking root and maturing and stormwater enhancements are working well. Regarding injury incidents and crime at the park, Friesen stated

only minor injuries have been reported and transient activity has decreased. He stated heavy use this first season has resulted in the need for some minor bank stabilization efforts which will likely occur in the spring.

In terms of river health, Friesen stated the whitewater project contributed to the overall lift of river health by creating improvements to certain river-wide problems at a local scale. He stated City staff is collaborating with the Coalition for the Poudre River to refine assessment methods to be able to apply a consistent assessment framework across the entire river.

Friesen stated the American Whitewater study suggests that the park contributes at least \$250,000 annually to the local economy. He outlined next steps which include bank stabilization, lighting, and signage in 2021.

Councilmember Gorgol stated this is a great multi-use addition to the city and she commended staff who have worked on the project.

Councilmember Gutowsky asked when optimal flows occur at the park. Friesen replied spring runoff is the peak season for kayak users who are seeking active wave features. As flows reduce through summer, tubing becomes much more popular. He noted CFS levels would be much too high for tubers in the spring.

Councilmember Gutowsky asked if there is a plan to enhance parking. Friesen replied there is the ability to expand the parking lot and that will be considered if parking issues continue to occur.

Mayor Pro Tem Cunniff asked if there is a plan to incorporate the river health and safety data in the City's dashboard information. Jen Shanahan, Natural Areas, replied these metrics will be part of the Poudre River health ongoing assessment.

- **PUBLIC COMMENT**

John Moreland stated he would like to see all 2020 campaign signs removed in the interest of moving forward and stated he would like to see Code Enforcement Officers assist with that task.

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Pro Tem Cunniff noted the First Amendment prevents the regulation of signs based on content; however, the Sign Code allows for temporary signs to only be in place for a certain number of days. Caryn Champine, Planning, Development & Transportation Director, stated temporary signs must be removed after 120 days. She also noted Compliance Officers would assist in removing any signs in the right-of-way, which is not allowed.

- **CONSENT CALENDAR**

Rich Stave withdrew Item No. 4, *Items Relating to Various Routine Amendments to City Code Chapter 26 Pertaining to Utility Services*, from the Consent Agenda.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the December 15, 2020 Regular Meeting and the December 22, 2020 Adjourned Meeting. (Adopted)**

The purpose of this item is to approve the minutes of the December 15, 2020 Regular Meeting and the December 22, 2020 Adjourned Meeting.

2. **Second Reading of Ordinance No. 001, 2021, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Environmental Services Radon Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 5, 2021, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$9,000 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$6,000. Matching funds are appropriated and unexpended in the 2021 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

3. **Items Relating to the Fort Collins Police Services Victim Services Unit. (Adopted)**

A. Second Reading of Ordinance No. 002, 2021, Appropriating Unanticipated Grant Revenue from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 003, 2021, Appropriating Unanticipated Grant Revenue from the Colorado Division of Criminal Justice under the Federal Victims of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on January 5, 2021, fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded two grants. The VALE grant is a 12-month grant in the amount of \$26,000 for the period from January 1, 2021 to December 31, 2021, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for a portion of the victim advocate salary who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community.

The VOCA grant is a 24-month grant in the amount of \$49,101 for the period from January 1, 2021 to December 31, 2022, by the Colorado Division of Criminal Justice under the Federal Victims of Crime Act (VOCA), to help fund services provided by this team. The VOCA Grant will provide \$24,551 in calendar year 2021 to the City with the remainder of \$24,550 expected in calendar year 2022. These funds will be used for a portion of the victim advocate salary who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

4. **Second Reading of Ordinance No. 007, 2021, Authorizing the Conveyance to the Colorado Department of Transportation of Various Property Interests on City-Owned Property at Running Deer Natural Area, Archery Range, and Arapaho Bend Natural Area to be Used as Right-of-Way for Interstate 25 and Related Facilities. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 5, 2021, seeks Council approval of the Colorado Department of Transportation's (CDOT) requested purchase of one right-of-way parcel on Arapaho Bend Natural Area, two right-of-way parcels and four temporary easements on Running Deer Natural Area and the Archery Range for the purpose of widening Interstate 25 and relocating the Port of Entry.

A revision to the Ordinance on Second Reading includes the price CDOT has agreed to pay for these property interests.

5. **Second Reading of Ordinance No. 008, 2021, Authorizing Conveyance of a Permanent Non-Exclusive Drainage Easement on Property Jointly Owned by the City and the City of Loveland at the Northern Colorado Regional Airport for the New Veterans' Affairs Clinic. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 5, 2021, authorizes a permanent non-exclusive drainage easement over a portion of the Northern Colorado Regional Airport property owned jointly by the Cities of Fort Collins and Loveland for the benefit of a new Veteran's Affairs (VA) clinic planned for constructed adjacent to the east side of the Airport (the "VA Project") by Byrd Drive Development, LLC, ("Developer").

6. **Second Reading of Ordinance No. 009, 2021 Authorizing the Conveyance of an Easement to Larimer County for Remediation Activities on Cathy Fromme Prairie Natural Area in Accordance with the City's Intergovernmental Agreement with Larimer County and Loveland for Corrective Measures Related to the Larimer County Landfill. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 5, 2021, authorizes the conveyance of a future easement to Larimer County for remediation activities on Cathy Fromme Prairie Natural Area. Council adopted Resolution 2020-119, approving an Intergovernmental Agreement by and among the City, Larimer County and the City of Loveland regarding their mutual commitments and responsibilities related to the remediation of environmental contamination at and from the Landfill, and that Agreement requires the City Manager to present for Council approval this Ordinance authorizing a future easement.

7. **Second Reading of Ordinance No. 010, 2021 Adopting the Update to the Parks and Recreation Master Plan as an Element of the City's Comprehensive Plan. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 5, 2021, adopts an update to the Parks and Recreation Master Plan and highlights key implementation steps post-adoption.

8. **Second Reading of Ordinance No. 017, 2021, Appropriating Unanticipated Revenue in the General Fund for a Small Business Relief Program to be Administered and Distributed by the Economic Health Office. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 12, 2021, appropriates unanticipated revenue to operate a Small Business Relief program. The Colorado legislature, in special session in December, passed Senate Bill 20B-001 (SB20B-001) setting aside over \$37 million for direct relief payments to small businesses located in eligible Counties, which businesses include restaurants, bars, movie theaters, and fitness and recreational sports centers.

9. **First Reading of Ordinance No. 018, 2021, Adopting the 2021 Classified Employee Pay Plan. (Adopted)**

The purpose of this item is to recommend the 2021 Classified Employee Pay Plan for most classified employees. City classified employees' pay and pay ranges will remain the same as in 2020 due to the financial uncertainty caused by COVID-19. In addition, this item recommends changes to the 2021 Classified Employee Pay Plan for employees who are in the collective bargaining unit described in the 2019-2021 Collective Bargaining Agreement (the "Agreement") between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police. The Agreement was approved by Council by Resolution 2018-095 on October 2, 2018. The Agreement requires the City to complete an annual market analysis for positions in the collective bargaining unit. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the 2021 Classified Employee Pay Plan.

10. **Items Relating to the Springer-Fisher Annexation No. 1. (Adopted)**

- A. Resolution 2021-008 Setting Forth Findings of Fact and Determinations Regarding the Springer-Fisher Annexation. No. 1.
- B. Public Hearing and First Reading of Ordinance No. 019, 2021, Annexing the Property Known as the Springer-Fisher Annexation No. 1 to the City of Fort Collins, Colorado.

The purpose of this item is to annex the first of two sequential tracts of land known collectively as the Springer-Fisher Annexations. Springer-Fisher Annexation No. 1 consists of 71.34 acres and establishes the required 1/6 contiguity with existing City limits. Springer-Fisher Annexation No. 1, located northwest of the East Mulberry Street and Greenfields Court intersection, would incorporate the property into Fort Collins' municipal boundaries, as well as incorporating portions of the property into the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request conforms with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

11. **Public Hearing and First Reading of Ordinance No. 020, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Springer-Fisher Annexation No. 1, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (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 2017-017.

The purpose of this item is to apply zoning to the property included in the first of two sequential annexations. Springer-Fisher Annexation No. 1 is located northwest of the East Mulberry Street and Greenfields Court intersection. The proposed zoning for this annexation is General Commercial (C-G), Neighborhood Commercial (N-C), Employment (E), Low Density Mixed-Use Neighborhood (L-M-N), and Medium Density Mixed-Use Neighborhood (M-M-N). The surrounding properties are existing commercial and industrial land uses currently zoned in Larimer County as C-Commercial and I-Industrial zoning districts to the east, south and west. The abutting City limit to the north is zoned Low Density Mixed-Use Neighborhood (L-M-N). Staff also recommends placement of the portions of the Springer-Fisher Annexation No. 1 that are zoned L-M-N and M-M-N into the Residential Neighborhood Sign District.

12. **Items Relating to the Springer-Fisher Annexation No. 2. (Adopted)**

- A. Resolution 2021-009 Setting Forth Findings of Fact and Determinations Regarding the Springer-Fisher Annexation. No. 2.
- B. Public Hearing and First Reading of Ordinance No. 021, 2021, Annexing the Property Known as the Springer-Fisher Annexation No. 2 to the City of Fort Collins, Colorado.

The purpose of this item is to annex the second of two sequential tracts of land collectively known as the Springer-Fisher Annexations. Springer-Fisher Annexation No. 2 consists of 5.46 acres, establishes the required 1/6 contiguity with the Springer-Fisher Annexation No. 1, and is located northwest of the East Mulberry Street and Greenfields Court intersection. The annexation would incorporate the property into Fort Collins' municipal boundaries. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request conforms with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

13. **Public Hearing and First Reading of Ordinance No. 022, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Springer-Fisher Annexation No. 2. (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 2017-017.

The purpose of this item is to apply zoning to the property included in the second of two sequential annexations, Springer-Fisher Annexation No. 2. Springer-Fisher Annexation No. 2 is located northwest of the intersection of East Mulberry Street and Greenfields Court. The proposed zoning for this annexation is General Commercial (C-G). The surrounding properties are existing commercial and industrial land uses currently zoned in Larimer County as C-Commercial and I-Industrial (I) to the east, south and west.

14. **Resolution 2021-010 Adopting Amendments to the City's Financial Management Policies. (Adopted)**

The purpose of this item is to update four of the internal Financial Management Policies:

- Policy 1 - Budget
- Policy 2 - Revenue
- Policy 3 - General
- Policy 5 - Fund Balance Minimums

The policies are reviewed on a three-year rolling schedule. The recommended changes have been presented to the Council Finance Committee which supported the changes recommended.

15. **Resolution 2021-011 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District. (Adopted)**

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2020 from the Poudre Valley Fire Protection District (the District) in accordance with state law. The properties affected by this Resolution are the Soldier Canyon Pump Station Annexation, Timberline-International Annexation No. 1, Timberline-International Annexation No. 2, and Timberline-International Annexation No. 3. Colorado Revised Statutes Section 32-1-502 requires an order of exclusion from the District Court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

16. **Resolution 2021-012 Making Appointments to the Golf Board and Planning and Zoning Board of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint one individual to fill a vacancy on the Golf Board and two individuals to fill vacancies on the Planning and Zoning Board that exist due to the expiration of terms and resignation of members.

17. **Resolution 2021-013 Designating Mayor Wade Troxell to Represent the City on the Colorado Attorney General's Local Government Opioid Settlement Funds Stakeholder Working Group. (Adopted)**

The purpose of this item is to appoint Mayor Wade Troxell to the Colorado Attorney General's Local Government Opioid Settlement Funds Stakeholder Working Group.

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Cunniff thanked staff for following up on the environmental impact statement regarding Item No. 5, *Second Reading of Ordinance No. 007, 2021, Authorizing the Conveyance to the Colorado Department of Transportation of Various Property Interests on City-Owned Property at Running Deer Natural Area, Archery Range, and Arapaho Bend Natural Area to be Used as Right-of-Way for Interstate 25 and Related Facilities*. He stated the information shows the proposed plan is the least environmentally damaging location for the port of entry.

Councilmember Summers commented on the likely future of the Prospect/I-25 interchange improvements and stated it is unfortunate the weigh station could not have been located elsewhere from an aesthetic perspective.

Councilmember Gutowsky congratulated John Litel on his appointment to the Golf Board.

● **COUNCILMEMBER REPORTS**

Mayor Troxell reported on participating in the Larimer County Solid Waste Policy Council and on Martin Luther King, Jr. Day events.

● **DISCUSSION ITEMS**

18. **Items Relating to Placing Proposed Charter Amendments on the April 6, 2021 Ballot. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 011, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 4 of Article II of the City Charter Updating the Provision for Election of a Mayor Pro Tem.*
- B. *Second Reading of Ordinance No. 012, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 8 of Article VIII of the City Charter Pertaining to Restrictions on Campaign Contributions.*
- C. *Second Reading of Ordinance No. 013, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 9, Article V of the City Charter Clarifying Revenues that May be Appropriated.*
- D. *Second Reading of Ordinance No. 014, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 17 or Article II of the City Charter Revising the Deadline to Publish Notice of the Annual Independent Financial Audit.*
- E. *Second Reading of Ordinance No. 015, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 5 of Article VIII of the City Charter Updating the Reference to "Chief Judge" in the Board of Elections Provision.*

These Ordinances were adopted on First Reading on January 5, 2021 to submit individual Charter amendments to the voters at the April 6, 2021 Regular Election ballot as indicated below:

Ordinance Nos. 011-013 (unanimous)

Ordinance Nos. 014-015 (by a vote of 5-1 Nay: Pignataro)

City Clerk Delynn Coldiron briefly reviewed the five Charter amendments that would be placed on the April ballot if approved by Council. She noted the first three amendments were unanimously adopted by Council for placement on the ballot at First Reading and the remaining two were not unanimously adopted.

Councilmember Pignataro stated she would support placing all five items on the ballot. She asked how these items will be explained to voters. City Clerk Coldiron replied ballot language will be included in election materials and City Clerk's Office staff are available to answer questions. City Attorney Daggett noted the City has typically avoided expending City funds to promote or actively share out materials related to City ballot measures; however, all materials presented to Council associated with placing these items on the ballot are publicly available. She stated the Fair Campaign Practices Act places limits on public expenditures for these types of items.

Councilmember Pignataro suggested placing a link on the City's elections web page regarding what these changes mean and what would happen if not approved. She noted the changes are essentially administrative in nature and are only going on the ballot because they are Charter amendments.

Councilmember Summers asked if a blue book is mailed out for local elections. Chief Deputy City Clerk Rita Knoll replied blue books are only for statewide elections. She stated a TABOR notice would be required if there was a TABOR question. She noted the League of Women Voters typically puts out a booklet about local election matters.

City Manager Atteberry stated the City has been very intentional about not using City resources to help encourage or persuade voters in any direction. However, he noted that does not limit the Mayor or Council from commenting on any item either before or after its placement on a ballot.

Mayor Pro Tem Cunniff commented on the ability for Councilmembers to participate in League of Women Voters forums about ballot initiatives or other events. He stated an independently created but City-published blue book is an interesting idea to perhaps encourage the next Council to consider.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 011, 2021, on Second Reading. Yeas: Cunniff, Troxell, Pignataro, Potyondy, Gorgol, Summers and Gutowsky. Nays: none.

RESULT:	ORDINANCE NO. 011, 2021 ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 012, 2021, on Second Reading. Yeas: Cunniff, Troxell, Pignataro, Potyondy, Gorgol, Summers and Gutowsky. Nays: none.

RESULT:	ORDINANCE NO. 012, 2021 ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 013, 2021, on Second Reading.

City Attorney Daggett noted the Ordinance title in the Agenda Item Summary is incorrect and should include 'amendments to Sections 9 and 11 of Article 5.' Mayor Pro Tem Cunniff and Councilmember Gutowsky accepted the change.

The vote on the motion was as follows: Yeas: Cunniff, Troxell, Pignataro, Potyondy, Gorgol, Summers and Gutowsky. Nays: none.

RESULT: **ORDINANCE NO. 013, 2021 ADOPTED ON SECOND READING [UNANIMOUS]**
MOVER: Ross Cunniff, District 5
SECONDER: Susan Gutowsky, District 1
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 014, 2021, on Second Reading. Yeas: Cunniff, Troxell, Pignataro, Potyondy, Gorgol, Summers and Gutowsky. Nays: none.

RESULT: **ORDINANCE NO. 014, 2021 ADOPTED ON SECOND READING [UNANIMOUS]**
MOVER: Ross Cunniff, District 5
SECONDER: Susan Gutowsky, District 1
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 015, 2021, on Second Reading. Yeas: Cunniff, Troxell, Pignataro, Potyondy, Gorgol, Summers and Gutowsky. Nays: none.

RESULT: **ORDINANCE NO. 015, 2021 ADOPTED ON SECOND READING [UNANIMOUS]**
MOVER: Ross Cunniff, District 5
SECONDER: Emily Gorgol, District 6
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

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

19. **Items Relating to Various Routine Amendments to City Code Chapter 26 Pertaining to Utility Services. (Adopted)**

- A. *Second Reading of Ordinance No. 004, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility.*
- B. *Second Reading of Ordinance No. 005, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Water and Sewer Plant Investment Fees.*
- C. *Second Reading of Ordinance No. 006, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Update Provisions Regarding the City's Utility Enterprise Boards.*
- D. *Second Reading of Ordinance No. 016, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utilities' Right of Entry into Buildings and onto Premises to Access Utilities Equipment, Facilities, and Appurtenances for Utilities Purposes.*

These Ordinances, unanimously adopted on First Reading on January 5, 2021, adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services.

Ordinance No. 016, 2021 further explains and put bounds on the right of entry in the City Charter (Art. XII, Sec. 2), which states:

The directors and employees of city-owned utilities shall have authority in the necessary discharge of their duties to enter upon any lands, properties or premises, within or without the city limits, for the examination or survey thereof, or for the purpose of repairing, inspecting, removing, or connecting the service, reading meters, or any other purpose whatever in connection with the water, wastewater, electric, and other utilities.

Various aspects of Sections 26-22, 26-98, 26-99, 26-219, 26-399, and 26-577 have been clarified and modified to more clearly articulate Fort Collins Utilities' ("Utilities") right of entry and the corresponding rights of customers and the owners/occupants of such buildings and premises. Language has also been added to allow for procedures for disputes to be resolved by the Municipal Court when necessary and to allow the Utilities Executive Director to petition the Municipal Court to secure the right to enter specific buildings and premises for Utilities purposes as described in Section 26-22.

Rich Stave questioned wording related to reasonable cause. He suggested a more formal avenue should be utilized for City employees to access private property.

Andrew Gingerich, Engineering, noted policies and procedures around how employees gain access to a home or premise have been in place. He noted the addition of petitioning Municipal Court is new and would only occur if every other step has been exhausted and entry is denied for work that needs to occur.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 004, 2021, on Second Reading. Yeas: Summers, Gutowsky, Cunniff, Troxell, Pignataro, Potyondy and Gorgol. Nays: none.

RESULT:	ORDINANCE NO. 004, 2021 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 005, 2021, on Second Reading. Yeas: Summers, Gutowsky, Cunniff, Troxell, Pignataro, Potyondy and Gorgol. Nays: none.

RESULT:	ORDINANCE NO. 005, 2021 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Potyondy, to adopt Ordinance No. 006, 2021, on Second Reading. Yeas: Summers, Gutowsky, Cunniff, Troxell, Pignataro, Potyondy and Gorgol. Nays: none.

RESULT:	ORDINANCE NO. 006, 2021 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Melanie Potyondy, District 4
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 016, 2021, on Second Reading. Yeas: Summers, Gutowsky, Cunniff, Troxell, Pignataro, Potyondy and Gorgol. Nays: none.

RESULT:	ORDINANCE NO. 016, 2021 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.
(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

● **ADJOURNMENT**

The meeting adjourned at 8:04 PM.



Mayor

ATTEST:


City Clerk

