

DATE: August 16, 2011
STAFF: John Stokes

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

25A

SUBJECT

Reconsideration of a Motion Adopted by Council at a Special Meeting Held on Thursday, August 11, 2011, Expressing the City's Objections to Construction on Phase III of the Dixon Creek Substation to Horseshoe Station Transmission Line Project and Authorizing the City Attorney to Seek a Court Order Enjoining Construction of Phase III, if Necessary, or To Take Such Other Appropriate Legal Action As May Be Needed to Protect the Interests of the City.

EXECUTIVE SUMMARY

This item relates to a power transmission line project planned for construction by Platte River Power Authority (Platte River) and Western Area Power Administration (WAPA) in the City's Pineridge Natural Area. Although Platte River obtained an easement from the City in 2006 to cross the City's Colina Mariposa Natural Area with underground lines in an earlier phase of this project, detailed information regarding the last phase of the project (Phase III) as it crosses Pineridge Natural Area has not been presented to or reviewed by the City.

Efforts by the City in recent months to seek a delay in the project to allow time for discussion of impacts to the City's Natural Area have not been successful. Areas for further discussion include alternative routes, potential impacts, access routes, mitigation, possible undergrounding, and other similar concerns. Issues have been raised regarding whether the 1951 easements obtained by WAPA for its original transmission line are sufficient for the project proposed, whether temporary construction easements are needed for the project, and whether the environmental review completed by WAPA has sufficiently identified and analyzed the impacts of the proposed project.

Platte River representatives have indicated that the final phase of the project will begin in September, although the work planned to take place on Pineridge Natural Area may not begin until several weeks later, perhaps as late as November. However, at this time the City has no assurance that any further consideration of the issues raised by the City will take place before work proceeds on the City's property.

At its special meeting on Thursday, August 11, 2011, the City Council adopted a motion by a vote of 6 to 0, finding that postponing Council action regarding the City's Objections to Construction of Phase III of the Dixon Creek to Horseshoe Transmission Line Project would be contrary to the public interest. This finding met the requirement of City Code Section 2-32(d), in order for the Council to take up an item that was not specifically identified as an action item on the Council's agenda.

The City Council then adopted by a vote of 6 to 0 a motion directing the City Manager and City Attorney to formally express to Western Area Power Administration, Platte River Power Authority and the City's member-partners in Platte River, the City's objections to construction proceeding on Phase III of the Dixon Creek Substation to Horseshoe Station Transmission Line Project, and authorizing the City Attorney to seek a court order enjoining construction of Phase III, if necessary, or to take such other appropriate legal action as may be needed to protect the interests of the City.

Although the requirement for action without advance notice was met, Council leadership has asked the City Manager to bring this item forward for reconsideration on tonight's agenda in order to allow a better opportunity for public input on this matter.

STAFF RECOMMENDATION

Staff recommends reconsideration of the Motion.



City Clerk's Office
300 LaPorte Avenue
PO Box 580
Fort Collins, CO 80522
970.221.6515
970.221.6295 - fax
fcgov.com/cityclerk

PUBLIC NOTICE

Posted on August 15, 2011

At its regular meeting on August 16, 2011, the Fort Collins City Council will consider one additional matter as the first item of Discussion:

- Reconsideration of a motion adopted by Council at a special meeting held on Thursday, August 11, 2011, expressing the City's objections to construction on Phase III of the Dixon Creek Substation to Horseshoe Station Transmission Line Project and authorizing the City Attorney to seek a court order enjoining construction of Phase III, if necessary or to take such other appropriate legal action as may be needed to protect the interests of the City.

The regular City Council meeting will begin at 6:00 p.m. in the Council Chambers, City Hall West, 300 LaPorte Avenue.

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.