

**DATE:** January 17, 2012  
**STAFF:** Wanda Krajicek

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**6**

**SUBJECT**

Consideration and Approval of the Minutes of the December 20, 2011 and January 3, 2012 Regular Meetings and the December 13, 2011 and January 10, 2012 Adjourned Meetings.

December 13, 2011

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Adjourned Meeting - 6:00 p.m.**

An adjourned meeting of the Council of the City of Fort Collins was held on Tuesday, December 13, 2011, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Manvel, Ohlson, Troxell, and Weikunat.

Councilmembers Absent: Horak, Kottwitz, Poppaw

Staff Members Present: Atteberry, Krajicek, Roy.

**Executive Session Authorized**

Councilmember Ohlson made a motion, seconded by Councilmember Troxell, to adjourn into executive session, as permitted under Section 2-31(a)(2) of the City Code for the purpose of meeting with attorneys for the City regarding legal issues. Yeas: Manvel, Ohlson, Troxell, and Weikunat. Nays: none.

THE MOTION CARRIED.

**Adjournment**

City Attorney Roy clarified that the legal issues discussed in the executive session were related to the implementation of the citizen-initiated ordinance imposing a ban on medical marijuana dispensaries, effective February 14, 2012.

At the conclusion of the executive session, the meeting was adjourned at 6:40 p.m.

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Mayor

ATTEST:

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City Clerk

**December 20, 2011**

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting - 6:00 p.m.**

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, December 20, 2011, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll call was answered by the following Councilmembers: Horak, Kottwitz, Manvel, Ohlson, Poppaw, Troxell and Weikunat.

Staff Members Present: Atteberry, Krajicek, Roy.

**Agenda Review**

City Manager Atteberry withdrew Item No. 20, *Resolution 2011-112 Adopting an Updated Policy for the Review and Approval of Easements on City Natural Areas and Conserved Lands*, to January 3, 2012 and recommended consideration of Item No. 30, *Resolution 2011-115, Relating to Assistance for Persons Displaced from Affordable Housing in the Fort Collins Area*, immediately following Item No. 27, *Second Reading of Ordinance No. 167, 2011, Amending Chapter 23, Articles IX and X of the City Code to Update Language Related to the Use of Motorized Devices on City Trails by People with Disabilities*.

Councilmember Manvel withdrew Item No. 22, *Resolution 2011-114 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins*, from the Consent Calendar.

Eric Sutherland, 3520 Golden Currant, withdrew Item No. 6, *Postponement of Second Reading of Ordinance No. 131, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council to February 21, 2012*, from the Consent Calendar

**Citizen Participation**

Vivian Armendariz, 820 Merganser Drive, opposed the late night Transfort Safe Ride Home program.

Liz Pruessner, 712 Ponderosa Drive, Natural Resources Advisory Board chairperson, discussed the Board's Poudre River Initiative and requested that the City develop an action plan for future generations.

Rich Crisler, Occupy Northern Colorado, opposed the fees charged by the Open Door Mission.

Joe Piesman, 210 East Elizabeth, Natural Resources Advisory Board member, discussed the Board's Poudre River Initiative.

**Citizen Participation Follow-up**

Mayor Weitkunat acknowledged receipt of the Natural Resources Advisory Board Poudre River Initiative and recommendations.

Councilmember Poppaw asked staff to address Ms. Armendariz' concerns regarding prioritizing the Safe Ride Home bus service over additional disabled bus services. City Manager Atteberry replied the Safe Ride Home program was a joint proposal between Police Services, ASCSU, and Transfort, and was approved by Council at the last regular meeting. He stated he would participate in a discussion with Ms. Armendariz regarding her desires for additional disabled bus service.

Councilmember Poppaw asked staff to address the fact that Chase Eckert from ASCSU participated in the staff presentation of the Safe Ride Home item. City Manager Atteberry replied the Leadership Planning Team discussed the issue and has made a process change to ensure all individuals at the staff table are expected. In terms of Mr. Eckert, he was present as a partner regarding the item. Councilmember Poppaw stated the presence of lobbyists at the staff table is inappropriate.

Councilmember Poppaw requested follow up regarding the Open Door Mission accusations. City Manager Atteberry replied the City does not provide funding for the Mission and stated he would confer with City Attorney Roy regarding the City's role.

Councilmember Manvel asked if the Open Door Mission is paying appropriate lodging taxes and submitting to appropriate inspections. He stated the Safe Ride Home program will aid in solving a public issue for all citizens.

Councilmember Troxell noted the Safe Ride Home buses will be available for all citizens and defended the CSU student population as valuable community members.

Councilmember Horak noted the Safe Ride Home program is funded jointly by Police Services and ASCSU and is a beneficial partnership. He stated he read the Natural Resources Advisory Board Initiative and noted the issue is part of Council's plan.

**CONSENT CALENDAR**

6. Postponement of Second Reading of Ordinance No. 131, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council to February 21, 2012.

At its meeting of October 4, 2011, City Council considered Ordinance No. 131, 2011, Amending the Appeals Procedure. It was adopted on First Reading, but Council asked that staff conduct some outreach on the proposed changes, and Second Reading was scheduled for December 20.

A public meeting was held on November 30, and approximately fourteen people attended. Several concerns about the appeals process were raised that are not addressed by the

proposed changes, and there was considerable discussion of the impact of the proposed amendments.

Staff would like to request that Second Reading of this Ordinance be postponed until February 21, 2012. This will permit further discussion of the issues raised at the meeting, and refinement of the proposed amendments to address concerns.

7. Second Reading of Ordinance No. 168, 2011, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Fort Collins Museum/Discovery Science Center Project.

This Ordinance, unanimously adopted on First Reading on December 6, 2011, appropriates unanticipated revenue of \$163,068 from the Discovery Science Center (\$160,625) and LaFarge (\$2,443) for the Museum Exhibit Capital Project.

8. Items Relating to Bobcat Ridge Natural Area.

A. Second Reading of Ordinance No. 169, 2011, Authorizing the City Manager to Enter into a Grant Contract with History Colorado, the Colorado Historical Society for Funds to Restore Two Historic Structures at Bobcat Ridge Natural Area.

B. Second Reading of Ordinance No. 170, 2011, Appropriating Unanticipated Revenue in the Natural Areas Fund Project to Restore Two Historic Structures at Bobcat Ridge Natural Area.

The State of Colorado awarded the City a grant of \$93,392 from the State Historical Fund to fund 75% of the estimated cost of \$124,523 to restore two historic structures at Bobcat Ridge Natural Area: the 1888 pioneer barn and log chicken house. Ordinance No. 169, 2011, authorizes the City Manager to enter into a contract with History Colorado. The contract requires a twenty-year covenant on the property surrounding the barn and chicken shed, which states that the City will agree to maintain the buildings, once restored, for twenty years and will not alter anything on the property without express written permission of History Colorado.

The City also received a \$24,000 grant from the Pulliam Charitable Trust to provide most of the 25% in funds necessary to match the funds received from the State. Natural Areas Program funds will be used to fund the remaining \$7,131 necessary to fully fund the project. Ordinance No. 170, 2011, authorizes the appropriation of the grant funds. Both Ordinances were unanimously adopted on First Reading on December 6, 2011.

9. Items Relating to the Seckner Brothers Building, 216, Linden Street.

A. Second Reading of Ordinance No. 171, 2011, Appropriating Unanticipated Grant Revenue in the General Fund for the Exterior Rehabilitation of the Seckner Brothers Building at 216 Linden Street.

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- B. Resolution 2011-109 Authorizing the City Manager to Enter Into an Intergovernmental Agreement with the State of Colorado for the Use and Benefit of the Colorado Historical Society for the Administration of the Exterior Rehabilitation of the Seckner Brothers Building Located at 216 Linden Street.

This Ordinance, unanimously adopted on First Reading on December 6, 2011, appropriates unanticipated revenue in the amount of \$73,890 for the exterior facade rehabilitation of the Seckner Brothers Building, 216 Linden Street. The City was awarded a State Historical Fund grant in the amount of \$35,000. Matching funds totaling \$36,890 are provided by the Downtown Development Authority (\$25,890), a City-funded Zero-Interest Loan (\$6,100) and the remainder by the building's owners, Irwin and Judith Winterowd.

In order to accept the grant and proceed with the project, the City must enter into an intergovernmental agreement (IGA) with the Colorado Historical Society agreeing to administer the grant. The City of Fort Collins will only be responsible for administering the grant which will be carried out by Community Development and Neighborhood Services staff. Staff time allocated to administration will be reimbursed by the grant. The Resolution authorizes the City Manager to execute the IGA.

10. Second Reading of Ordinance No. 172, 2011, Adopting the 2012 Classified Employees' Pay Plan.

Ordinance No. 172, 2011, unanimously adopted on First Reading on December 6, 2011, adopts the 2012 classified employees' pay plan. The 2012 Pay Plan establishes a structure for employee compensation. It is the framework that sets the minimum and maximum pay for City positions. The methodology used by the City is based on compensation best practices. The 2012 Pay Plan uses average actual salary data collected from public and private sector markets for benchmark positions to determine pay range midpoints within occupational groups. Ranges for non-benchmark jobs are established using a point factor system that is calibrated against the benchmark jobs.

11. Second Reading of Ordinance No. 173, 2011, Amending the City Code Concerning the Issuance of Special Event Permits by the Local Licensing Authority.

Legislators adopted Senate Bill 11-066, which authorizes a local liquor licensing authority to issue special event permits to qualifying organizations and political candidates without sending the application to the state authority for approval. This Ordinance, unanimously adopted on First Reading on December 6, 2011, authorizes the local licensing authority to approve special event permit applications locally without obtaining state approval as allowed under Senate Bill 11-066. Additionally, there is a proposed increase of \$25 in the local application fee to help defray some of the costs associated with the local application process, which generally exceed the proposed fee of \$50 per day of permitted event.

12. Second Reading of Ordinance No. 174, 2011, Amending Chapter 26 of the City Code to Adopt and Provide for Technical Revision of the Fort Collins Stormwater Criteria Manual.

The Stormwater Repurposing effort was initiated at a City Council work session in October 2008. The intent of this effort was to review the City's stormwater program in its entirety, and explore new or reformed methods of water quality and quantity management in each of the City's stormwater basins. The program review was broken down into 14 categories, with one specifically identifying the need to update the Stormwater Criteria Manual. This Ordinance, unanimously adopted on First Reading on December 6, 2011, adopts the Urban Drainage and Flood Control District (UDFCD) Criteria Manual and will set the standard for the City of Fort Collins. Exception language that identifies key aspects specific to the City will be adopted into the City Code concurrently with this action.

13. Second Reading of Ordinance No. 175, 2011, Designating the Bartlett/Goeke House and Attached Garage, 160 Yale Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on December 6, 2011, designates the Bartlett/Goeke House and Attached Garage, 160 Yale Avenue, as a Fort Collins Landmark. The owner of the property, Judith Goeke, is initiating this request.

14. Second Reading of Ordinance No. 176, 2011, Designating the Chestnut/ Wombacher Residence, Attached Three-Car Garage, and Historic Freestanding Fireplace, 331 South Shields Street/1200 West Magnolia Street, as Fort Collins Landmarks Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on December 6, 2011, designates the Chestnut/ Wombacher Residence, Attached Three-Car Garage, and Historic Freestanding Fireplace, located at 331 South Shields Street/1200 West Magnolia Street as a Fort Collins Landmark. The owner of the property, Margaret Wombacher, is initiating this request.

15. Second Reading of Ordinance No. 177, 2011, Designating the Lewis and Mae Tiley/Joanne F. Gallagher Residence and Attached Garage, 2500 South College Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 177, 2011, unanimously adopted on First Reading on December 6, 2011, designates the Lewis and Mae Tiley/Joanne F. Gallagher Residence and Attached Garage, located at 2500 South College Avenue, as a Fort Collins Landmark. The owner of the property, Joanne Gallagher, is initiating this request.

16. Second Reading of Ordinance No. 178, 2011, Amending the Land Use Code Regarding Digital Signs and Pole Signs.

This Ordinance, unanimously adopted on First Reading on December 6, 2011, amends the Land Use Code regulations for digital signs and freestanding pole signs. With respect to

digital signs, the recommended Code changes address such things as brightness, color, design, and location. Additional design criteria to enhance the appearance of pole signs are also proposed. Three proposed standards contained in the Ordinance have been amended for Second Reading based on questions or concerns expressed during the First Reading hearing on this matter. One additional change is included on Second Reading to allow for flexibility in determining the compliance period for signs made nonconforming by future sign code amendments.

17. Second Reading of Ordinance No. 179, 2011, Appropriating Prior Year Reserves in the General Fund for Transfer to the Transit Services Fund and Appropriating Unanticipated Revenue in the Transit Services Fund for the Safe Ride Home Weekend Bus Service.

Fort Collins Police Services (FCPS) has had recent discussions with the Associated Students of Colorado State University (ASCSU) about creating an additional transportation option for people leaving the downtown area on weekend nights. In this partnership Police Services hopes to accomplish important goals of reducing the number of people and the associated problems in the downtown area and increasing traffic safety by giving people an additional option for leaving downtown safely and decreasing the number of drivers who have been drinking during this timeframe. The available transportation is unable to meet the demand for transportation during this timeframe. ASCSU has an interest in providing this service for students and is willing to invest funds from student fees to address this need. By combining available funding, these parties are able to provide this service to all members of our community for a modest fare. The proposal is to enter into a one year contract between ASCSU and Transfort to provide two fixed bus routes on Friday and Saturday nights, every weekend during the term of the Agreement, from 11:30 PM to 2:30 AM. An ongoing assessment will be conducted to determine the effectiveness of this project, any potential improvements, and explore opportunities for long-term funding. This Ordinance, unanimously adopted on First Reading on December 6, 2011, appropriates the funds for the operation of a late night bus service.

18. Resolution 2011-110 Approving a Collective Bargaining Agreement with the Fraternal Order of Police.

The City and the Northern Colorado Lodge #3, Colorado Fraternal Order of Police (FOP), using an interest based bargaining approach, engaged in negotiations regarding the terms and conditions of a possible bargaining agreement for 2012 and 2013. City staff and the FOP have tentatively reached an agreement. On November 30, 2011, bargaining unit members voted to ratify the proposed agreement.

19. Resolution 2011-111 Authorizing the Filing of Application with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 U.S.C. Chapter 53, Title 23 United States Code and Other Federal Statutes Administered by the Federal Transit Administration.

The City of Fort Collins receives approximately \$2.7million annually (five year average) in federal assistance from the Federal Transit Administration (FTA) for mass transportation projects. One requirement to receive this federal assistance is that the City retains on file with the FTA, an Authorizing Resolution from City Council that authorizes the City Manager or his/her designee on behalf of the City of Fort Collins to:

- (a) execute and file application for federal assistance with the FTA
- (b) execute federal assistance awards (grants) and cooperative agreements with the FTA
- (c) execute and file the annual certifications and assurances and other documents that are required by the FTA before federal assistance is awarded.

The FTA has requested that the City of Fort Collins update the current Authorizing Resolution it has on file for the City, dated November 1990.

21. Resolution 2011-113 Authorizing an Intergovernmental Agreement with the Colorado State Board of Land Commissioners and Larimer County Regarding the Energy by Design Planning Process.

Soapstone Prairie Natural Area (Soapstone) and Meadow Springs Ranch (MSR) are owned by the City of Fort Collins Natural Areas Program and Fort Collins Utilities, respectively. Soapstone and MSR are considered split estate properties as the City owns the surface estate and the mineral estate (including oil and gas) is owned by other parties. The State of Colorado owns approximately 12,400 acres of mineral rights underlying the properties: 3,500 underlying Soapstone and 8,900 underlying MSR.

The Colorado State Board of Land Commissioners (SLB) has contracted with The Nature Conservancy (TNC) to conduct an Energy by Design (EbD) planning process on Soapstone and MSR. The goal of the EbD process is to develop a plan that conserves key natural, recreational, landscape view, agricultural, and cultural resource values while providing reasonable access to the SLB's and others' mineral estate. This plan also includes strategies to avoid, minimize, and mitigate surface impacts to key resources. Subject to Council review and approval of the proposed MOU, the City will be a partner in the planning process. The Memorandum of Understanding outlines the responsibilities of each party for the Energy by Design planning process.

22. Resolution 2011-114 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins.

Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of current members. Applications

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were solicited during September and Council teams interviewed applicants during October, November, and December. This Resolution appoints boardmembers to fill current vacancies and term expirations.

**\*\*\*END CONSENT\*\*\***

Ordinances on Second Reading were read by title by City Clerk Krajicek.

7. Second Reading of Ordinance No. 168, 2011, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Fort Collins Museum/Discovery Science Center Project.
8. Items Relating to Bobcat Ridge Natural Area.
  - A. Second Reading of Ordinance No. 169, 2011, Authorizing the City Manager to Enter into a Grant Contract with History Colorado, the Colorado Historical Society for Funds to Restore Two Historic Structures at Bobcat Ridge Natural Area.
  - B. Second Reading of Ordinance No. 170, 2011, Appropriating Unanticipated Revenue in the Natural Areas Fund Project to Restore Two Historic Structures at Bobcat Ridge Natural Area.
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11. Second Reading of Ordinance No. 173, 2011, Amending the City Code Concerning the Issuance of Special Event Permits by the Local Licensing Authority.
12. Second Reading of Ordinance No. 174, 2011, Amending Chapter 26 of the City Code to Adopt and Provide for Technical Revision of the Fort Collins Stormwater Criteria Manual.
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16. Second Reading of Ordinance No. 178, 2011, Amending the Land Use Code Regarding Digital Signs and Pole Signs.
17. Second Reading of Ordinance No. 179, 2011, Appropriating Prior Year Reserves in the General Fund for Transfer to the Transit Services Fund and Appropriating Unanticipated Revenue in the Transit Services Fund for the Safe Ride Home Weekend Bus Service.
27. Second Reading of Ordinance No. 167, 2011, Amending Chapter 23, Articles IX and X of the City Code to Update Language Related to the Use of Motorized Devices on City Trails by People with Disabilities.

Ordinances on First Reading were read by title by City Clerk Krajicek.

28. First Reading of Ordinance No. 182, 2011, Amending Section 15-483 of the City Code So as to Eliminate the Eight-ounce Limitation on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other Licensed Medical Marijuana Centers.
29. First Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation.

Councilmember Manvel made a motion, seconded by Councilmember Troxell, to adopt and approve all items not withdrawn from the Consent Calendar. The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

### **Staff Reports**

City Manager Atteberry stated the City will follow up as appropriate and with diligence regarding the Open Door Mission allegations.

Glenn Good, Catholic Charities Regional Director, thanked the City for providing warehouse space for assembly and storage of holiday food and gift baskets. The temporary overflow shelter at the Knights of Columbus facility has proven to be needed and well used.

Councilmember Poppaw asked about the necessity of individuals to pass a breathalyzer test prior to being allowed to stay at the shelter. Mr. Good replied individuals are turned away if they do not pass a breathalyzer but are offered the opportunity to be taken to the detoxification center in Greeley.

### **Councilmember Reports**

Councilmember Poppaw discussed the Front Range Recruit graduation for Poudre Fire Authority graduates.

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Councilmember Manvel discussed the Urban Renewal Authority and City financial reports presented at the Finance Committee meeting. He stated the Air Quality Advisory Board heard a presentation regarding the Master Home Environmentalist Program within the City.

Mayor Weitkunat discussed the Colorado Municipal League Executive Board meeting and the beginning of the State legislative season.

**Resolution 2011-114**  
**Making Appointments to Various Boards, Commissions,**  
**and Authorities of the City of Fort Collins, Adopted as amended**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of current members. Applications were solicited during September and Council teams interviewed applicants during October, November, and December. This Resolution appoints boardmembers to fill current vacancies and term expirations.*

***BACKGROUND/DISCUSSION***

*Section 1 of this Resolution makes 12 appointments to 9 boards and commissions to fill current vacancies with terms to begin immediately. Names of those individuals recommended to fill current vacancies have been inserted in the Resolution with the expiration date following the names.*

*Section 2 of this Resolution makes 52 appointments to 22 boards and commissions to fill expired terms to begin on January 1, 2012. Names of those individuals recommended to fill expired terms have been inserted in the Resolution with the expiration date following the names.*

***PUBLIC OUTREACH***

*Vacancies were advertised in the Coloradoan and the City News (utility bill insert) and flyers were posted at various City buildings. Vacancies were also posted on fcgov.com, fortcollins.com and in the City's Neighborhood News Newsletter. Flyers were also mailed to various diverse population groups/organizations, service organization, major employers, board and commission members, Active Applicants (applicants on file during 2011) and term limit boardmembers. 122 applications were submitted to fill 53 vacancies.”*

Councilmember Manvel discussed the appointment procedure and asked about the reason for not reappointing the sitting co-chair of the Land Conservation and Stewardship Board. Councilmember Kottwitz replied there were several qualified candidates and the decision to appoint a particular candidate over the sitting member was not political.

Councilmember Troxell agreed with Councilmember Kottwitz and stated the appointment was made while looking at the overall balance of the Board.

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Councilmember Manvel stated the City's common practice has been to reappoint sitting members.

Mayor Pro Tem Ohlson made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2011-114.

Councilmember Manvel requested a friendly amendment to change the appointment to Linda Knowlton. The amendment was accepted by Mayor Pro Tem Ohlson and Councilmember Poppaw.

Councilmember Poppaw suggested Ed Reifsnnyder be placed on the Board with the next open slot. Councilmember Manvel agreed with Councilmember Poppaw.

Mayor Pro Tem Ohlson commended Ms. Knowlton on her work on the Board and stated he would support her reappointment.

Councilmember Troxell suggested interviewers need to be made aware of an office position held by an incumbent applicant.

The vote on the motion, as amended, was as follows: Yeas: Weitkunat, Kottwitz, Manvel, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

**Ordinance No. 167, 2011,  
Amending Chapter 23, Articles IX and X of the City Code to Update  
Language Related to the Use of Motorized Devices on City  
Trails by People with Disabilities, Adopted on Second Reading**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*On First Reading, the City Council amended Ordinance No. 167, 2011 to eliminate the provisions pertaining to implementation of a one year trial period to allow electric assisted bicycles on City trails. Provisions in the Ordinance to change the City Code to clarify that people with temporary or permanent mobility disabilities are allowed to operate ebikes and other power driven mobility devices on trails, and in parks and natural areas, in accordance with City regulations, were retained. This Ordinance was adopted with these revisions, on First Reading on November 15, 2011 by a vote of 4-2 (Nays: Troxell, Weitkunat).*

*Changes were made to the Ordinance between First and Second Readings to shorten the title of the Ordinance, add information about recent ADA regulations, and remove a definition that is no longer needed.*

*An Optional Version of the Ordinance is also provided on Second Reading that includes Code revisions to provide for a pilot ebikes program, as originally presented on First Reading. That version, which also includes shown in bold proposed edits to the title and in “whereas” clauses on*

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*the first page that improve the explanation of the ADA-related changes, is labeled as “Optional Version.”*

Marty Heffernan, Director of Culture, Parks, Recreation, and Environment, stated this Ordinance will incorporate into the City Code the necessary changes to comply with the ADA regarding allowing the use of e-bikes, or other power driven mobility devices, on City trails for individuals with mobility disabilities.

Ray Martinez, 4121 Stoneridge Court, asked if this Ordinance applies to disabled veterans. Mayor Pro Tem Ohlson replied in the affirmative.

Eric Sutherland, 3520 Golden Currant, asked how disability is determined and expressed concern regarding potential speed issues.

Doug Whitman, 311 East Plum, supported allowing all e-bikes on trails.

Linda Knowlton, 3230 Monarch Court, supported the Ordinance as written and opposed allowing all e-bikes on trails.

Dottie Spivak, 1914 Lookout Lane, supported the Ordinance as written and opposed allowing all e-bikes on trails.

Glenn Colton, 625 Hinsdale Drive, opposed allowing e-bikes on trails and supported adoption of the Ordinance.

Chris VanWoerkam, 8002 Hillsboro Court, supported allowing e-bikes on trails.

Dawn Theis and other Parks and Recreation Boardmembers, supported a one-year trial period allowing e-bikes on trails.

Rob Kagen, Parks and Recreation Board Vice-Chairperson, stated the Board unanimously supports a one-year trial period allowing e-bikes on trails.

Shane Miller, 4325 Mill Creek, supported a one-year trial period allowing e-bikes on trails.

Josh Kerson, 2814 West Vine, e-bike designer, thanked Council and staff for work on the item and supported a one-year trial period allowing e-bikes on trails.

Trudy Haines, Land Conservation and Stewardship Board Chairperson, stated the Board unanimously opposes the use of e-bikes on trails.

Councilmember Troxell asked how an e-bike violation would be determined.

Ingrid Decker, Assistant City Attorney, replied regulations would make it unlawful to operate or park a motorized vehicle or other motorized means of conveyance anywhere in a natural area or park, other than on established roadways and designated parking areas.

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Councilmember Troxell asked if walking an e-bike on a trail would be considered a violation. Decker replied in the negative.

Councilmember Troxell asked how disallowing e-bikes would affect Fort Collins' reputation as being bike-friendly. DK Kemp, Bicycle Coordinator, replied in support of the Ordinance.

Councilmember Troxell stated he would like Council to discuss the optional version of the Ordinance which would allow a one-year trial period allowing e-bikes on trails.

Mayor Pro Tem Ohlson asked about the timeline for the City trial study. Heffernan replied the study is an action item and has been on staff work plans. The first meeting regarding the study will be held the following day.

Councilmember Kottwitz asked if respiratory and cardiac illnesses fall under the Americans with Disabilities Act (ADA). Decker replied the term "mobility disability" does not appear in the ADA. The Code provision would include any type of disability which would prevent a rider from using the trails without the means of electric assistance.

Councilmember Kottwitz asked how that is going to be enforced. Decker replied the City is obligated to make reasonable accommodations for persons with disabilities and there are limitations on the number and type of questions which can be asked of a person to determine the nature of his disability. The Ordinance is written with the intent of enacting the provisions of the ADA.

Councilmember Manvel noted this Ordinance would not change the law to disallow e-bikes, but rather continue the current ban. He supported a thorough trial study but noted there is overwhelming public opposition to allowing the e-bikes at this time.

Mayor Weitkumat stated she has received a great deal of public input supporting e-bikes.

Councilmember Manvel made a motion, seconded by Mayor Pro Tem Ohlson, to adopt Ordinance No. 167, 2011, on Second Reading.

Councilmember Troxell supported a one-year trial allowing e-bikes on trails.

Councilmember Kottwitz expressed concern that many individuals who are opposed to e-bikes may not necessarily know much about them.

The vote on the motion was as follows: Yeas: Weitkumat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: Troxell.

**THE MOTION CARRIED.**

(\*\*Secretary's note: The Council took a brief recess at this point in the meeting.)

**Resolution 2011-115  
Relating to Assistance for Persons Displaced from  
Affordable Housing in the Fort Collins Area, Adopted**

The following is staff’s memorandum for this item.

**“EXECUTIVE SUMMARY**

*Council appropriated \$50,000 in November 2011 for a relocation assistance program. In light of recent developments with the Bender Mobile Home Park, staff developed a disbursement plan that, if approved by Council, will be implemented beginning January 1, 2012.*

**BACKGROUND / DISCUSSION**

***Disbursement Plan Overview***

*Staff is preparing to implement the recently approved budget amendment offer establishing a program that provides relocation assistance for displaced residents of affordable housing in the Fort Collins area. In view of recent concerns expressed by the City Council and the Community regarding the residents of Bender Mobile Home Park, staff has considered that situation in the course of developing the disbursement program.*

*Council appropriated \$50,000 in 2012 for a relocation assistance program. Neighbor to Neighbor is able and willing to administer City relocation assistance funds; however, however, to cover its client service and administrative costs it will charge 20% fee on the funds provided. This is an amount allowed by HUD for administration of funds. The fee covers reviewing applications, determining eligibility, disbursement of funds, all accounting, record keeping, and providing reports as requested.*

***Public Purpose***

*Providing monetary assistance to displaced low-income residents in the City, and on the fringes of the City within the City’s Growth management Area promotes the health, safety, and general welfare of a population that, without help, is at great risk of becoming homeless and placing greater burden on existing human service programs. Providing assistance in extreme cases where other resources are not available or residents cannot qualify helps to prevent imminent homelessness.*

*The direct and indirect effects of increased homelessness in Fort Collins have been considered in other contexts, including a Council work session earlier this fall. Keeping people in housing and supporting low-income and affordable housing options supports existing City policies. City Plan (2011) speaks directly to this issue:*

***Policy LIV 8.6 – Mitigate Displacement Impacts-- Explore ways to mitigate the impact upon residents displaced through the closure of manufactured housing parks or conversion of rental apartments, including single room occupancy units, to condominiums or other uses.***

### ***Proposed Disbursement Plan***

*Staff recommends a uniform cap not to exceed \$2,000 per household. Applications for assistance will be processed in the order they are received until all funds have been disbursed. Funds will be available to low-income residents, defined as being below 50% of the Area Median Income (AMI) for the City of Fort Collins, being displaced by redevelopment on property that is either in the City or adjacent to the City boundaries and within the Growth Management Area. The disbursement would be a maximum amount per household, to be used for any of the following purposes:*

- *moving costs, including costs to move a trailer or move personal belongings*
- *first month's rent for new housing*
- *security deposit for new housing*
- *temporary storage of belongings*
- *short-term hotel stays when a lease has been signed for new housing but such housing is not yet available; and*
- *in the case of mobile homes, upgrades to mobile homes to enable acceptance at another park.*

*Funds will be paid directly to a service provider or reimbursed upon documentation of valid receipt and payment. Only insured commercial service providers may receive funds.*

*The \$2,000 per household cap is consistent with the recent Grape Street relocation and takes into account typical expenses which would include security deposit, first months rent, moving expenses, and potential move out expenses.*

### ***2012 – Next Steps***

*In 2012, Advance Planning will monitor and review this relocation assistance program plan. Work on a Relocation Policy Plan to address displacement of low-income residents is scheduled to begin in early 2012. Pending approval by City Council of this relocation assistance program, staff will use data and information from this program to develop and refine policy and program improvements in 2012.*

*Funding for relocation assistance in fiscal years after 2012 will be reviewed as part of the Budgeting for Outcomes process for 2013-2014.*

### ***Application of Program to Bender Park Residents***

*The Bender Mobile Home Park is located at 912 Wood Street. The property is approximately 17 acres and borders the Poudre River. (See the attached map).*

*The recent sale of the Bender Mobile Home Park and the state's deadline to vacate due to a failed septic system increased the urgency and need for a relocation assistance program. State law requires mobile park residents to be given 6 months notice when the sale of a park will result in a change in use. These residents were given six months notice and the deadline for vacating the*

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mobile home park is April 2, 2012. The state has extended their deadline to vacate or completely repair the septic system to align with the 6 month change in use notice.

As of November 1, 2011 there were 23 trailers in the park with 17 of those being a primary residence. Of those 17, approximately 5-7 are able to be moved and accepted by another park. The remaining trailers cannot be moved and will most likely be abandoned on the property. For those able to relocate their trailers the average cost is \$3,000 to \$5,000. This includes the disassembling, transporting, reassembling, and required permitting. Many older trailers could also potentially be required to install new skirting, siding, and roof upgrades.

For residents to move from the mobile home park into a rental unit typically requires first and last month's rent, a cleaning deposit, start up costs and deposits for utilities, and moving personal belongings. These costs usually range from \$ \$1,500 to \$ 2,500.

In light of the relocation costs and the general intention of the City to assist with a portion of the displacement and relocation costs, staff suggests a \$2,000 cap is a meaningful amount that will help residents budget and offset some of their costs.

Staff is working with local agencies and the developer to assemble assistance for residents.

Neighbor to Neighbor and the Murphy Center are currently assisting residents where they are able within their existing programs. One household has received first month rent assistance from Neighbor to Neighbor and at least one other qualifies. Five residents had initial appointments with a case manager at the Murphy Center but have not returned since the first meeting. The Housing Authority strongly recommended that all residents complete an application with them although the wait list for housing is well over a year. Disabled Resource Services also offered their services.

Staff continues to work with the developer in an attempt to leverage and pool funds. To date the developer has shown a willingness to help individuals as their needs are presented. By helping on a one-on-one basis, the developer is able to provide more timely assistance without the paperwork and documentation required by a City/agency program. Developer assistance to date has included:

- Waived rent on one of two trailers owned by a resident
- Return or non-collection of rent for residents with plans or in process of moving
- Direct funds to help resident move trailer to new park
- To date has provided 20 roll-offs and disposal for residents to dispose of unwanted items
- Has agreed to incur all costs for trailers and items left at time of park closure (estimated cost to dispose of abandoned trailers is \$1500-\$2,000 per trailer.)

As of December 2, 2011 the Northstar Trailer Park had spots for up to four Bender residents. The Northstar owner and the developer are working together to get these residents moved.

The County was approached and asked to be a partner in assistance but based on current revenue and funding shortfalls and priorities they will not be offering assistance beyond existing human services programs.

**FINANCIAL / ECONOMIC IMPACTS**

*Providing relocation assistance in these instances is a long term investment. Helping people remain in housing prevents future community costs associated with homelessness. If the disbursement plan is approved by Council, it is likely that a significant portion, if not all funds, will be used by Bender households in 2012, leaving little or no funding assistance available for additional needs that may arise.”*

Deputy City Manager Diane Jones stated this Resolution is related to a \$50,000 appropriation to assist residents displaced from affordable housing due to development projects. The recommendation is that the Neighbor to Neighbor agency conduct the administration of the relocation assistance program. The recommendation is for a uniform cap on assistance not to exceed \$2,000 per low-income household for residents within or adjacent to City limits who have been displaced by redevelopment. Approved expenses will be reimbursed based on documentation or paid directly to vendors as necessary.

Ginny Sawyer, Neighborhood Administrator, stated this policy has been accelerated based on the assistance needed at the Bender Mobile Home Park.

Shane Miller, 4325 Mill Creek, suggested some allocation to aid in offsetting possible rent and utility increases and transportation costs.

Cheryl Distaso, 135 South Sunset, Fort Collins Community Action Network, supported the Resolution.

Debra Goodson, former resident of the Bender Mobile Home Park, stated the developer, Gino Campana, should bear a greater responsibility for relocation costs. She thanked the City for consideration of assistance funds.

Marie Engle, former resident of the Bender Mobile Home Park, stated she is currently homeless and is a disabled veteran. She thanked the City for consideration of assistance funds and requested additional aid.

Zach Heath, 2957 Telluride Court, supported the Resolution.

Wiley McCallum, Bender Mobile Home Park resident, supported the Resolution but noted the funds are inadequate to support moving expenses.

David Bell, Fort Collins resident, supported making the assistance provisions more flexible.

John Anderson, Fort Collins resident, supported the Resolution and flexible provisions.

Bridgette Schmidt, 932 Inverness, supported the Resolution and encouraged sustainable programs to continue into the future.

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Eric Sutherland, 3520 Golden Currant, supported the Resolution and encouraged reform to the tax structure to improve this type of situation.

Tom Tucker, 3019 Stanford, expressed concern about the program being too broad and supported administration by City staff rather than Neighbor to Neighbor.

Jerry Gerber, 945 Maple Street, supported the Resolution.

Councilmember Troxell asked about a City Charter provision which appears to conflict with this appropriation. Deputy City Manager Jones replied the Statement of Public Purpose addresses the view that it is a legitimate expenditure of the funds in regard to addressing the City's affordable housing policies and reducing the risk of residents becoming homeless and requiring additional public service funds. City Attorney Roy replied staff has structured the program in a way that the City is in a position to make a good faith argument that it does not violate the Charter provisions.

Councilmember Troxell asked if the City had reached out to faith-based organizations for donations specific to the Bender Mobile Home Park residents. Sawyer replied no solicitation of funds from the private sector was completed as the short time frame has required staff time be spent on the aid program.

Councilmember Troxell asked what analysis has been completed regarding the needs of the Bender Mobile Home Park residents. Sawyer replied a meeting was held with all residents and appropriate agencies which resulted in certain gaps in funding. City Manager Atteberry replied he would reach out to the faith-based community on behalf of the City.

Councilmember Poppaw stated the Interfaith Council has reached out in a tremendous way to the community's homeless. She stated Mr. Campana should contribute an equal amount of assistance.

Mayor Weitkunat asked about any fee which may be charged by Neighbor to Neighbor for administering the program. Sawyer replied the agency was selected as it has the ability to accurately make the disbursements. HUD allows up to a 20% administration fee which will cover staff time.

Councilmember Horak asked if there are other areas in town which may be immediately affected by this program. Deputy City Manager Jones replied that could be added to Conceptual Review of project.

Councilmember Manvel asked about the flexibility of the provisions. Deputy City Manager Jones replied the goal is to ensure the reimbursable costs directly relate to relocation and these include many of the items mentioned by the speakers.

Councilmember Horak asked for a report regarding what assistance has been provided by Mr. Campana. Sawyer replied Mr. Campana has expressed interest in aiding individuals as needs arise. Rent has been waived in some instances and any abandoned mobile homes or other structures will be disposed of at his expense.

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Councilmember Manvel made a motion, seconded by Councilmember Horak to adopt Resolution 2011-115.

Councilmember Manvel noted this situation is likely to occur again in the future and therefore, it is clear a public purpose is necessary. The public purpose in this instance is clear.

Councilmember Poppaw stated this will help the community prevent homelessness, which should be a goal. She questioned the lack of support from County Commissioners and suggested the dwindling number of affordable housing units in the community will need to be addressed in the near future.

Councilmember Horak offered a friendly amendment to ensure the fee charged by Neighbor to Neighbor not exceed 20%. Councilmember Manvel accepted the amendment.

Councilmember Kottwitz expressed concern approving this Resolution would be a reactionary decision based on emotions. ~~Council has the responsibility not to set a precedent without appropriate policies.~~

Councilmember Troxell stated individual citizens have a responsibility to address this issue; however, the government does not.

Councilmember Horak stated an overall societal responsibility exists when eliminating affordable housing. He supported addressing the issue in a more holistic fashion during the next budget cycle to ensure the public services are not unduly burdened.

Mayor Pro Tem Ohlson stated this issue requires a policy which includes private sector responsibilities. He expressed disappointment with the County Commissioners' decisions.

Mayor Weitkunat stated difficulty has arisen with regard to the fact this property does not lie within City limits and there are multiple parties which have not taken their full responsibility for the issue. She supported development of a policy to address these issues in the future.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Ohlson, Poppaw and Horak.  
Nays: Kottwitz and Troxell.

THE MOTION CARRIED.

**Ordinance No. 182, 2011,  
Amending Section 15-483 of the City Code So as to Eliminate the Eight Ounce Limitation  
on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other  
Licensed Medical Marijuana Centers, Adopted on First Reading**

The following is staff's memorandum for this item.

**“EXECUTIVE SUMMARY**

*All medical marijuana businesses in Fort Collins must cease operation by February 14, 2012. This amendment would allow existing businesses to sell more than 8 ounces of product to another licensed business outside the City limits in an effort to eliminate inventory by February 14, 2012.*

**BACKGROUND / DISCUSSION**

*During the creation of regulations addressing medical marijuana businesses in Fort Collins limits were included on both sale of medical marijuana to patients and to other licensed businesses. The existing Code includes the following:*

**Sec. 15-483. Prohibited Acts.**

*(b) It shall be unlawful for any licensee holding a medical marijuana center licensed, or for any agent, manager or employee thereof, to:*

*(2) sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee more than two (2) ounces of any usable form of medical marijuana (excluding medical marijuana-infused products) within any seven-day period of time;*

*(3) sell, give, dispense or otherwise distribute to another licensed center more than eight (8) ounces of medical marijuana in any usable form within any seven-day period of time;*

*The proposed ordinance maintains the sale limitation to patients but amends the restriction to other licensed businesses. Knowing that local businesses are needing to eliminate their inventories, staff feels this amendment will help provide a legal means to do so. The Ordinance would only allow these sales to licensees outside the City limits.*

*Should Council approve the amendment on First Reading on December 20, 2011 and on Second Reading on January 3, 2012, local businesses would have from January 17, 2012 to February 14, 2012 to make these amended sales.”*

Ginny Sawyer, Neighborhood Administrator, stated this Ordinance would eliminate the current limitation of sales between licensed dispensaries to no more than 8 ounces in a week. This would aid the businesses in eliminating inventory prior to the required February 14, 2012 closing date.

Councilmember Troxell asked if a detailed accounting of the existing stock exists. Jerry Schiager, Police Captain, replied the locations are all licensed for up to 300 patients; however, individual plants are not counted.

Councilmember Troxell asked if there is an over-abundance of supply. Schiager replied some of the inspected businesses have been found to have extra supply. Sawyer replied some businesses have chosen not to complete their annual renewals which has resulted in some of the extra supply.

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Councilmember Horak asked Schaiger if he supported the Ordinance. Schiager replied this Ordinance will give dispensaries a legitimate means to sell their product to other licensed dispensaries throughout the state.

Councilmember Horak made a motion, seconded by Councilmember Manvel, to adopt Ordinance No. 182, 2011, on First Reading. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: Troxell.

THE MOTION CARRIED.

**Ordinance No. 183, 2011,  
Authorizing the Lease of City-owned Property at 430 North  
College Avenue and 100 Willow Street to the Colorado  
State University Research Foundation, Adopted on First Reading**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*Colorado State University (CSU) has leased the City-owned property known as the Old Power Plant at 430 North College Avenue for the last 17 years. CSU has used this site as the Engines and Energy Conversion Lab (EECL). This program has grown over the years and it is CSURF's desire to construct a new building that will be used to house additional labs, office and incubator companies sharing the vision of the EECL. A new lease agreement was necessary to accommodate these changes.*

*The new lease agreement will be with Colorado State University Research Foundation (CSURF) and CSU will relinquish all rights, title and interest in the original Lease Agreement dated February 15, 1994 and the First Amendment to Lease Agreement dated January 13, 2005.*

***BACKGROUND / DISCUSSION***

***History of Site and Current use***

*The City acquired the property located at 430 North College Avenue in 1912. A municipal landfill operated on a portion of the site in the mid-1900s. The City constructed the existing facility as a power plant. This plant was in operation from 1935 until 1972. From 1972 until 1988, it was used as a switching station. The next use was as an art gallery in 1988 and 1989. On February 15, 1994, the City entered into a Lease Agreement with CSU to use the site and the old power plant building for laboratory and research purposes focusing on internal combustion engine. This Lease Agreement had an original term of ten years with automatic renewals for three successive five year periods, or a total 25 years. The rental rate during these years was \$1/year.*

*That Lease Agreement was modified in the summer of 2004. This modification was to add another five year extension period to the lease, making the lease a total of 30 years. Also included in this modification, the City agreed to increase the termination notice period to five years. The City*

agreed to these changes to assist CSU with fundraising activities for EECL's programs and the potential of a new building.

### ***New Lease Terms and Definitions***

Due to CSU's plan to add the new building on the City-owned property, staffs from CSU, CSURF and the City started negotiations for a new lease agreement. An agreement has been reached on the terms of the lease (Attachment 2). A summary of the lease definitions and lease terms is provided below:

### ***Lease Definitions***

***City Property*** – the Power Plant property currently leased to CSU.

***Main Building*** – the existing Power Plant building.

***Main Parcel*** – the Power Plant property that would be leased to CSURF in the new lease.

***New Building*** – the building CSURF plans to build on the Main Parcel.

***Parking Parcel*** – a parcel of City property south of the Main Parcel that CSURF would lease to build a parking lot on.

***Leased Premises*** – the Main Parcel and Parking Parcel.

***CSURF Affiliates*** – CSU or any person, persons or entity working for CSURF or CSU or their subsidiary departments, programs or organizations.

### ***Lease Terms***

***Tenant:*** CSURF would be the tenant. The current lease to CSU dated February 15, 1994, with an amendment dated January 13, 2005, would terminate.

***Lease Term:*** CSURF intends to construct a new building and related improvements on the property. The "Initial Term" of the Lease would be 40 years, with two 20 year extensions at CSURF's sole option, if CSURF builds the New Building. However, if CSURF does not build the New Building within eight years, the Initial Term would be 10 years with one five year extended term at CSURF's sole option, and up to two additional 10 year terms with the City's consent in its discretion. (Articles II and III)

***Rent:*** "Base Rent" for the Initial Term of the Lease would be \$1,000 and \$1,000 for each extended term if CSURF builds the New Building. If CSURF does not build the new building, there would be no additional rent paid for the five-year extended term, and rent for each succeeding 10 year term would be \$500. (Article IV)

***Option to Purchase:*** CSURF has the option to purchase the Leased Premises in the future if the City and CSURF can agree on terms, and subject to City Council approval. (Article V)

***Uses of the Leased Premises:*** CSURF can build the New Building on the Main Parcel and parking improvements on the Parking Parcel. The City has the right to approve the final plans for all improvements. The Main Parcel can be used for instructional, teaching and laboratory and

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research purposes focused on developing innovative and alternate energy solutions, developing and testing entrepreneurial models, and similar purposes. (Article VI)

**Maintenance:** CSURF is responsible for maintaining the Leased Premises including the Fountain, Monument and Grotto located on the property. CSURF also agrees to restore the Fountain. The City is responsible for any restoration of the Monument and Grotto. (Article VII)

**Alterations and Improvements:** All alterations, additions and improvements to the Leased Premises must be approved by the City as owner of the property, and must comply with the “Reasonable Steps in Vicinity of Poudre River Site” developed in accordance with the EPA’s Administrative Order on Consent for the Northside Aztlan Community Center property cleanup. (Article VIII.)

CSURF agrees to relocate or remove improvements comprising at least 50% of the existing utility court area adjacent to the Main Building, which lies within the Poudre River Buffer. (Article VIII)

**Lease Expiration or Termination:** On expiration of the Lease all improvements made by CSURF on the Leased Premises would become the property of the City. If CSURF terminates the lease because of a default by the City, the City would compensate CSURF for the fair market value of the New Building. (Article IX)

**Right of First Refusal:** If the City wants to sell its interest in the Leased Premises it must first give CSURF the opportunity to purchase it on the same terms and conditions. (Article XII)

**Utilities:** CSURF will pay for all utilities used on the Leased Premises. (Article XIV)

**Subletting and Assignment:** CSURF can sublease portions of the Leased Premises with the City’s consent, except that City consent is not needed for CSURF to assign the Lease to CSU or to sublease to CSURF Affiliates. Any money CSURF receives for subleases must be used to financially support CSURF’s approved activities on the Leased Premises. Any money left over after paying CSURF’s costs and expenses for such activities will be divided equally between the City and CSURF, but the amount paid to the City will not exceed the fair market rental value of the Leased Premises for any applicable year. (Article XVI)

**Environmental Concerns:** The City, CSU and CSURF are each responsible for remediation of any environmental contamination on the property that results from their respective occupancies of the property. In addition, CSURF would be responsible for proper removal, remediation or special management or handling of any materials it handles or disturbs on the Leased Premises, during construction or otherwise. In constructing the New Building and other improvements CSURF is responsible for proper worker training, arranging for proper treatment and disposal of waste from the Leased Premises, and for submitting a Voluntary Clean Up Program (VCUP) application to the Colorado Department of Public Health and Environment (CDPHE) for the area of construction and complying with the resulting CDPHE Soil Characterization and Management Plan (SCMP). If CSURF decides not to build the New Building because of environmental contamination issues on the Leased Premises, CSURF may terminate the Lease on 90 days notice to the City. (Article XXVI)

**Parking:** *If CSURF makes parking improvements on the Parking Parcel the City will be able to use it for public purposes at times other than 8:00 a.m. to 5:00 p.m. Monday through Friday. The City and CSURF will work on identifying possible parking spots on the Main Parcel that could also be available for public parking. (Article XXVIII)*

*A copy of the Lease Agreement is attached (Attachment 2).*

***Follow-up Items from the September 27 Work Session presentation:***

***Fountain:*** *CSURF is planning to move the fountain to a new location on attached Exhibit D. Staff from Historic Preservation did not have any information that the fountain had ever been moved since it was placed at 430 North College Avenue. Along with day to day maintenance of the fountain, CSURF must also restore the fountain to the specifications of the Landmark Preservation Commission.*

***Maintenance of grotto and monument:*** *The grotto could be used for water filtration, with the proper permits. If CSURF does not utilize the grotto, then it will only be responsible for day-to-day maintenance of the grotto and surrounding landscaping and the monument. Renovation of these two landmarks would be the responsibility of the City, at its sole option and cost. If CSURF does want to utilize the grotto, it would not only be responsible for regular maintenance, but would also be responsible to renovate the grotto and landscaping.*

***Removal of items in the River Buffer:*** *Exhibit G of the Lease Agreement (Attachment 2) shows the utility court area and the Lease Agreement specifies that this area will be reduced by at least 50%. This will be accomplished by, upon, or prior to final completion of the New Building. The design for the new building has not been completed, so specifics of equipment to be removed cannot be provided. Exhibit G also shows the proposed Utility Court to be moved farther from the Poudre River, but still within the River Buffer. This is subject to the City's development review process, and approval by the City as property owner.*

***FINANCIAL / ECONOMIC IMPACTS***

***Regional Economic Development***

- As a research institution the EECL has been awarded over \$20M in research awards: these funds are used locally to fund infrastructure at the EECL, students at CSU, research staff, etc. The EECL currently employs a dozen professional research and support staff, as well as approximately 50 graduate and undergraduate students*
- The EECL has actively engaged in the development of "spin-off" enterprises, which have been awarded over \$55M in funding commitments. In addition these spin-off companies currently employ over 70 professional engineers, managers, and scientists.*
- Additional companies have been attracted to Fort Collins as the EECL has become an "anchor" for the clean-tech industry*

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- *Additional companies have been (or are in the process of being) accelerated through partnerships with the EECL (CZero, Van Dyne Superturbo, Spira). These companies represent additional 20-30 primary jobs in the Fort Collins downtown area.*

*Typical universities will see one start-up company generated for every \$100M of R&D, the best universities will see one start-up per \$25-\$35M of R&D (CalTech, MIT, etc). At the EECL the ratio is 1 start-up per \$7M of R&D investment.*

## **ENVIRONMENTAL IMPACTS**

*A portion of the Main Parcel had been used in the past as part of a historical municipal landfill and the Parking Parcel is a portion of the Poudre River/Aztlan site (the Brownfields site to the south of the Main Parcel). With this knowledge, the City updated its Phase I of the Main Parcel and followed that with a Phase II Environmental Site Assessment. Since the Parking Parcel is a part of the Poudre River/Aztlan site, CDPHE required the City to update its Soil Characterization and Management Plan of the Poudre River/Aztlan Site. CSURF and the City have agreed to share the costs of these reports since these reports are beneficial to both the City and CSURF.*

*The Phase II Assessment did identify the following: soil contamination, including arsenic, lead and asbestos; groundwater contamination, including benzene, and poly-aromatic hydrocarbons; and, soil vapors including methane. Although soil and groundwater contamination was identified at the site, the contamination may be managed appropriately as to not prohibit construction of a new building and improvements.*

*CSURF has agreed to apply to CDPHE for a Voluntary Clean-up Plan (“VCUP”). The requirements established by CDPHE in the VCUP process will detail to CSURF how potential contamination will be managed during the project. CDPHE will be the primary source for information regarding management of contamination encountered during the construction project. Such measures may include an indoor system to mitigate soil vapors from methane contamination.”*

*Councilmember Troxell withdrew from the discussion of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation, due to a conflict of interest.*

*Bruce Hendee, Chief Sustainability Officer, stated this Ordinance would extend the lease and allow for a building addition.*

*Carol Webb, Regulatory and Government Affairs, stated six environmental assessments have been conducted on this site since 1993 and discussed the results of those tests. CSURF is pursuing a voluntary cleanup process through the State.*

*Ken Mannon, Operations Services Director, discussed the new lease and stated the new building must be constructed within eight years or the lease will revert to a 10-year term. CSURF has the option to purchase the property at any time given agreed upon terms and Council approval and is responsible for all property maintenance as well as removal of contamination that may be disturbed during construction.*

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Eric Sutherland, 3520 Golden Currant, supported the Ordinance.

Josh Kerson, 2814 West Vine, supported the Ordinance.

Brian Wilson, CSU Engines Laboratory Director, supported the Ordinance.

Councilmember Manvel asked about property taxes. Hendee confirmed the property is tax exempt.

Mayor Pro Tem Ohlson asked how and why the 200 foot buffer zone has been ignored on this property. Helen Matson, Real Estate Services Manager, replied there were two outbuildings when CSURF started renting the facility and the buffer zones were not considered in the approval process when Solix began renting space.

Mayor Pro Tem Ohlson expressed concern regarding the dismissal of the buffer zones. City Manager Atteberry stated he will research the issue.

Mayor Pro Tem Ohlson asked why the utility equipment lies within the buffer zone. Matson replied the equipment existed in its current location when Real Estate Services took over the lease.

Mayor Pro Tem Ohlson asked when the buildings and equipment would be removed from the buffer zone if the new building is not constructed. City Manager Atteberry replied that issue will be pursued and answered prior to Second Reading.

Mayor Pro Tem Ohlson asked about the details of the potential site clean-up. Webb replied clean-up means materials management and minimizing excavation.

Councilmember Manvel asked about the use of a tunnel shown on the illustrations. Mannon replied the tunnel was part of the original power plant and 400 feet of the tunnel in front of the building is being considered to be used for cooling implements. Mr. Wilson replied it is unclear as to whether or not this option will be used.

Councilmember Horak asked if there are compensation policies for developing within buffer zones. City Manager Atteberry replied he would return to Council with additional information.

Mayor Weitkumat noted the benefits of public space as well as buffer preservation.

Councilmember Horak made a motion, seconded by Mayor Pro Tem Ohlson, to adopt Ordinance No. 183, 2011, on First Reading.

Councilmember Horak commended the project and use of the building.

Mayor Pro Tem Ohlson commended the project and use of the building but expressed concern regarding potential new development within the buffer zone. City Manager Atteberry noted the final design is not complete and stated concerns will be addressed.

Mayor Weitkumat commended the Engines Lab as an asset to the community.

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The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: none.

THE MOTION CARRIED.

**Resolution 2011-116**  
**Appointing a Representative to the Colorado**  
**Municipal League Policy Committee, Adopted**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*Fort Collins has two representatives on the Colorado Municipal League Policy Committee, Councilmember Lisa Poppaw and City Manager Darin Atteberry. Councilmember Poppaw has requested to be replaced as she is unable to attend the meetings. This Resolution will appoint another Councilmember as the City's representative to the CML Policy Committee.*

***BACKGROUND / DISCUSSION***

*The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.*

*The Committee meets three or four times a year, before and during legislative sessions as well as in May prior to the annual conference. The next CML Policy Committee meeting will be held on February 23, 2012.”*

Councilmember Poppaw made a motion, seconded by Councilmember Kottwitz, adopt Resolution 2011-116 appointing Councilmember Wade Troxell to the CML Policy Committee, replacing Councilmember Lisa Poppaw. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

**Resolution 2011-117**  
**Making an Appointment to the Zoning Board of Appeals, Adopted**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*A vacancy currently exists on the Zoning Board of Appeals due to the term limit vacancy of Jim Pisula.*

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*Mayor Karen Weitkunat and Mayor Pro Tem Kelly Ohlson conducted interviews but did not agree on a recommendation for this vacancy. The Council interview team wishes to submit two names (Robert V. Long and Rudolph C. Zitti) for Council's consideration for that position."*

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2011-117, appointing Robert Long to the Zoning Board of Appeals.

Mayor Weitkunat supported the appointment of Rudolph Zitti to the Zoning Board of Appeals.

Mayor Pro Tem Ohlson supported the appointment of Robert Long to the Zoning Board of Appeals.

Councilmember Kottwitz supported Rudolph Zitti.

The vote on the motion was as follows: Yeas: Manvel, Ohlson, Poppaw and Horak. Nays: Weitkunat, Kottwitz and Troxell.

THE MOTION CARRIED.

#### **Extension of the Meeting**

Councilmember Manvel made a motion, seconded by Mayor Pro Tem Ohlson, to extend the meeting past 10:30 p.m.

Councilmember Poppaw expressed concern regarding late meetings not being good governance.

Councilmember Kottwitz requested information regarding the number of times this Council has extended meetings beyond 10:30 p.m. and beyond 12:00 a.m.

Mayor Pro Tem Ohlson suggested discussing the item at a retreat and stated all options need to be considered, including potentially adding a meeting.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Ohlson, Horak and Troxell. Nays: Kottwitz and Poppaw.

THE MOTION CARRIED.

#### **Ordinance No. 131, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council, Second Reading Postponed to February 21, 2012**

The following is staff's memorandum for this item.

December 20, 2011

**“EXECUTIVE SUMMARY**

*At its meeting of October 4, 2011, City Council considered Ordinance No. 131, 2011, Amending the Appeals Procedure. It was adopted on First Reading, but Council asked that staff conduct some outreach on the proposed changes, and Second Reading was scheduled for December 20.*

*A public meeting was held on November 30, and approximately fourteen people attended. Several concerns about the appeals process were raised that are not addressed by the proposed changes, and there was considerable discussion of the impact of the proposed amendments. A summary of the meeting is attached.*

*Staff would like to request that Second Reading of this Ordinance be postponed until February 21, 2012. This will permit further discussion of the issues raised at the meeting, and refinement of the proposed amendments to address concerns.”*

Eric Sutherland, 3520 Golden Currant, expressed concern relating to the appeals process and opposed the Ordinance.

Councilmember Manvel made a motion, seconded by Councilmember Horak, postponing Second Reading of Ordinance No. 131, 2011 to February 21, 2012. Yeas: Weitkumat, Manvel, Kottwitz, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

**Adjournment**

The meeting adjourned at 10:45 p.m.

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Mayor

ATTEST:

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City Clerk

**January 3, 2012**

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting - 6:00 p.m.**

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, January 3, 2012, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll call was answered by the following Councilmembers: Horak, Kottwitz, Manvel, Ohlson, Poppaw, Troxell and Weikunat.

Staff Members Present: Atteberry, Krajicek, Roy.

**Agenda Review**

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

**Citizen Participation**

Eric Sutherland, 3520 Golden Currant, discussed the City Charter prohibition of lending money to organizations not under control of the City.

Gary Peterson, Fort Collins resident, discussed the alleged intimidation by the Larimer County Sheriff's Office of doctors who write medical marijuana prescriptions.

Cheryl Distaso, 135 South Sunset Street, Center for Justice, Peace, and Environment, thanked Council for its decision to approve financial assistance for individuals forced to relocate from the Bender Mobile Home Park. She encouraged similar assistance from both the developer and Larimer County and supported the formation of a task force relating to these issues.

**CONSENT CALENDAR**

6. Consideration and Approval of the Minutes of the December 6, 2011 Regular Meeting.
7. Postponement of Second Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation to January 17, 2012.

Staff is requesting postponement of Second Reading of Ordinance No. 183, 2012, until January 17, 2012. There were portions of the Lease Agreement that caused concern with the City Council at its December 20, 2011 meeting. Staff from the City and Colorado State University Research Foundation need to discuss these areas of concern and agree on changes to the lease. Several of the key team members will be out of the office for the holiday season. This does not leave enough time to meet and complete negotiations prior to the meeting of January 3, 2012.

8. First Reading of Ordinance No. 001, 2012, Appropriating General Fund Reserves for Additional City Contribution to the Poudre Fire Authority Budget for the Year 2012 for Operations and Maintenance.

This Ordinance outlines the contribution from the City of Fort Collins to the Poudre Fire Authority (PFA) for the Southwest Enclave Annexation in the amount of \$158,009 to contribute funding for operating and maintenance of the Poudre Fire Authority.

9. First Reading of Ordinance No. 002, 2012, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a 12-month grant in the amount of \$30,000 for the period from January 1, 2012 to December 31, 2012, by the Eighth Judicial District Victims Assistance and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

10. First Reading of Ordinance No. 003, 2012, Appropriating Prior Year Reserves in the Transportation Services Fund for the Construction of the East Harmony Road Maintenance Improvements - College Avenue to Timberline Road.

The proposed project will provide congestion relief and rehabilitate the pavement on East Harmony Road from College Avenue to Timberline Road by completing the following major work items: turn lane construction, utility relocations, asphalt overlay and restriping. The lane configurations from College to Boardwalk will look similar to the current striping. The Boardwalk to Timberline stretch will be restriped to a six-lane configuration.

11. First Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

This is an amendment to Section 14-72(b)(6) of the City Code correcting an error regarding a citation cross-reference to requirements for the final Landmark Preservation Commission hearing needed in the event that the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of these requirements. As the City Code currently stands, this error requires the Landmark Preservation Commission to make a decision regarding a historic structure demolition application upon the submittal of only one part of a submittal requirement outlined in 14-72(2)(b). This amendment corrects the error and requires the Landmark Preservation Commission to make a decision pursuant to fulfillment of all the submittal requirements.

12. Resolution 2012-001 Adopting an Updated Policy for the Review and Approval of Easements on City Natural Areas and Conserved Lands.

The City of Fort Collins Natural Areas and Open Lands Easement Policy was adopted by Resolution 2001-094. To date, approximately forty right-of-way easements have been granted by the City under this Policy. The Natural Areas program (NAP) is proposing revisions to the Policy to address:

1. Compensation and mitigation requirements
2. Review and approval of projects proposed within existing easements
3. Above-ground features associated with buried utility cables and pipelines
4. Specific types of facilities
5. Review and approval of projects within new or existing utility easements on lands conserved with Conservation Easements
6. Oil and Gas and Minerals Exploration and Production
7. Public Information and Review Process.

13. Resolution 2012-002 Authorizing a First Amendment to the Intergovernmental Agreement between the Poudre River Public Library District, the City of Fort Collins and Larimer County.

In December 2007 the City Council approved an intergovernmental agreement (IGA) between the Fort Collins Regional Library District (later renamed the Poudre River Public Library District), the City and Larimer County. That agreement addressed a range of items, including the transfer of City-owned assets and library operations to the newly formed Library District, use of remaining library impact fees, and the availability of City support services to the District at District expense.

This amendment to the IGA adds Project Management as a service the City will provide to the District and provides a detailed scope of project management services. It also clarifies that in the event that the City receives a request for a refund of City Impact Fees held in the Public Library Fund, the District will reimburse the City for the full amount of any such refund.

**\*\*\*END CONSENT\*\*\***

Ordinances on Second Reading were read by title by City Clerk Krajicek.

18. Second Reading of Ordinance No. 182, 2011, Amending Section 15-483 of the City Code So as to Eliminate the Eight Ounce Limitation on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other Licensed Medical Marijuana Centers.

January 3, 2012

Ordinances on First Reading were read by title by City Clerk Krajicek.

8. First Reading of Ordinance No. 001, 2012, Appropriating General Fund Reserves for Additional City Contribution to the Poudre Fire Authority Budget for the Year 2012 for Operations and Maintenance.
9. First Reading of Ordinance No. 002, 2012, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.
10. First Reading of Ordinance No. 003, 2012, Appropriating Prior Year Reserves in the Transportation Services Fund for the Construction of the East Harmony Road Maintenance Improvements - College Avenue to Timberline Road.
11. First Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

Councilmember Troxell withdrew from the discussion of the Consent Calendar due to a conflict of interest with Item No. 7, *Postponement of Second Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation to January 17, 2012.*

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to adopt and approve all items on the Consent Calendar. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: none.

THE MOTION CARRIED.

### **Staff Reports**

Carol Webb, Regulatory and Governmental Affairs Manager, stated the Drake Water Reclamation Facility has received ISO certification for environmental management.

Mayor Pro Tem Ohlson asked if this accomplishment will be advertised by the City. Webb replied in the affirmative.

Councilmember Horak asked that the costs and benefits of the certification be disclosed. Webb replied that information will be forthcoming.

Adrienne Battis, City/CSU Community Liaison, gave an update regarding party registration and noted the registration of a party is not only for students.

January 3, 2012

### **Councilmember Reports**

Mayor Weitkunat discussed the two proclamations read before the Council Meeting and noted this is Radon Action Month and the 100th anniversary of City Park.

#### **Ordinance No. 182, 2011, Amending Section 15-483 of the City Code So as to Eliminate the Eight Ounce Limitation on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other Licensed Medical Marijuana Centers, Adopted on Second Reading**

The following is staff's memorandum for this item.

#### ***“EXECUTIVE SUMMARY***

*All medical marijuana businesses in Fort Collins must cease operation by February 14, 2012. This Ordinance, adopted on First Reading on December 20, 2011 by a vote of 6-1 (nays: Troxell) will allow existing businesses to sell more than 8 ounces of product to another licensed business outside the City limits in an effort to eliminate inventory by February 14, 2012.”*

Ginny Sawyer, Neighborhood Administrator, stated no changes have been made to the Ordinance since First Reading and noted the Ordinance would aid medical marijuana dispensaries in legally disbursing inventory outside the City limits.

Councilmember Troxell expressed concern dispensaries will continue to grow marijuana until February 14th as they would have the ability to sell an unlimited quantity. Jerry Schiager, Police Services, replied this Ordinance could encourage some growers to continue to grow, but noted the timeframe may not allow for a full 12 week grow cycle.

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 182, 2011, on Second Reading.

Councilmember Troxell stated he would not support the motion as the Ordinance encourages the sale of medical marijuana which is a violation of federal law.

Councilmember Horak noted Colorado citizens adopted Amendment 20, allowing the use of medical marijuana in the state.

Councilmember Troxell argued the retail model was not addressed as part of Amendment 20.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: Troxell.

THE MOTION CARRIED.

January 3, 2012

**Other Business**

Mayor Pro Tem Ohlson made a motion, seconded by Councilmember Poppaw, that the City Manager and City Attorney prepare a written statement that can be made available to the general public explaining, from the City’s perspective, why the transaction among the City, Urban Renewal Authority and RMI2 was legally permissible and, from a policy standpoint, why it was in the best interests of the City and the URA; and that the City Council waive the attorney-client privilege to the extent that the City Attorney considers necessary in order to prepare that statement.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

Mayor Pro Tem Ohlson requested information regarding the City’s plan regarding “fracking” and asked that it take appropriate action to protect citizens and property rights.

City Attorney Roy stated a roundtable discussion, spearheaded by the Colorado Municipal League, is scheduled for January 20, 2012. Members of City staff will be in attendance at that discussion.

City Manager Atteberry stated a response regarding the City’s position will be forthcoming later in January.

**Adjournment**

Mayor Pro Tem Ohlson made a motion, seconded by Councilmember Manvel, to adjourn to 6:00 p.m. on January 10, 2012, to consider various matters related to the Northern Integrated Supply Project, including a possible executive session. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Troxell. Nays: Horak.

THE MOTION CARRIED.

The meeting adjourned at 7:00 p.m.

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Mayor

ATTEST:

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City Clerk

January 10, 2012

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Adjourned Meeting - 6:00 p.m.**

An adjourned meeting of the Council of the City of Fort Collins was held on Tuesday, January 10, 2012, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Horak, Manvel, Ohlson, Poppaw, Troxell, and Weikunat.

Councilmembers Absent: Kottwitz

Staff Members Present: Atteberry, Krajicek, Roy.

**Executive Session Authorized**

Councilmember Ohlson made a motion, seconded by Councilmember Manvel, to adjourn into executive session, as permitted under Section 2-31(a)(2) of the City Code for the purpose of meeting with attorneys for the City, the City Manager and affected members of City staff to discuss possible litigation regarding certain water storage projects and the effect that such projects may have on the City's water supply and other areas of interest and concern to the City. Yeas: Manvel, Ohlson, Poppaw, Troxell, and Weikunat. Nays: Horak.

THE MOTION CARRIED.

**Adjournment**

At the conclusion of the executive session, the meeting was adjourned at 7:15 p.m.

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Mayor

ATTEST:

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City Clerk